

# Earth Resources Regulation

Quarterly Performance Report

2020-21 Quarter 4

1 April to 30 June 2021



## Summary

This report provides a summary of Earth Resources Regulation's operating performance for quarter four of financial year 2020-21 (1 April to 30 June 2021).

### Performance highlights

**KPI 1<sup>#</sup>** - 100% of extractive work plan stages were assessed within the statutory time frames.

- 82% of mineral work plan stages were assessed within the statutory time frames.

**KPI 2<sup>#</sup>** - 151 operational compliance activities were undertaken.

**KPI 3<sup>#</sup>** - 100% of reportable incidents were responded to during this quarter.

**KPI 5<sup>#</sup>** - The time to respond to complaints took on average five business days.

# Explained in the next slide

### Administrative updates by notification

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

### Petroleum operation plans<sup>+</sup>

- Four petroleum operation plan stages were assessed.
- Two petroleum operation plans were accepted.

+ These submissions were for existing operations exempt from the moratorium on onshore conventional gas (e.g. underground storage).

### 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, 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
<b>KPI 1: Efficient Approvals Process</b>	Percentage of extractive work plan stages assessed within statutory time frames.	%	95	Quarterly	<b>100%</b>	95%	Outputs/activities
	Percentage of mineral licence applications and mineral work plan stages assessed within statutory time frames.	%	95	Quarterly	<b>74%</b>	57%	Outputs/activities
	Percentage of tenement variations assessed within Client Service Standard time frames where a statutory time frame does not exist.	%	95	Quarterly	<b>89%</b>	79%	Outputs/activities
<b>KPI 2: Ensuring Compliance</b>	Number of operational compliance activities undertaken per quarter.	Number of activities	75	Quarterly	<b>151</b>	162	Inputs
<b>KPI 3: Effective Incident Management</b>	Percentage of reportable events that are responded to per quarter.	%	100	Quarterly	<b>100%</b>	100%	Short-term and long-term outcomes
<b>KPI 4: Facilitation of Stakeholder Engagement</b>	Earth Resources Regulation attendance at Environmental Review Committee meetings.	%	100	Quarterly	<b>100%</b>	100%	Outputs/activities
	Number of Earth Resources Regulation Stakeholder Reference Group meetings.	Number of meetings	4	Annual	<b>Achieved annual target</b>		Outputs/activities
	Number of Earth Resources Regulators Forum meetings.	Number of meetings	3	Annual	<b>Achieved annual target</b>		Outputs/activities
<b>KPI 5: Complaint Management</b>	Average number of days to respond to complaints made by community against tenements.	Business days	3	Quarterly	<b>5</b>	4	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 2020-21 Q4	Work Plan (WA)	18	28	0	26	26	100%
FY 2020-21 Q3	Work Plan (WA)	12	28	1	17	18	95%

\* 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 2020-21 Q4	Work Plan (WA)	4	6
FY 2020-21 Q3	Work Plan (WA)	2	2

Work authorities granted in the quarter

Quarter	Licence Type	Granted
FY 2020-21 Q4	Work Authority	1
FY 2020-21 Q3	Work Authority	0

**Explanation for the result:**

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

In Q4, 26 extractive work plan stages were assessed from 18 unique work plans, of which 100% were assessed within the statutory time frame.

Six work plans were approved in the quarter. Four work plans were statutorily endorsed and returned to the client(s) to proceed with planning approval. One work authority was granted.

**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 2020-21 Q4	Mineral Licence Applications – (A)	8	20	28	71%
	Mineral Work Plan Stages – (B)	2	9	11	82%
	<b>Total</b>	<b>10</b>	<b>29</b>	<b>39</b>	<b>74%</b>
FY 2020-21 Q3	Mineral Licence Applications – (A)	12	11	23	48%
	Mineral Work Plan Stages – (B)	0	5	5	100%
	<b>Total</b>	<b>12</b>	<b>16</b>	<b>28</b>	<b>57%</b>

**Explanation for the result:**

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

In Q4, there were 39 (11 mineral work plan stages assessed and 28 mineral licence applications granted) of which 74% 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 2020-21 Q4	Exploration Licence	90	7	16	23	70%
	Prospecting Licence	90	1	4	5	80%
	<b>Total</b>		<b>8</b>	<b>20</b>	<b>28</b>	<b>71%</b>
FY 2020-21 Q3	Exploration Licence	90	12	10	22	45%
	Prospecting Licence	90	0	1	1	100%
	<b>Total</b>		<b>12</b>	<b>11</b>	<b>23</b>	<b>48%</b>

**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 Q4, 71% (20 out of 28) applications were granted within the statutory time frames.

