



Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**

Assessment Timeframes for Mining Environmental Applications

2021-22 Analysis

Resource and Environmental Compliance Division

September 2022

INTRODUCTION

The Department of Mines, Industry Regulation and Safety (DMIRS) has undertaken a detailed analysis of assessment processes and timeframes relating to mining applications received and processed by DMIRS in 2021-22. This analysis undertaken annually, provides a summary of DMIRS' performance against its key performance targets, including a time series analysis.

The objectives of the analysis include:

- Providing transparency of total end to end processing time for application assessments;
- Understanding the performance for those workflow components for on-hold or 'stop the clock' events outside of DMIRS' key performance target timeframes; and
- Identifying opportunities for improvements within DMIRS and the industry to reduce the total processing time.

The report seeks to provide 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 DMIRS' performance, stop the clock events, and end-to-end timeframes.

Target Timeframes

DMIRS aims to finalise mining applications in line with the key performance target timeframes identified in Table 1. In March 2020, DMIRS announced the reduction in approval timeframes for Programmes of Work (PoW) from 30 business day to 15 business days, to be introduced from 1 July 2020.

Table 1 – Mining Environmental Approval Target Timeframes

Application Type	Approval Target Timeframe
Programmes of Work	80% within 15 business days (as of 1 July 2020)
Mining Proposals (MP)	80% within 30 business days
Native Vegetation Clearing Permit	80% within 60 calendar 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 the Department of Water and Environmental Regulation (DWER), the Department of Biodiversity, Conservation and Attractions (DBCA) and Department of Planning, Lands and Heritage (DPLH).

When a workflow event is outside DMIRS' 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 DMIRS 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 seeks to expand upon the quarterly performance reports published by DMIRS, providing a more detailed analysis of mining environmental assessments administered by DMIRS.

1. OVERALL PERFORMANCE 2021-22

1.1 Applications Received

From 1 July 2021 to 30 June 2022, the Resource and Environmental Compliance (REC) Division received a total of 4,039 applications, comprising of Programmes of Work (PoW), Mining Proposals (MP) and Native Vegetation Clearing Permits (NVCP). This is an increase of 200 (5.2%) applications received on the 2020-21 financial year.

Table 2 – Applications received in 2020-21 and 2021-22

Application Type	2020-21	2021-22	Difference	% Change
Programme of Work	3,314	3,535	221	6.7
Mining Proposal	342	358	16	4.7
Native Vegetation Clearing Permit	183	146	-37	-20.2

1.2 Applications Finalised

From 1 July 2021 to 30 June 2022, the REC Division finalised a total of 3,585 applications comprising of PoW's, MP's and NVCP's. This is a decrease of 166 (-4.4%) applications finalised on the 2020-21 financial year.

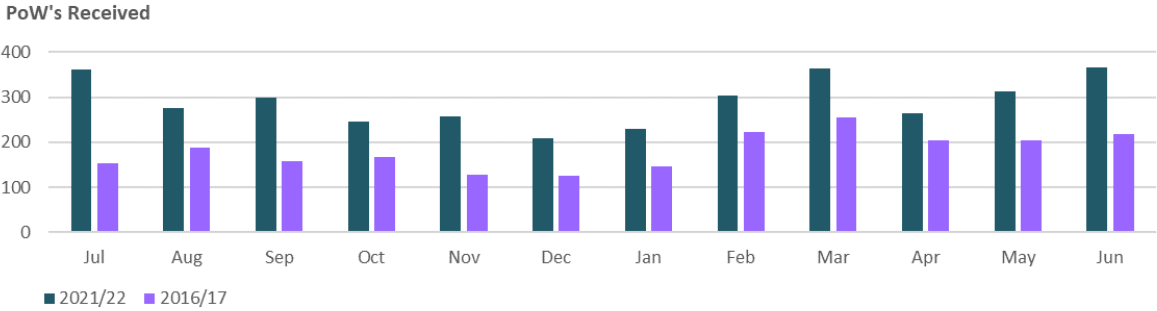
Table 3 – Applications finalised in 2020-21 and 2021-22

Application Type	2020-21	2021-22	Difference	% Change
Programme of Work	3,243	3,153	-90	-2.8
Mining Proposal	324	295	-29	-9.0
Native Vegetation Clearing Permit	184	137	-47	-25.5

