

Earth Resources Regulation

Quarterly Performance Report

2021-22 Quarter 3

1 January to 31 March 2022



Summary

This report provides a summary of Earth Resources Regulation's operating performance for quarter three of financial year 2021-22 (1 January to 31 March 2022).

Increasing levels of demand for new applications continued in this quarter with 31 new mineral licence applications and 11 work plans submitted. The number of licence applications submitted was the highest over the last six quarters and work plans submitted the highest over the last seven quarters. Earth Resources Regulation is recruiting skilled staff in response to the demand.

Performance highlights

KPI 1[#] - Work Authorities were granted for five more new quarries, bringing the total to 14 for this financial year (at 31 March 2022), up from three for the whole of last financial year.

- 82% of extractive work plan stages were assessed within the statutory time frames (p. 4).

- 69% of mineral work plan stages were assessed within the statutory time frames (p. 5).

KPI 2[#] - 78 operational compliance activities were undertaken (p. 10).

KPI 3[#] - 100% of reportable incidents were responded to during this quarter (p. 13).

KPI 5[#] - The time to respond to complaints took on average two business days (p. 14).

Explained in the next slide

Administrative updates by notification

- Three extractive industry administrative changes (notifications) were acknowledged (p. 9).
- Two mining industry administrative changes (notifications) were acknowledged (p. 9).

Key Performance Indicator Reporting

Earth Resources Regulation is Victoria's earth resources regulator – our role includes granting rights to access resources, assessing works and setting controls for the extraction of resources, conducting compliance operations to ensure that authority holders fulfil their regulatory obligations, engaging with communities and stakeholders on regulatory matters, and ensuring that authority holders rehabilitate their sites. We are committed to being an effective regulator.

Earth Resources Regulation is a unit of the Department of Jobs, Precincts and Regions (DJPR). The unit is guided by the department's compliance framework and policy. This whole-of-department policy requires regular performance measuring and reporting to demonstrate the effectiveness of Earth Resources Regulation's compliance activities. Earth Resources Regulation uses a range of indicators to monitor its activities and performance and publishes key performance indicators on its website on a quarterly basis. Public reporting of the data allows stakeholders to continue to monitor Earth Resources Regulation's performance.

KPI	High Level Indicators	Measurement	Target	Target Period	Current Quarter	Previous Quarter	DJPR's Compliance Policy Framework
KPI 1: Efficient Approvals Process	Percentage of extractive work plan stages assessed within statutory time frames.	%	95	Quarterly	82%	68%	Outputs/activities
	Percentage of mineral licence applications and mineral work plan stages assessed within statutory time frames.	%	95	Quarterly	57%	67%	Outputs/activities
	Percentage of tenement variations assessed within Client Service Standard time frames where a statutory time frame does not exist.	%	95	Quarterly	77%	81%	Outputs/activities
KPI 2: Ensuring Compliance	Number of operational compliance activities undertaken per quarter.	Number of activities	75	Quarterly	78	112	Inputs
KPI 3: Effective Incident Management	Percentage of reportable events that are responded to per quarter.	%	100	Quarterly	100%	100%	Short-term and long-term outcomes
KPI 4: Facilitation of Stakeholder Engagement	Earth Resources Regulation attendance at Environmental Review Committee meetings.	%	100	Quarterly	100%	100%	Outputs/activities
	Number of Industry Reference Group meetings.	Number of meetings	4	Annual	3		Outputs/activities
	Number of Earth Resources Regulators Forum meetings.	Number of meetings	3	Annual	3		Outputs/activities
KPI 5: Complaint Management	Average number of days to respond to complaints made by community against tenements.	Business days	3	Quarterly	2	5	Outputs/activities

Extractive work plan stages* assessed within statutory time frame (STF)

Quarter	Work Plan Type	Unique WP Under Assessment	Stage STF (Target Days)	Stages Over STF	Stages Within STF	Total Stages	% (Within STF/Total)
FY 2021-22 Q3	Work Plan (WA)	11	28	3	14	17	82%
FY 2021-22 Q2	Work Plan (WA)	20	28	9	19	28	68%

* A work plan stage represents a statutory decision point.

Extractive work plans endorsed or approved in the quarter

Quarter	Work Plan Type	Endorsed	Approved
FY 2021-22 Q3	Work Plan (WA)	1	2
FY 2021-22 Q2	Work Plan (WA)	5	7

Work authorities granted in the quarter

Quarter	Licence Type	Granted
FY 2021-22 Q3	Work Authority	5
FY 2021-22 Q2	Work Authority	3

Explanation for the result:

This performance indicator for extractive industries measures whether the work plan stages were assessed within the statutory time frames.