(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 2020-21 Q4	Work Plan (Exploration)	0	4	28	1	3	4	75%
	Work Plan (Minerals)	1	4	28	1	6	7	86%
	<b>Total</b>	<b>1</b>	<b>8</b>		<b>2</b>	<b>9</b>	<b>11</b>	<b>82%</b>
FY 2020-21 Q3	Work Plan (Exploration)	1	3	28	0	4	4	100%
	Work Plan (Minerals)	0	1	28	0	1	1	100%
	<b>Total</b>	<b>1</b>	<b>4</b>		<b>0</b>	<b>5</b>	<b>5</b>	<b>100%</b>

**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 Q4, 11 exploration and mining work plan stages were assessed from eight unique work plans, of which 82% were assessed within the statutory time frames. One work plan was 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 2020-21 Q4	Exploration Licence	90	6	65	71	92%
	Mining Licence	120	1	3	4	75%
	Prospecting Licence	90	0	0	0	-
	Retention Licence	120	0	2	2	100%
	Work Authority	30	2	5	7	71%
	<b>Total</b>			<b>9</b>	<b>75</b>	<b>84</b>
FY 2020-21 Q3	Exploration Licence	90	3	15	18	83%
	Mining Licence	120	1	1	2	50%
	Prospecting Licence	90	0	0	0	-
	Retention Licence	120	0	0	0	-
	Work Authority	30	2	7	9	78%
	<b>Total</b>			<b>6</b>	<b>23</b>	<b>29</b>

### Explanation for the result:

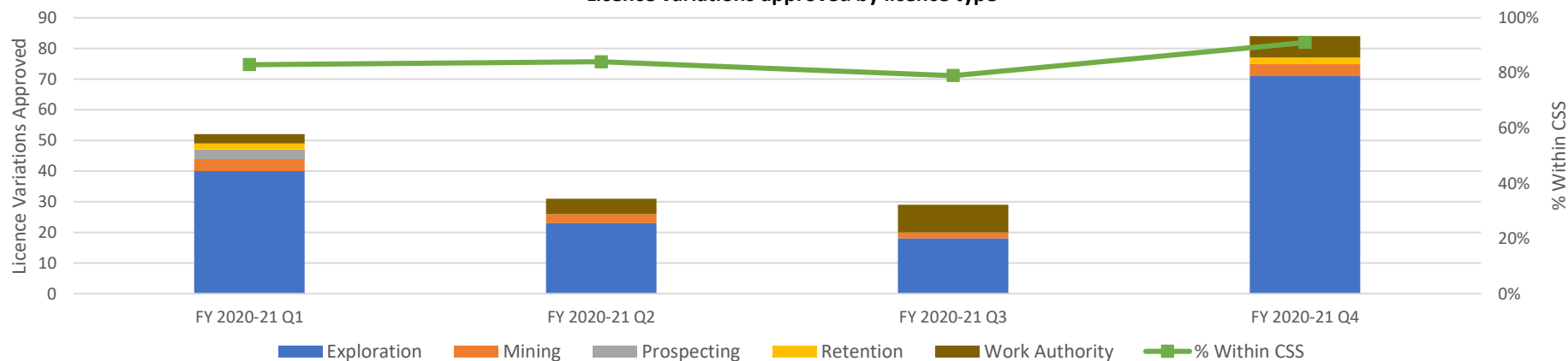
Client Service Standard (CSS) is the percentage of licence variations assessed within departmental agreed time frames where a statutory time frame does not exist.

In Q4, 89% (75 out of 84) of licence variations were completed within the client service standard. Q4 recorded the highest number of licence variations approved in the last four quarters.

### 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 its client service standard when processing licence variation approvals.