1.3 Programmes of Work

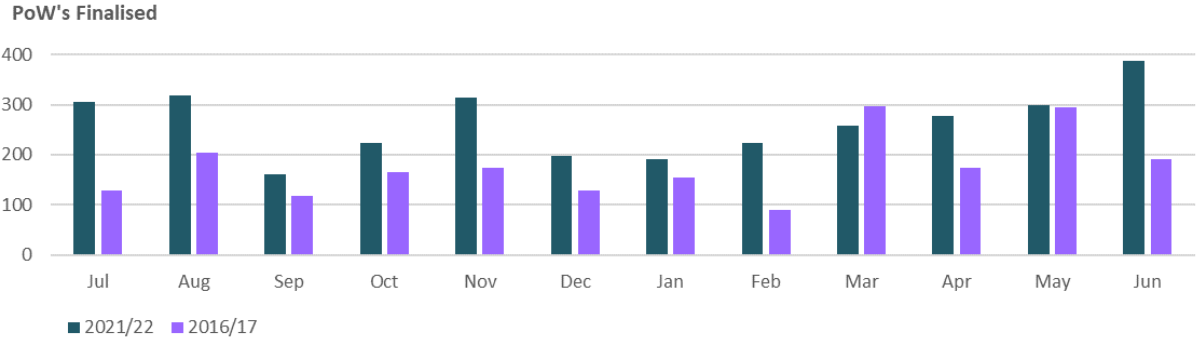
Throughout the 2021-22 financial year, DMIRS received a total of 3,535 PoW applications. This is an increase of 221 applications (6.7%) on the 2020-21 financial year and an increase of 1,351 (61.9%) on the 2016-17 financial year five years ago.

Figure 1 – PoW received in 2016-17 and 2021-22



This significant increase in PoWs received has resulted in a substantial drop in DMIRS’ completion rate from 0.98 in 2016-17 to just 0.89 where for every application received, 0.89 applications are finalised. While this may appear low, it is not unexpected. Completion rates typically fall as higher amounts of applications are received and vice versa. It is therefore a promising sign that a 61.9% increase in applications has only seen a 12% fall in the completion rate.

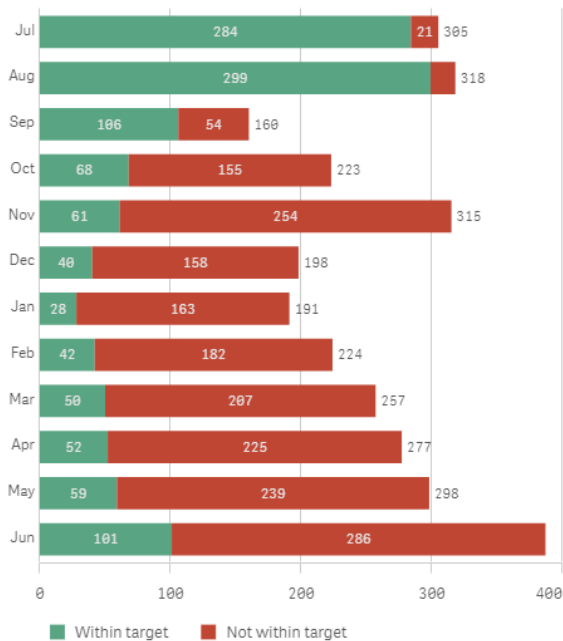
Figure 2 – PoWs finalised in 2016-17 and 2021-22



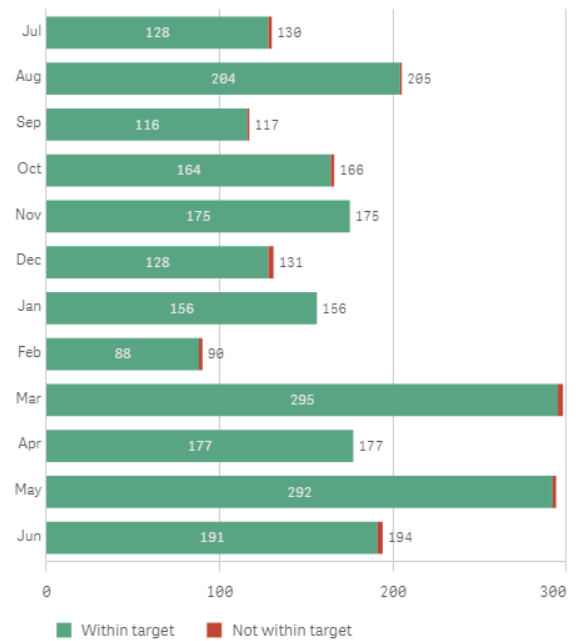
Of the PoWs finalised in 2021-22, only 37.7% were finalised within the target timeframe of 15 business days with applications taking an average of 22.4 business days to be processed by DMIRS. This is below DMIRS’ target to complete 80% of all applications within the timeframe and is a significant drop from 2016-17 where 99.1% of PoW applications were finished with the target. One of the main reasons for this increase in processing times is due to the change in target timeframes from 30 business days to 15 business days in July 2020.

Figures 3 and 4 – PoWs finalised within the target in 2016-17 and 2021-22

Pow's finalised in 2021/22



Pow's finalised in 2016/17



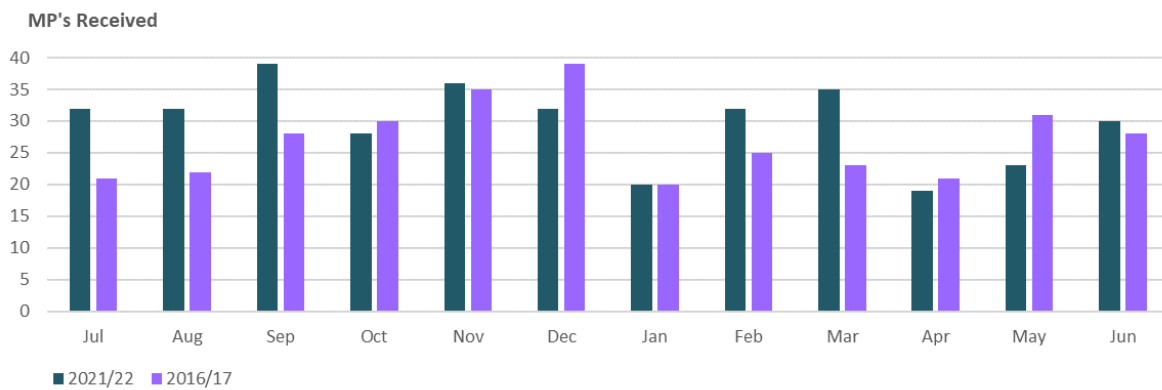
The volume of applications received is the key factor affecting length of assessment timeframes for PoWs. As a proportion of PoWs received can be adequately managed through standard conditions, DMIRS is proposing legislative amendments through the Mining Amendment Bill 2021 to automate certain eligible mining activities and remove them from this assessment queue.

As part of this analysis DMIRS' also looked into the number of PoWs submitted per tenement. It was found that some companies had submitted high amounts of PoWs per tenement, the highest being 22 PoWs on one tenement, which is significantly contributing to the backlog of applications in the system. DMIRS will be looking to work with industry to encourage the submission of strategic applications.

1.4 Mining Proposals

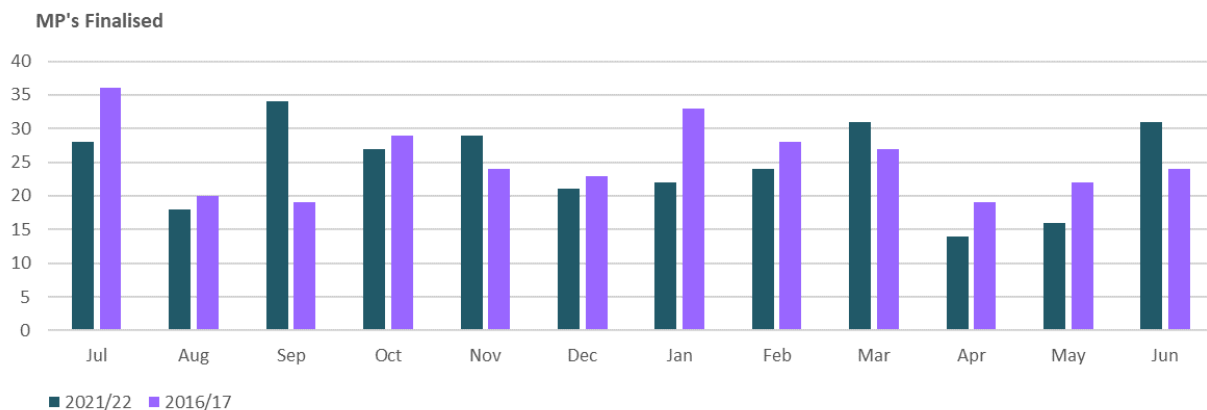
From July 1 2021 to June 30 2022, DMIRS received a total of 358 MP applications. This is an increase of 16 (4.7%) on the 2020-21 financial year and an increase of 22 (6.5%) on 2016-17 financial year five years ago.