In Q3, 17 extractive work plan stages were assessed from 11 unique work plans of which 82% were within the statutory time frame.

Two work plans were approved in the quarter. One work plan was statutorily endorsed and returned to the applicants to proceed with planning approval.

Five work authorities were granted for new quarries in the quarter.

Why are these measures important?

Earth Resources Regulation strives for a consistent and transparent approvals process, balancing efficiency but maintaining the rigour required for comprehensive assessment, consistent with the legislation.

(Table 1) Mineral licences and work plan stages assessed within statutory time frame (STF)

Quarter	Licence and Work Plan Stages	Over STF	Within STF	Total (Over + Within STF)	% Within STF/Total
FY 2021-22 Q3	Mineral Licence Applications – (A)	8	7	15	47%
	Mineral Work Plan Stages – (B)	4	9	13	69%
	Total	12	16	28	57%
FY 2021-22 Q2	Mineral Licence Applications – (A)	11	16	27	59%
	Mineral Work Plan Stages – (B)	0	6	6	100%
	Total	11	22	33	67%

Explanation for the result:

This performance indicator combines mining licence applications, exploration licence applications and mineral industry work plan stages, and measures whether these were assessed within the statutory time frames.

In Q3, there were 28 (13 mineral work plan stages assessed and 15 mineral licence applications granted) of which 57% were assessed within the statutory time frames.

(Table A) Mineral licence applications assessed within statutory time frame (STF)

Quarter	Licence Type	STF (Target Days)	Over STF	Within STF	Total (Over + Within STF)	% Within STF/Total
FY 2021-22 Q3	Exploration Licence	90	8	6	14	43%
	Prospecting Licence	90	0	1	1	100%
	Retention Licence	120	0	0	0	-
	Total		8	7	15	47%
FY 2021-22 Q2	Exploration Licence	90	9	15	24	63%
	Prospecting Licence	90	0	1	1	100%
	Retention Licence	120	2	0	2	0%
	Total		11	16	27	59%

Explanation for the result:

This table is an expanded subset of Table 1 above. It details the regulator’s performance in assessing mineral licence applications.

In Q3, 47% (7 out of 15) applications were granted within the statutory time frames. Some licences granted over the statutory time frames were due to legacy caseload (submitted prior to 1 July 2019).

(Table B) Mineral work plan stages* assessed within statutory time frame (STF)

Quarter	Work Plan Type	WP Approved	Unique WP Under Assessment	Stage STF (Target Days)	Stages Over STF	Stages Within STF	Total Stages	% (Within STF/ Total)
FY 2021-22 Q3	Work Plan (Exploration)	2	6	28	2	6	8	75%
	Work Plan (Minerals)	0	3	28	2	3	5	60%
	Total	2	9		4	9	13	69%
FY 2021-22 Q2	Work Plan (Exploration)	2	2	28	0	4	4	100%
	Work Plan (Minerals)	1	2	28	0	2	2	100%
	Total	3	4		0	6	6	100%

Explanation for the result:

This table is an expanded subset of Table 1 above. It details the regulator’s performance in assessing mineral work plan application stages.

In Q3, 13 exploration and mining work plan stages were assessed from nine unique work plans, of which 69% were assessed within the statutory time frames. Two work plans were approved in the quarter.

* A work plan stage represents a statutory decision point.

Tenement variations approved within Client Service Standard (CSS)

Quarter	Licence Type	CSS (Target Days)	Over CSS	Within CSS	Total (Over + Within CSS)	% Within CSS/ Total
FY 2021-22 Q3	Exploration Licence	90	2	23	25	92%
	Mining Licence	120	0	2	2	100%
	Prospecting Licence	90	1	0	1	0%
	Retention Licence	120	0	2	2	100%
	Work Authority	30	7	7	14	50%
	Total			10	34	44
FY 2021-22 Q2	Exploration Licence	90	2	55	57	96%
	Mining Licence	120	8	6	14	43%
	Prospecting Licence	90	0	0	0	-
	Retention Licence	120	0	0	0	-
	Work Authority	30	5	3	8	38%
	Total			15	64	79