Licence variations approved by licence type





Non-MRSDA licence variations approved

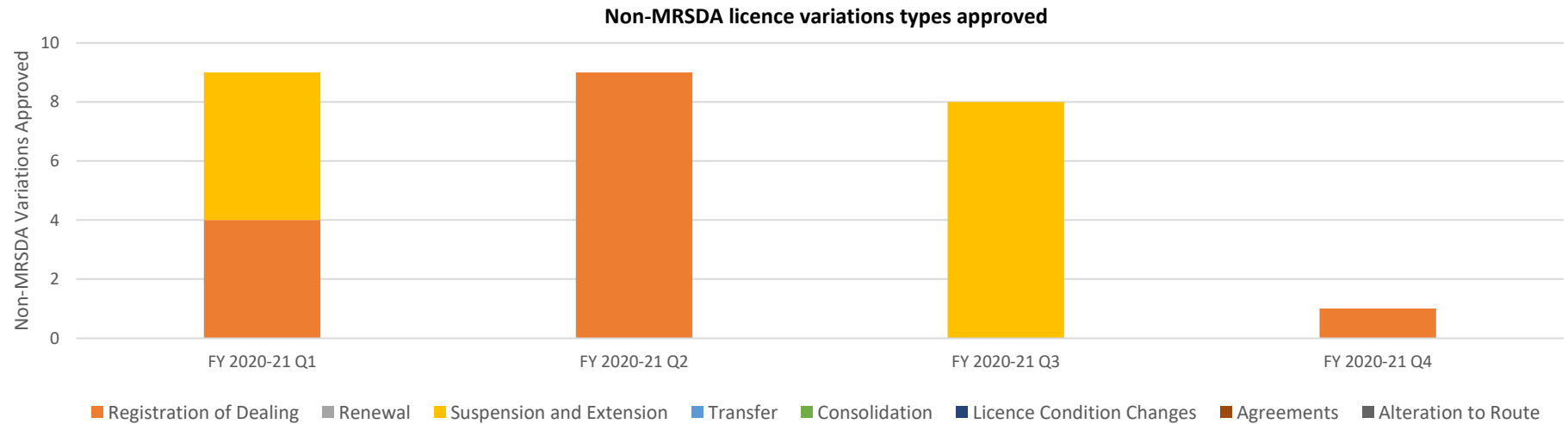
Quarter	Licence Type	Registration of Dealing	Suspension and Extension	Total
FY 2020-21 Q4	Offshore Pipeline Licence	1	0	1
		1	0	1
FY 2020-21 Q3	Offshore Petroleum Exploration Permit	0	8	8
		0	8	8

**Explanation for the result:**

In Q4, there was one offshore pipeline licence variation approved, being a registration of a dealing.

The Licensing team was part of the assessment panel, assessing the new work programs submitted for the onshore petroleum restart.

The Licensing team also chaired the review of a discovery assessment report.



Non-MRSDA – Operation Plans

Quarter	Licence Type	Plans Accepted	Unique Plans Under Assessment	Environment Plan Stages	Operation Plan Stages	Total Stages Assessed
FY 2020-21 Q4	Onshore Petroleum Production Licence	1	1	0	3	3
	Onshore Petroleum Special Drilling Authorisation	1	1	0	1	1
	<b>Total</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>4</b>	<b>4</b>
FY 2020-21 Q3	Onshore Petroleum Special Drilling Authorisation	0	1	0	1	1
	<b>Total</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>

