

## South Australian Productivity Commission Regulatory Framework Inquiry – Supplementary Advice

### 1. Average South Australian approvals timeframes versus other Australian jurisdictions

#### 1.1 Key insights:

- The South Australian Department for Energy and Mining (DEM) provides a target timeframe (days) for assessment of exploration applications, exploration programs for environment protection and rehabilitation (EPEPRs) and other mining approvals.
- Unlike other jurisdictions, DEM does not set itself a performance objective for finalising a specified number of applications within the target timeframe (i.e. X% of applications within Y number of days).
- Other jurisdictions performance objectives are as follows:
  - The Western Australian Department of Mines, Industry Regulation and Safety (DMIRS) aims to finalise 80% of applications within their target timeframe.
  - The Queensland Department of Resources (Qld) aims to finalise 80% of applications within their target timeframe.
  - The Department of Regional NSW's Mining, Exploration and Geoscience (MEG) aims to finalise 90% of applications within their target timeframe.
  - Victoria's Earth Resources Regulation Division aims to finalise 95% of applications within their target timeframe.

#### 1.2 Regulatory Reporting Requirements by Jurisdiction:

##### South Australia

- DEM reports on a yearly basis. Its latest [Report](#) was for the 2019/20 financial year. The following reporting measures have been extracted for reference:

### Exploration Licence Assessment Timeframes

Assessment Type	Number completed	Target timeframe	Median timeframe (days)	Percentage that achieved target timeframe (%)	Number within target days
Exploration Licence Application	149	90 (3 months)	62	72	107
Exploration Release Area Panel	5	60 (2 months)	45	100	5
Total	154				

### EPEPR Assessment Timeframes

Prescribed EPEPR by land type	Number completed	Target timeframe (days)	Average timeframe (days)	Percentage that achieved target timeframe (%)
Freehold/pastoral/perpetual lease area	32	25	26	81
Prescribed wells and/or water resource area	4	35	47	75
Jointly proclaimed national park or conservation park	2	85	54	100
Regional reserve	5	50	41	80
Vegetation heritage agreement	3	40	63	33
Flinders Ranges planning areas Class A and B	2	40	24	100
Total	48			

## Mining Assessment Timeframes

Assessment type	Number completed	Target timeframe (days)	Average timeframe (days)	Percentage that achieved target timeframe (%)
Extractive minerals lease mining proposal	14	6 months (183 days)	257	58
Mineral lease mining proposal	4	6 months (183 days)	194	33
Retention lease application	2	6 months (183 days)	253	50
Miscellaneous purposes licence	1	6 months (183 days)	157	100
Extractive minerals PEPR/MOP	31	3 months (92 days)	309	52
Minerals PEPR	22	3 months (92 days)	208	58
Total	74			

This data is contained in the Department for Energy and Mining's "South Australia Mineral Resources Regulation Report". Further Reports can be accessed [here](#).

## Western Australia

- The DMIRS reports on a quarterly basis. Their Q2 2021 report can be accessed [here](#).

Assessment Type	DMIRS Target timeframe (business days)	DMIRS timeframe (total days)	Percentage that achieved target timeframe (%)	Average total days for approval
Prospecting Licence	65	38	99	219
Exploration Licence	65	36	99	246
Mining Lease	65	50	94	426
Miscellaneous Licence and other tenure	65	33	96	219
Programme of Work	15	3	94	15
Mining Proposal	30	24	81	72
Project & Radiation Management Plans	30	10	96	29
Native Vegetation Clearing Permit	43	39	82	53

- Further DMIRS Quarterly Reports can be accessed [here](#).

## Queensland

- The Queensland Department of Resources reports on a yearly basis. The updated GeoResources Tenure Performance Dashboard for the 2020/21 financial year can be accessed [here](#).

Assessment Type	QDR Target timeframe	Number of applications completed	Number that met target timeframe	Percentage that achieved target timeframe (%)
Initial Assessment for Exploration Permits for Coal (EPC) & Exploration Permits for Minerals (EPM)	2 business days	379	353	93
Technical assessment for EPC & EPM	40 business days	348	324	93
EPC & EPM Decision Summary	30 business days	344	343	100
Initial Assessment Mining Lease	2 business days	34	29	85
Technical Assessment Mining Lease	5 months	63	42	67
Mining Lease Decision Summary	3 months	14	11	79

- This data is sourced from the GeoResources Permit Applications: task-level KPI accessible [here](#). Quarterly performance data is available from 1 July 2015 onwards.

## New South Wales

- The NSW Mining, Exploration and Geoscience (MEG) Division reports on a quarterly basis. Their Quarterly Performance Report – Q2 2021 can be accessed [here](#).