Figure 5 – MPs received in 2016-17 and 2021-22



Despite there being a smaller increase in MPs than PoWs, there has been a greater fall in the completion rate to 0.82 in 2021-22, down 12% from a completion rate of 0.94 in 2016-17. This fall in the completion rate is almost double the 6.5% increase in MPs received. This is partly due to the fact that MPs take a greater amount of time to process than PoWs so increases in MPs received will have a more significant impact on the completion rate than what increases in PoWs received will have.

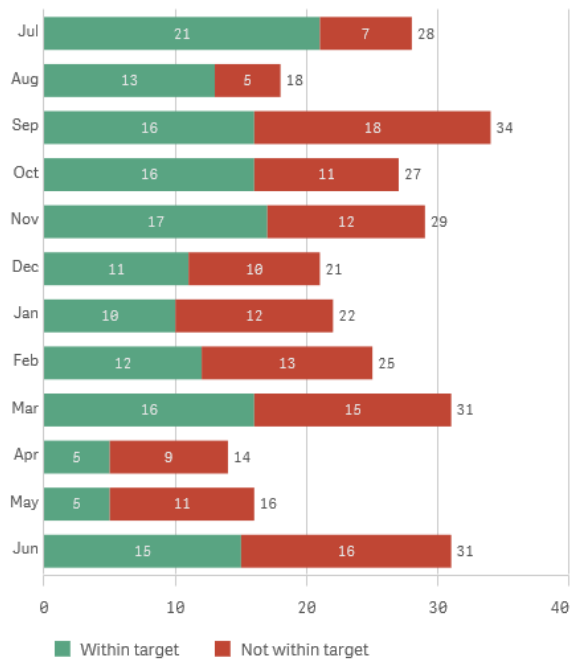
Figure 6 – MPs finalised in 2016-17 and 2021-22



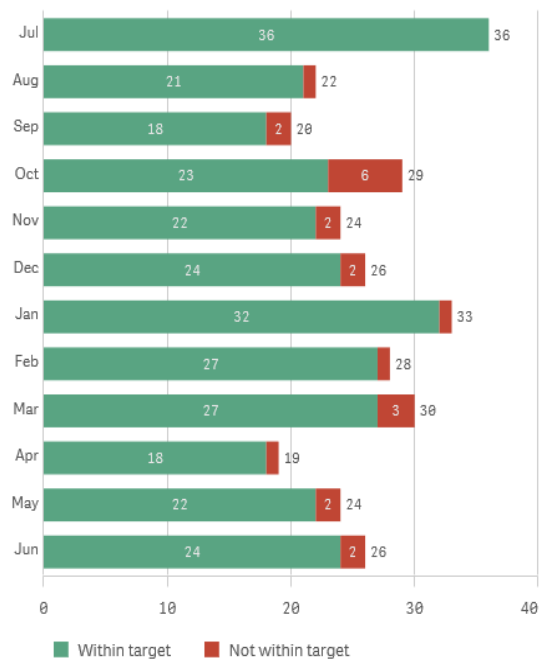
Of the MPs finalised in 2021-22, just 53.0% were finalised within the target timeframe of 30 business days with applications taking an average of 41.7 days to be processed by DMIRS. Similar to PoWs, this is below DMIRS' target to complete 80% of all applications within the timeframe. This is a 39.7% decrease from 2016-17 where 92.7% of all finalised MPs were processed within the target.

Figures 7 and 8 – MPs finalised within the target in 2016-17 and 2021-22

MP's finalised in 2021/22



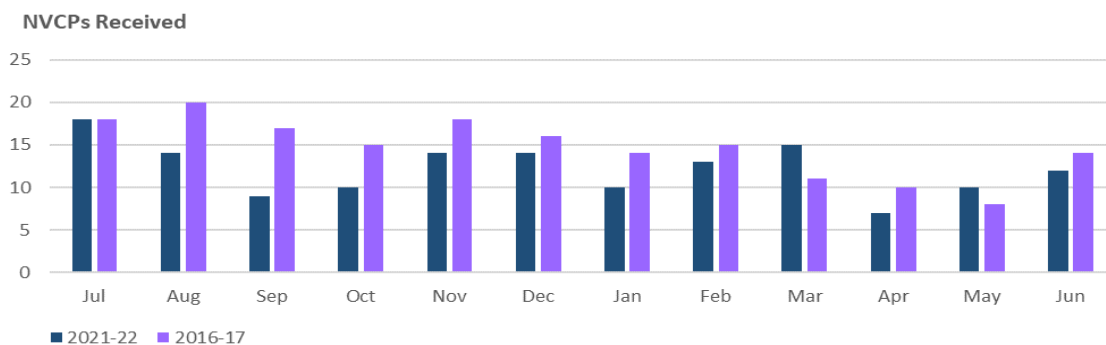
MP's finalised in 2016/17



1.5 Native Vegetation Clearing Permits

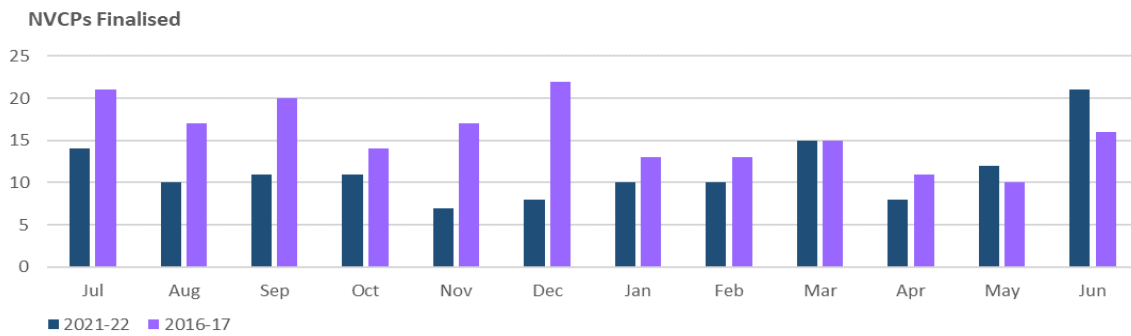
For the 2021-22 financial year DMIRS received a total of 146 NVCPs. This is a fall of 37 (20.2%) and 30 (17.0%) on the 2020-21 and 2016-17 financial years respectively.

Figure 9 – NVCPs received in 2016-17 and 2021-22



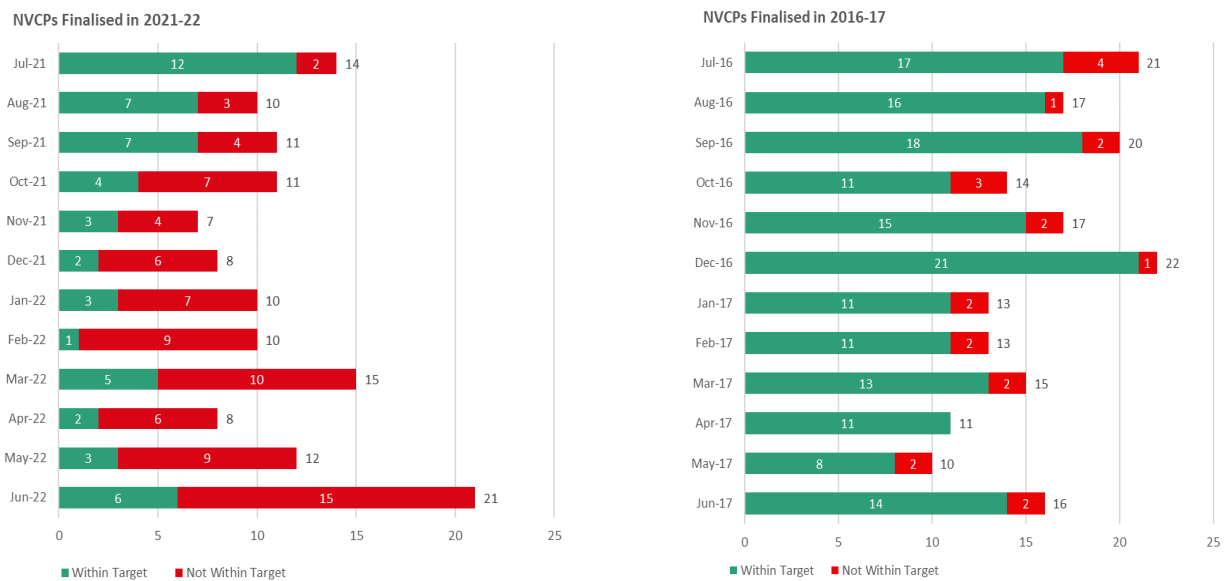
Like PoWs and MPs there has been a fall in the NVCP completion rate for 2021-22 to 0.94. This is down 7% from 2020-21 and 13% from 2016-17. The unique case here is that these falls in completion rate have still occurred despite there being falls of 20.2% and 17.05% in NVCPs received during 2020-21 and 2016-17 respectively.

Figure 10 – NVCPs finalised in 2016-17 and 2021-22



Of the NVCPs finalised in 2021-22, only 40.15% were finalised within the target timeframe of 60 calendar days with applications taking an average of 104 calendar to be processed by DMIRS. This is below DMIRS' target to complete 80% of all applications within the target timeframe. This is a substantial drop from 2016-17 where 87.83% of NVCPs were finalised within the target.

Figures 11 and 12 – NVCPs finalised within the target in 2016-17 and 2021-22



A key attribute to the delay in processing times, for all applications, has been influenced by the tight labour market and associated increased vacancies. In June 2022, WA's unemployment dropped to just 3.5%, the lowest it has been since 1974's third quarter. To rectify the problem, the department has implemented an Approvals Response Plan that will see the redirection of regulatory functions and resources to support the assessment process. The prioritisation of exploration approvals will see them back on track by September with the remaining approvals expected to meet their target timeframes by the end of 2022.

2 ‘STOP THE CLOCK’ EVENTS ANALYSIS 2021-22

When events occur outside of the direct control of DMIRS, 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 DMIRS, 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; 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 DMIRS’ [Environmental Applications Administrative Procedures](#).

The most common on-hold event is requesting further information from the proponent. To minimise requests for further information, the department has been improving the clarity of its guidance material to increase the transparency of the department’s expectations of the information required to be included in applications, and ensure all applications are complete when lodged. Future analysis will also look to analyse trends on the types of information requested to identify any gaps or improvements required to guidance material.

2.1 Programmes of Work

PoWs may be subject to any of the on-hold events as outlined in table 4. The most common of these in 2021-22 were requesting information from the proponent with 1,073 (34.03%) of the finalised applications subject to this event. On average, this event would take 15 business days to be finalised. Applications awaiting excess tonnage approval typically would have the longest event of 24 business days however only 235 applications (7.45%) were subject to this event.

Table 4 – 2021-22 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	34.03	15
Awaited excess tonnage approval	7.45	24
Referred to DBCA	4.95	23
Referred to DWER – Water	4.09	15
Referred to DWER – EPA	0.98	14
Referred to other agency	0.44	12

As part of this analysis DMIRS investigated the workflow event of “information requested from proponent”. The most common requests for information (RFIs), each occurring in 20% of RFIs, related to both baseline data and management practices for flora and fauna. The next most common RFI appeared in 18% of RFIs and related to the size and distancing of drill pads. DMIRS will be using this information to look into where the department can provide more guidance while also reviewing whether any of these RFIs can be omitted in the future.

To further reduce information requests from proponents for PoWs, DMIRS is developing mineral exploration guidance to support applicants undertaking PoW applications. The department’s digital transformation strategy will further improve the spatial systems and has the potential to further reduce timeframes in the longer term.

2.2 Mining Proposals

MPs may be subject to any of the on-hold events as outlined in Table 5. The most common of these was requesting information from the proponent with 189 (64.07%) of the finalised applications being subject to this event. On average, this event would take 45 business days to complete. Applications awaiting grant of tenement would typically have the longest time delay of an average 298 business days with 22 (7.46%) applications being subject to this event.

Table 5 – 2021-22 Timeframes for MP on-hold workflow events

Workflow event	Percentage of applications subject to workflow event (%)	Average Business days for event
Information requested from proponent	64.07	45
Awaited for Grant of Tenement	7.46	298
Referred to DWER – Water	7.46	26
Referred to DBCA	5.76	34
Referred to DWER – EPA	5.42	177
Referred to Other Agency	3.39	18
Awaited for Geotechnical Report	0.34	11

These events can cause significant time delays to the progression of mining environmental approvals, and other than awaiting the grant of tenement or geotechnical report, relate to further information required to inform the assessment of the application.

2.3 Native Vegetation Clearing Permits

NVCPs may be subject to any of the on-hold events as outlined in Table 6. The most common of these was sending a Notice of Intent to Amend (NOI) with 10 applications (6.8%) subject to this event. On average this event would take 55 calendar days to complete. Typically, application which were constrained by the EPA would be subject to the longest time delay of an average 149 calendar days however only 0.7% of applications were subject to this event.

Table 6 – 2021-22 Timeframes for NVCP on-hold workflow events

Workflow event	Percentage of applications subject to workflow event (%)	Average Business days for event
NOI Sent	6.8%	55
Assessment Stage – Information requested from the proponent	4.1%	115
Application Stage – Information requested from the proponent	1.4%	58
EPA Constrained	0.7%	149
30 day letter sent	0.7%	22

3 10 YEAR TRENDS ON END-TO-END TIMEFRAMES

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

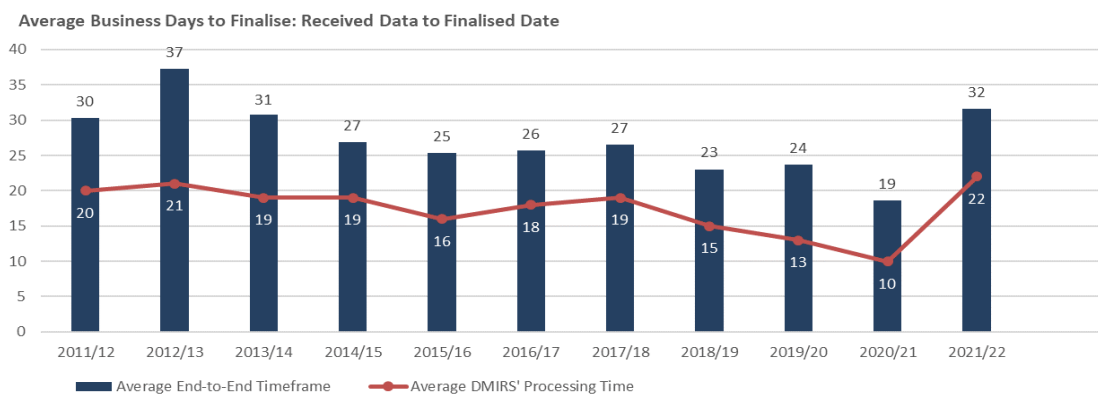
3.1 Programmes of Work

Prior to 2021-22, the average timeframe for PoW finalisation was continuously declining, particularly from 2017-18 onwards when the PoW-Spatial lodgement system was launched. DMIRS attributes this to the significant reduction in the need to seek further information from the proponent and other agencies during the assessment process as the new system enables proponents to map out their activities and answer auto-generated questions that are tailored to their proposals.

For the 2021-22 financial year however, there was a considerable increase in timeframes by 13 business days (70%), bringing the average timeframe for finalisation to 32 business days. On average, a PoW spent 22 of these days (69.6%) being processed by DMIRS.

Over the past 10 years, DMIRS' processing time has, on average, accounted for 63.9% of the total processing time. Despite a substantial rise in processing times in 2021-22, there is only a slight increase in DMIRS' percentage to 5-year average of 64.2% of total time when looking at 2016-17 to 2021-22.

Figure 13 – Average end-to-end and DMIRS' timeframe for PoWs finalised in 2021-22



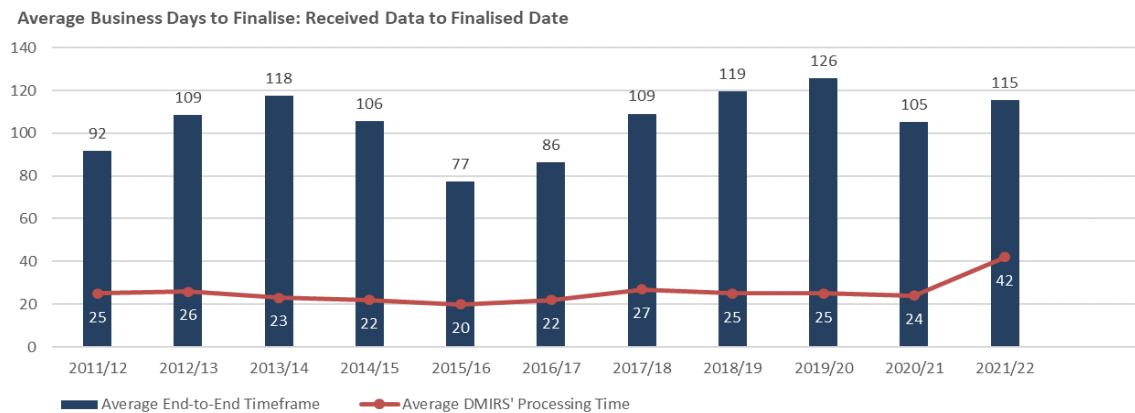
3.2 Mining Proposals

Historically, the total end-to-end timeframe for MP applications has been significantly higher than DMIRS' processing time due to the nature and complexity of the applications which, as explained above, causes them to be subject to longer on-hold events than that of PoWs.

With regards to DMIRS' processing time, 2021-22 was the only financial year over the past 10 years where the average was above the 30 business day target. As explained

in section 1.5, this is largely attributed to labour market pressures resulting in staff shortages.

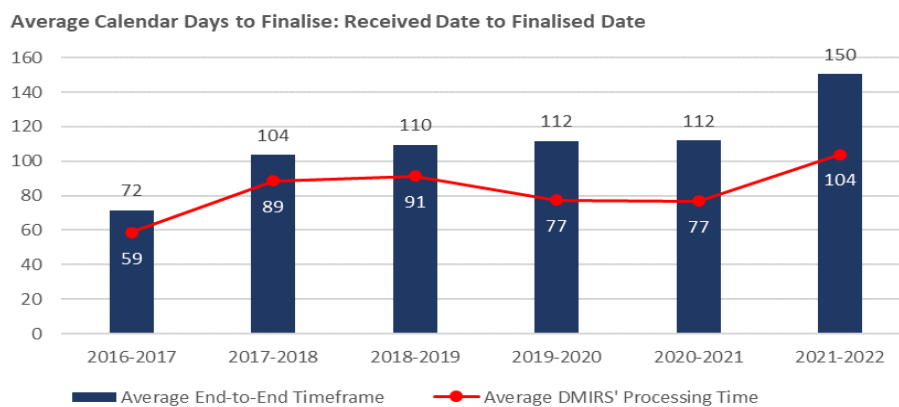
Figure 14 – Average end-to-end and DMIRS’ timeframe for MPs finalised in 2021-22



3.3 Native Vegetation Clearing Permits

Over the past five years¹, average end-to-end timeframes for the finalisation of NVCP’s has continuously increased to reach a high of 150 calendar days in 2021-22. This is an increase of 38 days on the 2020-21 financial year. Over the past three financial years, DMIRS’ processing time has accounted for roughly 69% of the total processing time, a 7% decrease from the 5-year average where 75% of the total time is spent being processed by DMIRS.

Figure 15 – Average Calendar Days to Finalise: Received Date to Finalised Date



¹ Due to a lack of data, a period of 5 financial years has been used for NVCPs.