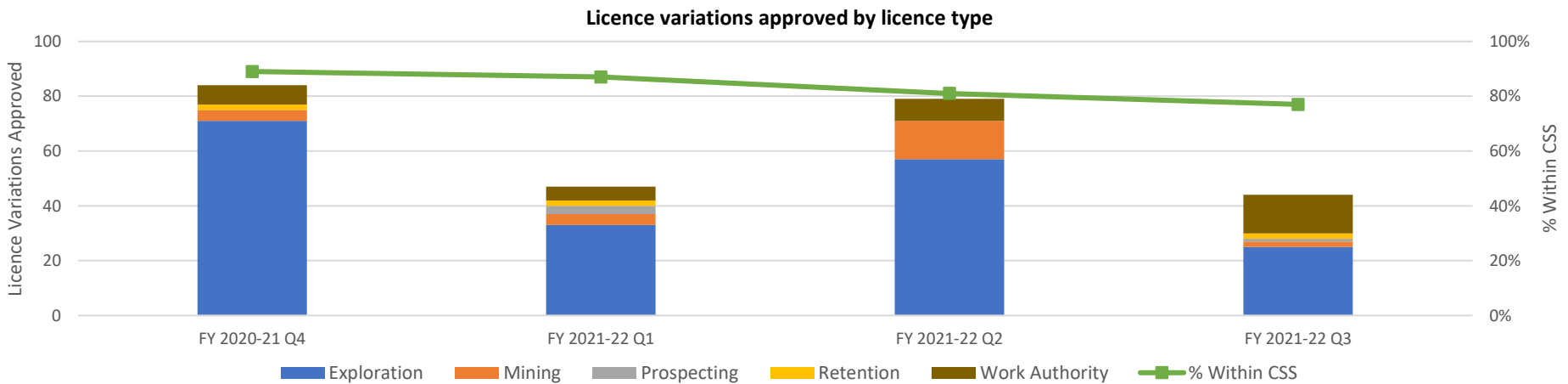
Explanation for the result:

The Client Service Standard (CSS) is the percentage of licence variations assessed within departmental agreed time frames where a statutory time frame does not exist.

In Q3, 77% (34 out of 44) of licence variations were completed within the Client Service Standard.

Why are these measures important?

Earth Resources Regulation began reporting on the Client Service Standard in July 2017. This indicator measures how well the department meets the Client Service Standard when processing licence variation approvals.



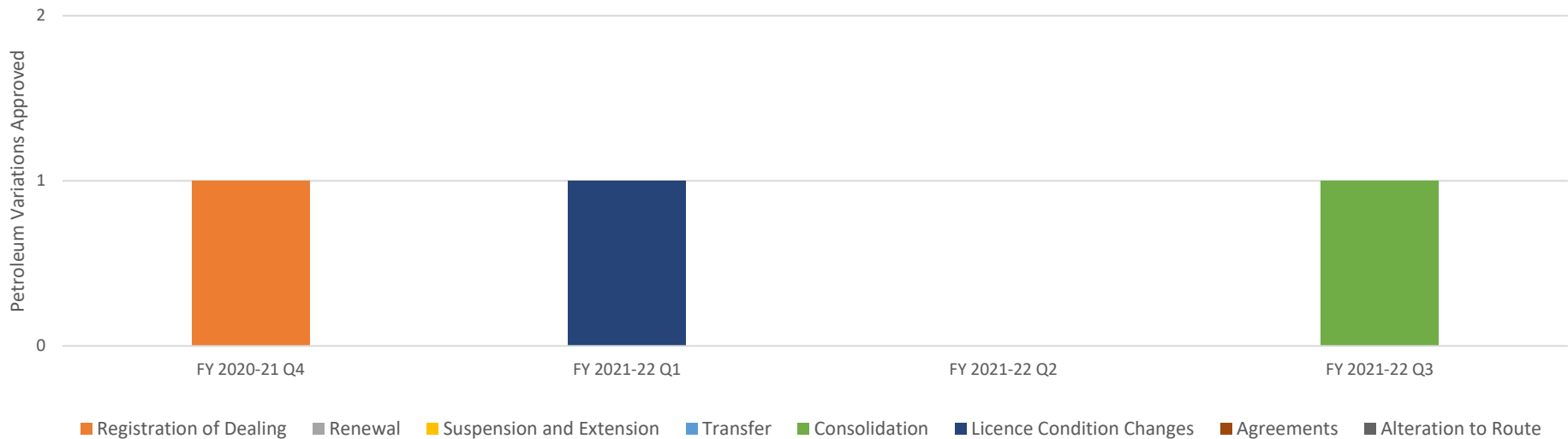
Petroleum licence variations approved

Quarter	Licence Type	Consolidation	Total
FY 2021-22 Q3	Onshore Petroleum Production Licence	1	1
	Total	1	1
FY 2021-22 Q2	Total	0	0

Explanation for the result:

In Q3, there was one onshore petroleum production licence variation approved. This variation was a consolidation of two onshore petroleum production licences.