Assessment Type	MEG Target timeframe (business days)	Number of applications completed	Number that met target timeframe	Percentage that achieved target timeframe (%)
Coal exploration licence	85	0	0	N/A
Mineral exploration licence	45	75	64	85
Mineral and coal mining lease	45	3	1	33
Assessment lease	45	0	0	N/A
Coal exploration licence renewals	45	3	2	67
Mineral exploration licence renewals	45	42	39	93
Mineral and coal mining lease renewals	45	6	5	83
Assessment lease renewals	45	0	0	N/A
Security deposit releases	10	13	13	0
<b>Total</b>		<b>142</b>	<b>124</b>	<b>87</b>

- Further MEG Quarterly Reports can be accessed [here](#).

### Northern Territory

- The Northern Territory Department of Primary Industry and Resources, yearly in their [Annual Report](#).

Key Performance Indicators	2018/19 Actual	2019/20 Budget	2019/20 Actual
Mineral exploration licences granted within 9 months	58%	85%	77% <sup>1</sup>
Extractive mineral permits granted within 11 months	20%	85%	0%
Mine management plans determined within 90 days	85%	85%	86%
Mine site inspection days	275	200	142 <sup>2</sup>

<sup>1</sup> Timelines for the granting of mineral exploration licences and extractive mineral permits have been heavily impacted by external factors, such as business confidence, investment levels, downturn in the construction industry and, more recently, the COVID-19 pandemic.

<sup>2</sup> Mine site inspections were suspended from March to June 2020 due to COVID-19 travel restrictions.

## Victoria

- The Victorian Earth Resources Division reports on a monthly and quarterly basis. Their Q4 2021 Report can be accessed [here](#).

Assessment Type	ER Statutory Timeframes (STF) (days)	Number of applications completed	Number that met STF	Percentage that achieved STF (%)
Exploration Licence	90	23	16	70
Prospecting Licence	90	5	4	80
Work Plan (Exploration)	28	4	3	75
Work Plan (Minerals)	28	7	6	86
Assessment Type (variations)	ER Client Service Standard (CCS)	Number of applications completed	Number that met CCS	Percentage that achieved STF (%)
Exploration Licence	90	71	65	92
Mining Licence	120	4	3	75
Prospecting Licence	90	0	0	N/A
Retention Licence	120	2	2	100
Work Authority	90	7	5	71

## 2. Approvals timeframes post-Mining Act amendments

- The updated Mining Act amendments and associated regulations/determinations commenced operation on 1 January 2021.
- The Mineral Resources Division of the South Australian Department for Energy and Mining is expected to release its "South Australia Mineral Resources Regulation 2020-21 Report" in Q4 2021.
- This Report will provide some insight into whether approval timeframes have increased since the new Mining Act came into effect, noting the data will be skewed as 6 months of the data would be under the old Act and 6 months under the new Act.
- Early anecdotal advice from member companies is that licence renewal timeframes have increased, with some operators having lodged their applications 8 months ago without yet receiving approvals.

### 3. Increased Costs post-Mining Act amendments

- SACOME member companies have flagged that changes to the Mining Act and regulations has increased the reporting requirements on explorers/operators:

#### *Increased reporting requirements*

- While some members accept increase regulatory obligations as an operational requirement in South Australia, they also advise that:
  - PEPR updates/mining proposals under the TORs require more detailed reports.
  - These detailed reports increase costs for explorers/operators, with advice being that this is in the tens of thousands of dollars.
  - Monitoring requirements have also increased for explorers/operators. For example, the EPA requires 8 reports on water testing as a baseline compared to 3 or 4 previously. Each additional water testing report could cost \$50,000 each.

### 4. Approval Responsibilities across State/Federal Departments

- The Department for Energy and Mining (DEM) is the lead agency overseeing the resources sector approvals processes.
- SACOME's submission to the SAPC Regulatory Framework Inquiry outlined further State/Federal statutes and regulations that also apply to the resources approvals.
- State/Federal legislation that may also apply to the approvals process includes:
  - Mining Act 1971 (SA)
  - Petroleum & Geothermal Energy Act 2000 (SA)
  - Aboriginal Heritage Act 1988 (SA)
  - Defence Act 1903 (Cth) (Woomera Prohibited Area)
  - Environment Protection and Biodiversity Conservation Act 1999 (Cth)
  - Environment Protection Act 1993 (SA)
  - Landscapes South Australia Act 2019 (SA)
  - Native Title Act 1993 (Cth)
  - Native Vegetation Act 1993 (SA)
  - Pastoral Land Management and Conservation Act 1989 (SA)
  - Planning, Development and Infrastructure Act 2016 (SA)
  - Radiation Protection and Control Act 2021 (SA)

- The diagram below provides an overview of the approvals and referrals pathway relevant to resources projects:

