



# **Lead Agency Framework – for effective case management of projects and proposals in Western Australia**

**A guidance note for implementation**

**Government of Western Australia**

May 2021

# FOREWORD

## MESSAGE FROM THE PREMIER

No one likes red tape. Yet Government has a responsibility to provide a robust regulatory regime to protect the community from the adverse or unintended consequences of activity.

However, we can never let our regulation turn into labyrinthine obstacles to getting anything done.

We can achieve a great deal for WA by ensuring that our processes are comprehensible, timely and easy to navigate.

The Lead Agency Framework is designed to ensure proponents can be guided effectively through approvals processes, know what is expected of them and don't fall through the cracks.

We know these principles and processes work for our world leading resources projects, and it's helped underpin job creation and economic prosperity for many years now.

It's time we roll them out wider.

The WA Government and its agencies all look forward to continuing to work effectively with business, industry, and non-Government organisations to build and grow our State into the future.

A handwritten signature in blue ink, appearing to read 'Mark McGowan', with a long horizontal flourish extending to the right.

Mark McGowan MLA  
**PREMIER**

## **Lead Agency Framework's Principles**

### **Government**

Western Australian Agencies are expected to:

- Ensure proponents are well informed about approval requirements, expectations and timelines before they enter the approval process;
- Keep proponents well informed of the progress of their project's approvals as well as the expectations of the relevant community and stakeholder expectations;
- Work with other agencies to ensure relevant information is shared and there is a seamless information flow between Departments (including Commonwealth and local authorities);
- Recognise that, while their individual statutory responsibilities may differ, they all form part of a regulatory framework which aims to deliver responsible development in an efficient and timely way.

### **Proponents**

Proponents are expected to:

- Work together with government to ascertain early, the relevant project approvals required and the timeframe these approvals require to be completed;
- Understand that the provision of high quality information with your application will lead to a more timely and predictable approvals process;
- Undertake thorough community engagement about the proposal and realise that strong community support for a proposal can quicken its approval timeframe.

This document will assist departments and proponents to understand their roles within the Lead Agency Framework.

This guidance note establishes:

- The lead agencies and the type of proposals each agency will be responsible for guiding through the approvals process;
- A guide for assigning different levels to proposals;
- The responsibilities of **agencies** under the Lead Agency Framework;
- The responsibilities of **proponents** under the Lead Agency Framework.

The effectiveness of the Lead Agency Framework depends on:

- clear delineation of the roles and responsibilities of each agency;
- a well-developed scoping process;
- identification of interaction with other proposals;
- appropriate resourcing and skills within agencies;
- fostering a culture of best practice case management, good communication, cooperation and respect between all parties;
- quality information from proponents;
- identification of internal and external stakeholders and their roles for the relevant phases of the proposal.
- outlining the roles and responsibilities of case managers; and
- a formal reporting structure and feedback mechanisms.

The statutory roles and functions of agencies remain unchanged under the Lead Agency Framework.

All proposals within the Lead Agency Framework receive a level of case management consistent with its complexity, potential impacts or its State significance.

### **Administrative arrangements**

The Lead Agency Framework requires that the coordination of approvals for a proposal is administered by the lead agency. The lead agency is responsible for:

- assessing the proposal with the proponent to determine whether the Lead Agency Framework is appropriate;
- if appropriate, facilitating the provision of advice from regulators to proponents on statutory and other requirements;
- case-managing and facilitating approvals applications across government for proposals, and
- assisting proponents to identify the potential social, environmental and heritage impacts of the proposal on relevant stakeholders and communities.

### **Consultation**

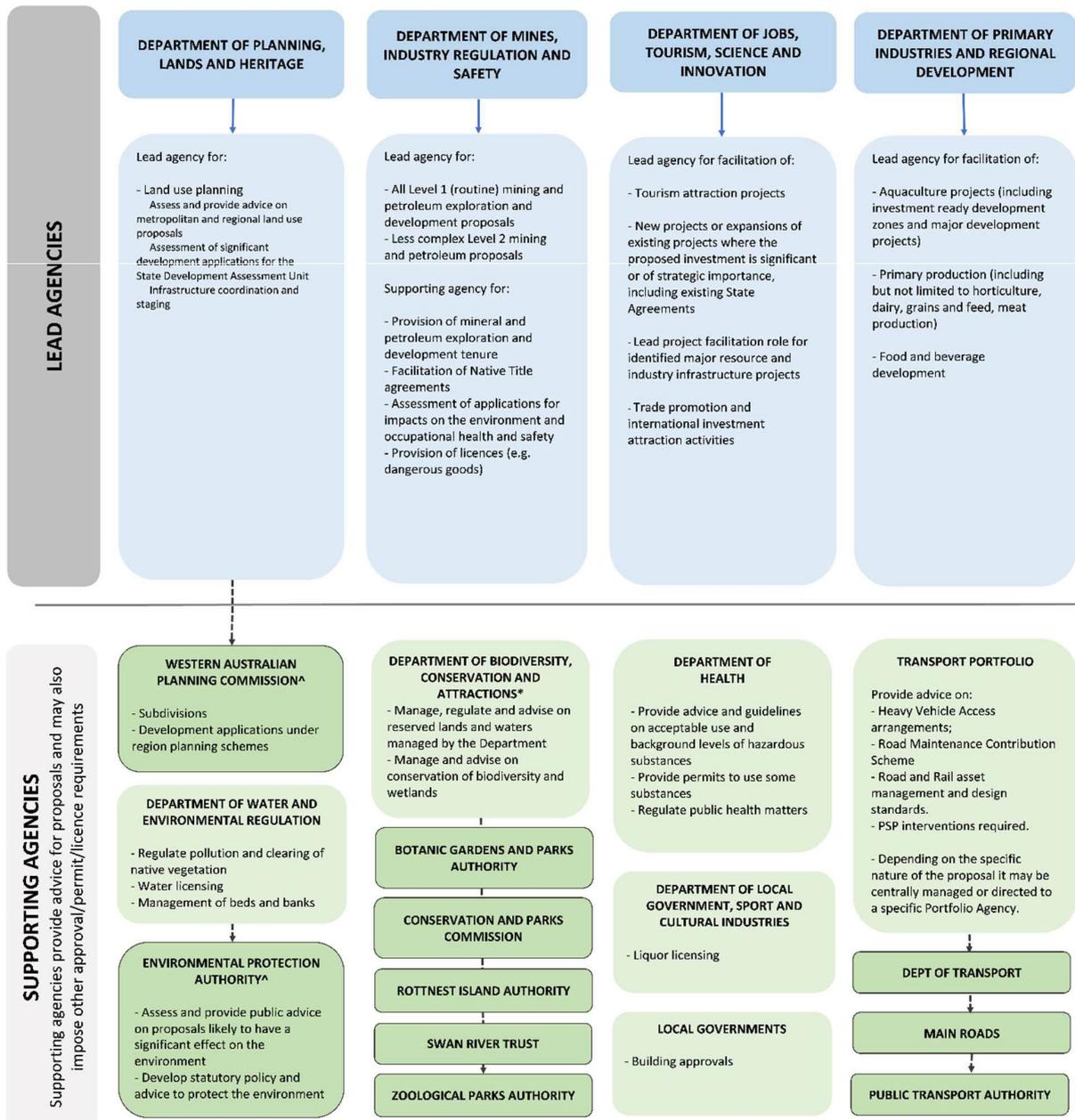
Lead agencies will consult on each proposal with relevant agencies. In broad terms, the Lead Agency Framework operates by:

- Nominating a single agency responsible for case management through a designated case manager.
- Scoping the proposal upfront and determining the required approvals. Some proposals may be challenging and require a myriad of primary and secondary approvals. As such, it is important that there is a flow of accurate information between agencies and proponents about relevant legislative and administrative requirements.

Allocation of a particular level does not imply that the Government guarantees the commercial success or acceptability of the proposal. It also does not absolve the proponent from meeting the full statutory and other requisite criteria of relevant approval processes.

Diagram 1 shows the types of proposals for which each lead agency typically has responsibility.

**Diagram 1: Lead agency framework – Departmental responsibilities**



<sup>A</sup>NOTE: The Environmental Protection Authority and the Western Australian Planning Commission are independent statutory authorities. The Department of Water and Environmental Regulation provides administrative support to the Environmental Protection Authority. The Environmental Protection Authority reports to the Minister for Environment. The Department of Planning, Lands and Heritage provides administrative support to the Western Australian Planning Commission. The Western Australian Planning Commission reports to the Minister for Planning.

<sup>\*</sup>NOTE: The Botanic Gardens and Parks Authority, Conservation and Parks Commission, Rottneest Island Authority, Swan River Trust and Zoological Parks Authority are independent statutory authorities. The Department of Biodiversity, Conservation and Attractions provides administrative support. The Rottneest Island Authority reports to the Minister for Tourism. The Botanic Gardens and Parks Authority, Conservation and Parks Commission, Swan River Trust and Zoological Parks Authority report to the Minister for Environment. The Conservation and Parks Commission has, in some cases, a legislative role to provide formal advice for lead agency approvals.

### **Lead Agency classification levels**

The level of assistance provided by lead agencies under the Lead Agency Framework is demonstrated in Diagram 2.

This diagram sets out the broad criteria for proposals received by lead agencies and categorises proposals as Level 1 (routine), Level 2 (complex) or “State Significant”.

Only the most transformative or significant proposals will be determined as “State Significant” and this determination is a matter for the State Government.

The level which a proposal is assigned will determine the level of case management provided by the lead agency and the type of reporting required.

It is important to recognise that the three levels are designed to assist agencies and proponents in identifying the most appropriate form of assistance through the approvals process. It is not intended to assign a priority or value to the project.

Lead agencies may develop criteria consistent with this framework to enable them to recognise the type of proposal that will fall into each Level. The criteria are indicative only and the status accorded to proposals may alter during the course of obtaining approvals. This may be due to changes in the scope of the proposal and development stage of the project.

The number of proposals that fall within each category will vary. However, most proposals should fall into Level 1 (routine) and fewer in Level 2 (complex).

**Diagram 2: Proposal classification and assistance provided.**



## Case Management

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Case managers are assigned to projects by lead agencies based on whether:

- the project is of strategic importance to the State;
- the project is complex, in that it interacts with multiple regulators or levels of Government; and
- the proponent is inexperienced in the approvals process.

The role of a case manager is to:

- be a single point of contact for the proponent;
- assist in scoping of a proponent's proposal;
- where appropriate, arrange pre-lodgement and other meetings with relevant agencies to ensure applicants are aware of statutory approval requirements. This will prevent applications being submitted prior to all the information required by all supporting agencies is received;
- ensure proponents have access to appropriate information about the expectations of regulatory agencies and monitor the project's progress and timeframes;
- constructively escalate any concerns regarding project delays with the appropriate regulatory agency.

### Department of Jobs, Tourism, Science and Innovation

- **State Agreements**
- **Major resource proposals**
- **Major industry infrastructure**
- **Tourism**
- **International trade and investment**

The Department of Jobs, Tourism, Science and Innovation (JTSI) is Western Australia's lead agency for economic development, international trade and investment, and tourism. It also leads the promotion and development of the resources, defence, international education, science and innovation sectors in Western Australia.

JTSI's functions include:

- facilitation of complex projects that require multi-agency interactions;
- developing and coordinating State-significant projects and infrastructure;
- negotiating and managing agreements between major development proponents and the Western Australian government;
- promoting Western Australian exports and attracting foreign direct investment into Western Australia's economy;
- promoting Western Australia as a world class holiday destination; and
- providing strategic policy advice on State development issues.

JTSI leads on major resource and industry proposals, including those relating to State Agreement Acts. State Agreements are contracts between the Government of Western Australia and proponents of major resources and infrastructure proposals which are ratified by an Act of State Parliament.

The Department also facilitates the approvals processes for tourism attraction proposals on behalf of the WA Government.

Acts Administered by JTSI include:

- the Government Agreements Act 1979;
- the Industry and Technology Development Act 1998; and
- the Western Australian Tourism Commission Act 1983.

## Department of Mines, Industry Regulation and Safety

- **Mineral and petroleum exploration and development tenure**
- **Facilitation of native title agreements**
- **Assessment of applications for impacts on the environment and occupational health and safety**
- **Provision of licences (e.g. Dangerous goods licences)**
- **Regulation of the resources sector**

The Department of Mines, Industry Regulation and Safety (DMIRS) is a key regulator with wide ranging responsibilities and functions, including across industry regulation and consumer protection, safety regulation and resource and environmental regulation.

DMIRS is responsible for the regulation of one of Western Australia's largest industry sectors, playing a critical role in building the State's economy while ensuring its resources are developed in a sustainable and responsible manner.

DMIRS is the lead agency for all routine (Level 1) mining, petroleum, geothermal and carbon capture and storage proposals. These are typically pre-development proposals such as applications for exploration tenements and environmental approval for exploration activities, expansions of existing projects or the development of new projects by experienced industry proponents.

DMIRS is also the lead agency for less complex Level 2 mining and petroleum project development proposals (i.e. Level 2 project proposals that would not be coordinated by JTSI).

Acts Administered by DMIRS include:

- the Dangerous Goods Safety Act 2004;
- the Mines Safety and Inspection Act 1994;
- the Mining Act 1978;
- the Occupational Safety and Health Act 1984;
- the Offshore Minerals Act 2003;
- the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (Cth);
- the Petroleum Act 1936;
- the Petroleum and Geothermal Energy Resources Act 1967;
- the Petroleum Pipelines Act 1969;
- the Petroleum (Submerged Lands) Act 1982; and
- Part V of the *Environmental Protection Act 1986* (native vegetation clearing permits for mining and petroleum development).

## Department of Planning, Lands and Heritage

- **Land use planning**
- **Crown land management**
- **Native title**
- **Heritage assessment and registration**
- **Aboriginal heritage**
- **Infrastructure coordination and staging**

The Department of Planning, Lands and Heritage (DPLH) is responsible for assessing and advising on land use planning and heritage proposals, management of Crown and Aboriginal Lands Trust land portfolios, and providing support to its various boards and committees.

DPLH plans how to make best use of the State's natural and built assets for the sustainable and responsible development of Western Australian communities, through evidence-based research, integrated policy development and stakeholder engagement.

It supports the Ministerial portfolios for Aboriginal Affairs, Heritage, Lands and Planning, as well as the following statutory boards and committees:

- Aboriginal Cultural Material Committee;
- Aboriginal Lands Trust;
- Heritage Council of Western Australia;
- Pastoral Lands Board; and
- Western Australian Planning Commission.

Acts Administered by DPLH include:

- the Planning and Development Act 2005;
- the Aboriginal Heritage Act 1972;
- the Land Administration Act 1997;
- the Aboriginal Affairs Planning Authority Act 1972; and
- the Heritage Act 2018.

## Department of Primary Industries and Regional Development

- **Aquaculture**
- **Agriculture**
- **Food and beverage**

The Department of Primary Industries and Regional Development (DPIRD) is Western Australia's lead agency for economic development and promotion in agriculture, food, aquaculture and fisheries.

DPIRD works in partnership with government, industry and business to enable growth in the value, competitiveness and diversification of WA's agrifood sector. It is the lead regulator of the agriculture, aquaculture and fisheries industries in Western Australia.

Acts Administered by DPIRD include:

- the Biosecurity and Agriculture Management Act 2007;
- the Soil and Land Conservation Act 1945;
- the Fish Resources Management Act 1994; and
- the Aquatic Resources Management Act 2016 (when proclaimed).

## Supporting Agencies

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Within the Lead Agency Framework, various government support agencies are required to give advice and issue approvals. Supporting agencies are expected to work collaboratively with other relevant agencies to inform and/or give effect to Government decisions. It may be necessary for supporting agencies to create inter-agency administrative agreements for the timely provision of advice or approvals for projects under this Lead Agency Framework.

### **Key supporting agencies**

#### **Environmental Protection Authority**

The Environmental Protection Authority (the EPA) is an independent statutory authority that provides recommendations to the Minister for Environment under Part IV of the *Environmental Protection Act 1986* (EP Act). The assessment pathway under Part IV of the EP Act and assessment through the State/Commonwealth bilateral agreement are both critical components in the timely delivery of environmental assessments for key infrastructure and mining proposals.

#### **Western Australian Planning Commission**

The Western Australian Planning Commission has state-wide responsibility for urban, rural and regional integrated strategic and statutory land use planning and responds to the strategic direction of the State Government by facilitating a coordinated approach in undertaking and regulating land use development.

#### **Department of Water and Environmental Regulation**

The Department of Water and Environmental Regulation will coordinate environmental approvals with the Commonwealth where necessary under a State/Commonwealth bilateral agreement.

#### **Transport Portfolio**

The State's three key transport agencies - Main Roads Western Australia, Department of Transport and Public Transport Authority work together to enhance the coordination of transport operations and develop unified policies and regulatory functions to achieve that. The agencies each have different responsibilities and together provide outcomes through integrated transport systems and services.

Other supporting agencies that may be involved in a proposal include:

- Department of Biodiversity, Conservation and Attractions
- Department of Health
- Department of Mines, Industry Regulation and Safety
- Local Governments
- Department of Primary Industries and Regional Development
- Transport Portfolio
- Department of Planning, Lands and Heritage.