Petroleum licence variations types approved



Petroleum – Operation Plans

Quarter	Licence Type	Plans Accepted	Unique Plans Under Assessment	Field Development Plan	Operation Plan Stages	Total Stages Assessed
FY 2021-22 Q3	Offshore Petroleum Production Licence	0	1	1	0	1
	Onshore Petroleum Production Licence	2	2	0	2	2
	Total	2	3	1	2	3
FY 2021-22 Q2	Onshore Petroleum Production Licence	0	2	0	2	2
	Onshore Petroleum Special Drilling Authorisation	0	1	0	1	1
	Total	0	3	0	3	3

Explanation for the result:

In Q3, two operation plan stages and one field development plan were assessed.

Two onshore petroleum production licence plans were accepted.

The decision on the field development plan will not be made until the corresponding production licence decision is made.

Note:

Hydraulic fracturing and coal seam gas exploration and extraction are banned in Victoria.

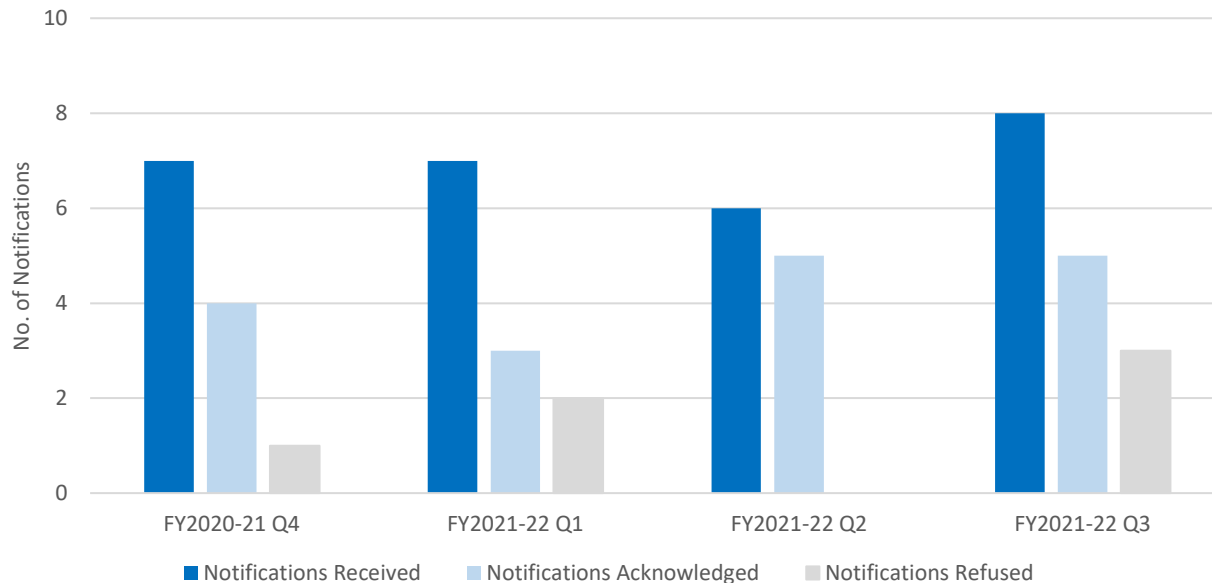
Petroleum plans accepted



Mining	FY 2020-21 Q4	FY 2021-22 Q1	FY 2021-22 Q2	FY 2021-22 Q3	Total
Notifications Received	1	2	1	2	6
Notifications Acknowledged	2	1	1	2	6
Notifications Refused	0	0	0	1	1

Extractives	FY 2020-21 Q4	FY 2021-22 Q1	FY 2021-22 Q2	FY 2021-22 Q3	Total
Notifications Received	6	5	5	6	22
Notifications Acknowledged	2	2	4	3	11
Notifications Refused	1	2	0	2	5

Administrative updates by notification



Explanation for the result:

In Q3, two mining and three extractive industry administrative changes were acknowledged.

Administrative updates by notification:

New or changing work on existing work plans where it satisfies the following conditions:

- There is no significant increase in risk arising from the new or changing work.
- Council has been consulted and confirms in writing that the new or changing work does not require an amendment to the planning permit.
- Relevant referral agencies have been consulted and confirmed that the new or changing work raises no concerns.

More information is available on the website:

<https://earthresources.vic.gov.au/legislation-and-regulations/guidelines-and-codes-of-practice/extractive-industry-work-plan-guideline>

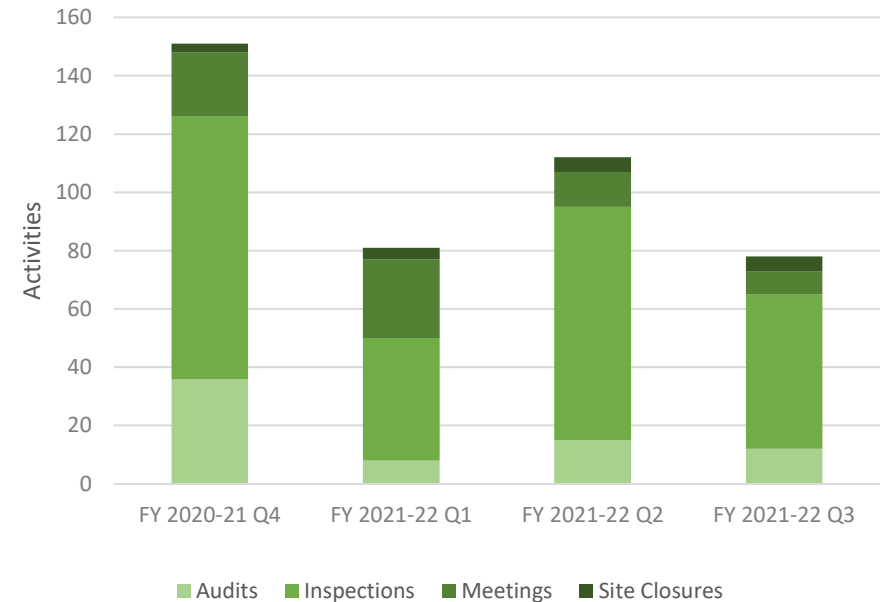
Compliance activities

Licence Types	Activity	Jan	Feb	March	Total
Extractives	Inspection	2	8	23	33
	Audit	0	1	9	10
	Meeting	0	2	1	3
	Site Closure	0	1	0	1
	Extractives Total	2	12	33	47
Mining	Inspection	2	4	12	18
	Audit	1	0	1	2
	Meeting	2	3	0	5
	Site Closure	1	1	2	4
	Mining Total	6	8	15	29
Petroleum	Inspection	0	1	1	2
	Petroleum Total	0	1	1	2
Total		8	21	49	78

Explanation for the result:

In Q3, Earth Resources Regulation conducted 78 proactive compliance activities involving 60 authority holders.

Compliance activities by quarter



Why are these measures important?

Earth Resources Regulation undertakes proactive compliance activities using a risk-based prioritisation approach. Activities include audits, inspections, meetings with duty holders and site closures after reviewing rehabilitation outcomes.

Earth Resources Regulation undertakes compliance actions under the *Mineral Resources (Sustainable Development) Act 1990*, *Petroleum Act 1998* and other legislation to identify and act on non-compliance by authority holders that has or is likely to result in a risk to public safety, the environment, land, property or infrastructure, or fails to comply with licence, work authority or approved work plan requirements.

Compliance audits

Type of Audit	FY 2020-21 Q4	FY 2021-22 Q1	FY 2021-22 Q2	FY 2021-22 Q3	Total	% Total
Progressive Rehabilitation	16	1	7	4	28	38%
Plan and Conditions	5	1	2	3	11	15%
Water Management	0	2	1	0	3	4%
Dust	3	0	0	0	3	4%
Noise	2	4	0	1	7	10%
GeoTechnical	4	0	0	1	5	7%
Fire and Emergency	0	0	2	1	3	4%
Boundaries and Extraction Limits	1	1	0	1	3	4%
Site Security and Buffer Zones	1	0	0	0	1	1%
Impacts of Blasting	1	0	2	0	3	4%
Exploration Drilling	1	0	0	0	1	1%
Imported Materials	0	0	0	0	0	0%
Plan and Conditions (High-Risk)	1	0	1	1	3	4%
Pest, Plant and Animal	1	0	0	0	1	1%
TSF Management	0	1	0	0	1	1%
Total	36	10	15	12	73	100%

Explanation for the results:

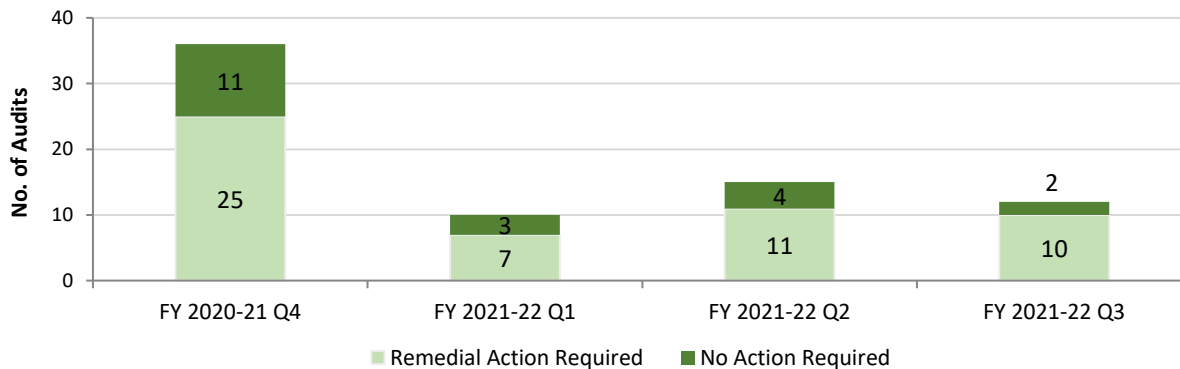
There were 12 audits conducted in Q3.

Earth Resources Regulation's compliance program aims to drive improved industry performance by focusing on the management of the following risks to the protection of public safety and the environment: rehabilitation, fire, dust, noise, stability, water and approval requirements.

For further information on compliance priorities, see the Earth Resources Regulation Compliance Strategy on the website:

<https://earthresources.vic.gov.au/legislation-and-regulations/compliance-enforcement>

Remedial action / No action after audits



Explanation for the result:

The audit program is risk-based with a focus on more significant sites. The number of actions required can be dependent on the type of audits completed and if the audits were 'follow up' audits from previously identified risks. Of the audits completed during the quarter, 10 out of 12 required remedial actions.

Why are these measures important?

This indicator measures the number of current tenements that have had a compliance activity undertaken and shows how many authority holders are meeting requirements.

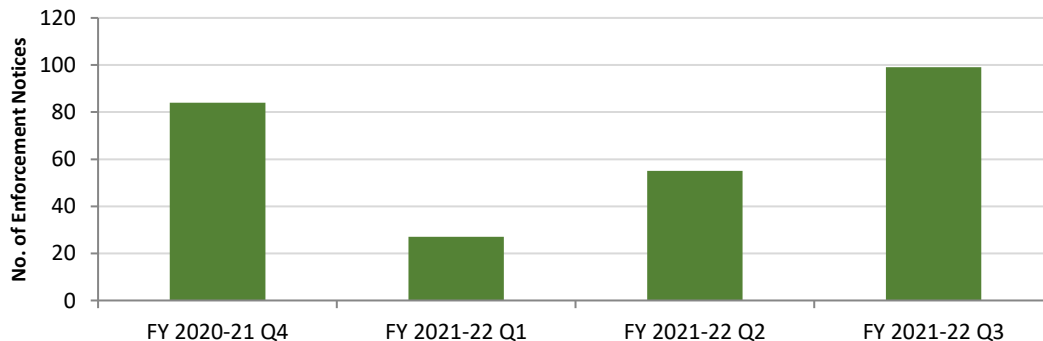
General enforcement notices issued in the quarter

Sector	Enforcement Action Type	Enforcement Code	No. of Notices
Extractives	s110 Notice	Authorised Activity Compliance	4
Extractives	s110 Notice	Other - Not Specified Above	1
Extractives	s110 Notice	Ground Disturbance	1
Extractives	s110 Notice	Environmental Incident Notification	1
Mining	s110 Notice	Tailings and Slime Management	1
Mining	s110 Notice	Hazardous Materials Management	1
Mining	S110 Notice	Slope Stability	1
Mining	s110 Notice	Work Without Licence or Consents	1
Mining	s110 Notice	Waste and Redundant Plan	1
Mining	s110 Notice	Drainage, Erosion and Discharge	1
Total			13

Infringements and official warnings issued

Activities	Issued in the quarter
Official Warning Letter	63
Infringement Notice	12
Written Instruction	8
Direction	2
Education	1
Total	86

Enforcement notices issued



Enforcement actions summary:

In Q3, there were 99 enforcement actions issued, of which 13 were related to s110 notices and 86 were from written instructions, infringement notices, directions and official warning letters.

Reportable incidents in the quarter

Sector	Classification	Incident Type	Enforcement Code	Incident Responded To	Incident Status	Incident Count
Mining Licence	Minor	Public Safety	Fire Precautions and Risk Control	Yes	Resolved	41
Mining Licence	Minor	Infrastructure	Slope Stability	Yes	Resolved	1
Mining Licence	Minor	Infrastructure	Fire Precautions and Risk Control	Yes	Resolved	1
Mining Licence	Minor	Environmental	Environmental Incident Notification	Yes	Resolved	1
Work Authority	Major	Legislation Breach	Environmental Incident Notification	Yes	Open	1
Work Authority	Minor	Public Safety	Fire Precautions and Risk Control	Yes	Resolved	1
Total						46

Non-reportable incidents in the quarter

Sector	Classification	Incident Type	Enforcement Code	Count
Onshore Petroleum Special Drilling Authorisation	Significant	Legislation Breach	Other	1
Total				1

Explanation for the result:

There were 46 reportable incidents in Q3 with a majority of these relating to small coal smoulders at coal mine operations. The incident relating to an alleged breach on a work authority and petroleum site is currently under investigation.

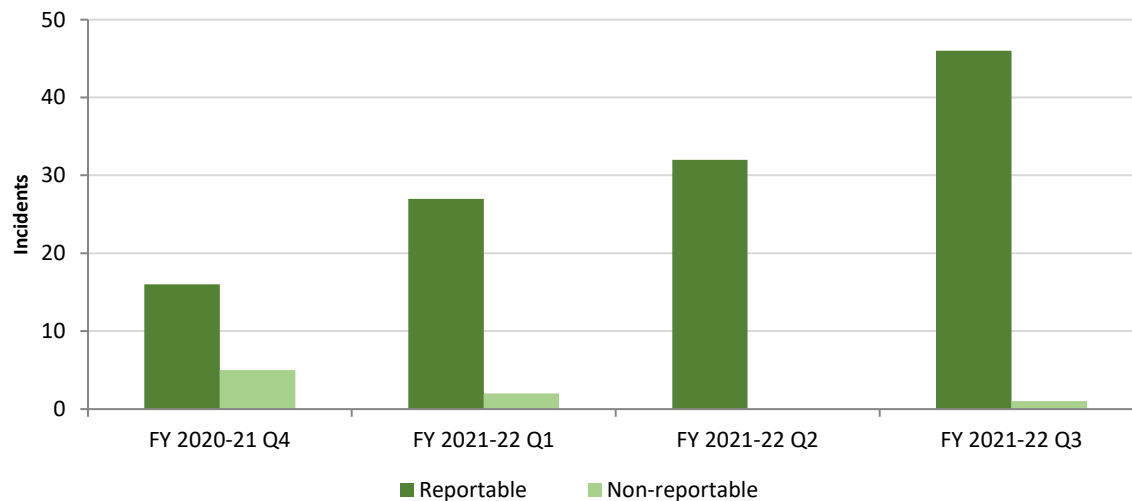
A recent change in reporting requirements now classifies smoulders as a reportable fire event. All incidents were responded to and one is still under investigation.

Earth Resources Regulation will continue to proactively undertake compliance activities, focusing on stability, public safety and environmental protection.

Why are these measures important?

This measure shows whether Earth Resources Regulation is responsive to Reportable (high-risk) incidents and the number of Non-Reportable (low-risk) incidents that occur at tenement sites. Depending on its complexity, an incident may be resolved in the current or subsequent quarters.

Reportable vs Non-reportable incidents



Environmental review committee attendance

	2020-21 Q4	2021-22 Q1	2021-22 Q2	2021-22 Q3
Meetings Planned	13	14	20	23
Meetings Attended	13	14	20	23
% Attendance	100%	100%	100%	100%
Target	100%	100%	100%	100%

Explanation for the result:

Earth Resources Regulation attended 100% of the scheduled Environmental Review Committee (ERC) meetings in Q3. A number of ERCs are now reverting to in-person meetings rather than online.

Why are these measures important?

The stakeholder engagement indicator covers the interaction between the regulator, authority holders, co-regulators and the community by reporting active participation by Earth Resources Regulation (ERR) at Environmental Review Committee (ERC) meetings. ERC meetings do not occur for all sites and ERR typically only attends meetings for priority sites or where significant community interest is present. ERR has made a commitment in the Compliance Strategy to report on ERC attendance quarterly.

Industry Reference Group

2021-22 Q1	2021-22 Q2	2021-22 Q3	2021-22 Q4	Annual Total	FY Target
1	1	1	-	3	4

Explanation for the result:

The target is an annual figure based on Industry Reference Group (IRG) meetings being scheduled every three months.

The IRG held one meeting in Q3 and is on track to meet the annual target.

Why are these measures important?

The Industry Reference Group provides a forum for engagement and consultation with stakeholder representatives from industry associations and government agencies regarding statutory, regulatory and stakeholder relations issues and activities in the context of the current policy and regulatory framework.

Earth Resources Regulators Forum

2021-21 Q1	2021-21 Q2	2021-22 Q3	2021-22 Q4	Annual Total	FY Target
1	1	1	-	3	3

Explanation for the result:

The target is an annual figure based on three Earth Resources Regulator Forum meetings being scheduled each financial year.

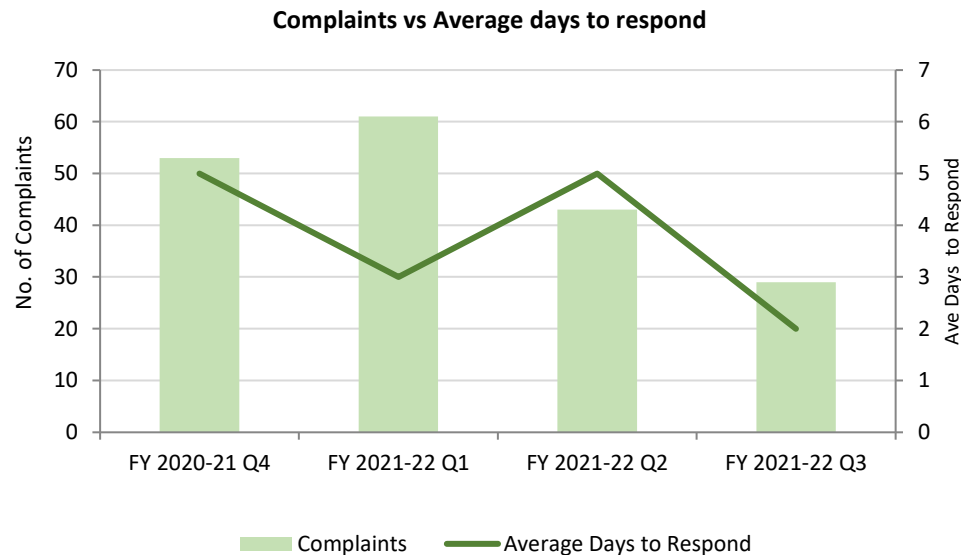
One forum meeting was held in Q3 and we have met the annual target.

Why are these measures important?

The Earth Resources Regulators Forum drives a coordinated, strategic approach to regulation in the earth resources sector. Through the forum and its independent chair, Earth Resources Regulation coordinates its activities with other regulators to improve timeliness, reduce compliance and administrative costs to industry, and identify and resolve any regulatory gaps or overlaps. This includes a focus on more real-time communication, strategic sequencing, common risk assessment and partnerships with local government authorities.

Response times to complaints in the quarter

Sector	Enforcement Codes	Number of Complaints	Ave Days to Respond	*Median Days to Respond
Extractives	Dust Emissions	6	2	2
Extractives	Explosives Air and Ground Vibration	5	2	1
Extractives	Impacts Outside Tenement Site	3	1	1
Extractives	Noise Emissions	2	1	1
Extractives	Noxious Weeds, Plants and Pests	1	1	1
Extractives	Visual Amenity	1	1	1
Extractives	Environmental Incident Notification	1	1	1
Extractives	Authorised Activity Compliance	1	2	2
Extractives	Ground Disturbance	1	2	2
Mining	Work without Licence or Consents	2	4	4
Mining	Noise Emissions	2	2	2
Mining	Explosives Air and Ground Vibration	1	2	2
Mining	Rehabilitation of Site	1	1	1
Mining	Dust Emissions	1	2	2
Mining	Other	1	1	1
		29	2	1



Explanation for the result:

There were 29 complaints in Q3. Of these, 21% were attributed to one licence holder relating to blasting noise and vibration.

Of the 29 complaints received, eight were resolved and 21 are under investigation. The average number of days to respond to a complaint was two days and the median to respond was one day. Repeat complaints were addressed through combined responses after a compliance review.

Why are these measures important?

The complaints handling process is an important aspect of effective stakeholder management and building confidence in Earth Resources Regulation as an effective regulator.

* **Median Days:** Arranging the days to respond in order and then selecting the middle value . Median is used to minimise the impact of outliers.

Department of Jobs, Precincts and Regions

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