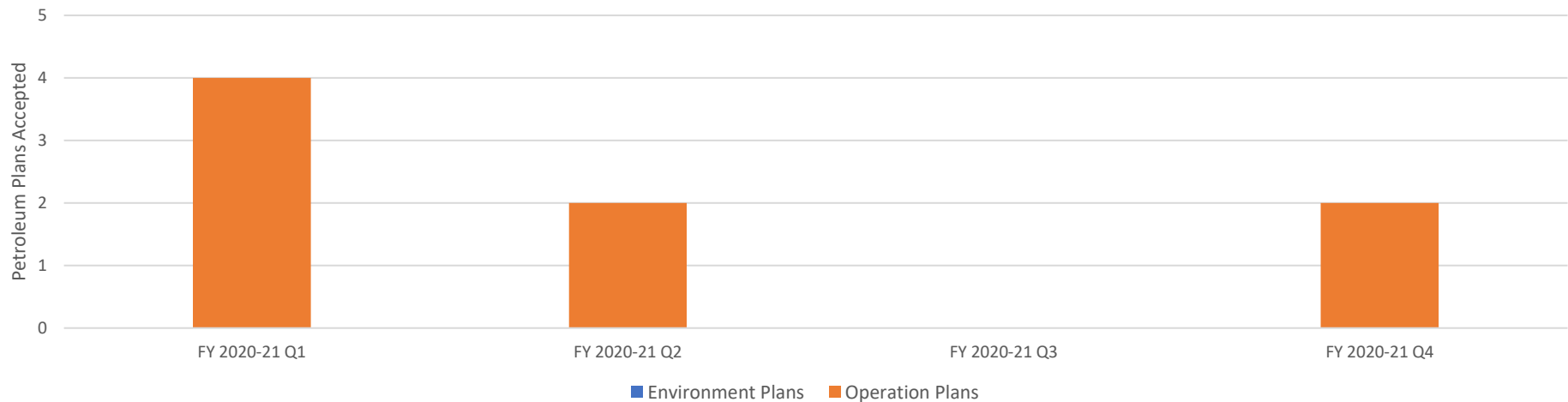
**Explanation for the result:**

In Q4, four operation plan stages were assessed and two operation plans were accepted.

These submissions were from existing operations exempt from the moratorium on onshore conventional gas (e.g. underground storage). Assessments related to existing production and storage facilities and proposed exploration drilling operations.

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

**Non-MRSDA plans accepted**

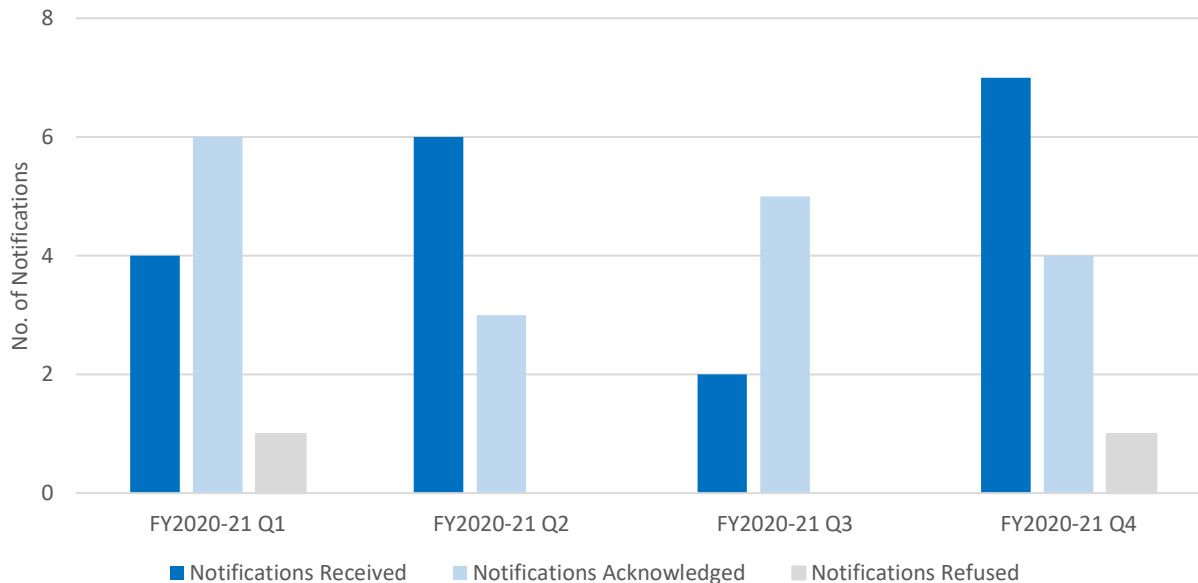




Mining	FY 2020-21 Q1	FY 2020-21 Q2	FY 2020-21 Q3	FY 2020-21 Q4	Total
Notifications Received	2	2	2	1	7
Notifications Acknowledged	2	1	2	2	7
Notifications Refused	0	0	0	0	0

Extractives	FY 2020-21 Q1	FY 2020-21 Q2	FY 2020-21 Q3	FY 2020-21 Q4	Total
Notifications Received	2	4	0	6	12
Notifications Acknowledged	4	2	3	2	11
Notifications Refused	1	0	0	1	2

**Administrative updates by notification**



**Explanation for the result:**

In Q4, there were two mining and two extractive industry administrative changes acknowledged.

**Administrative updates by notifications:**

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>

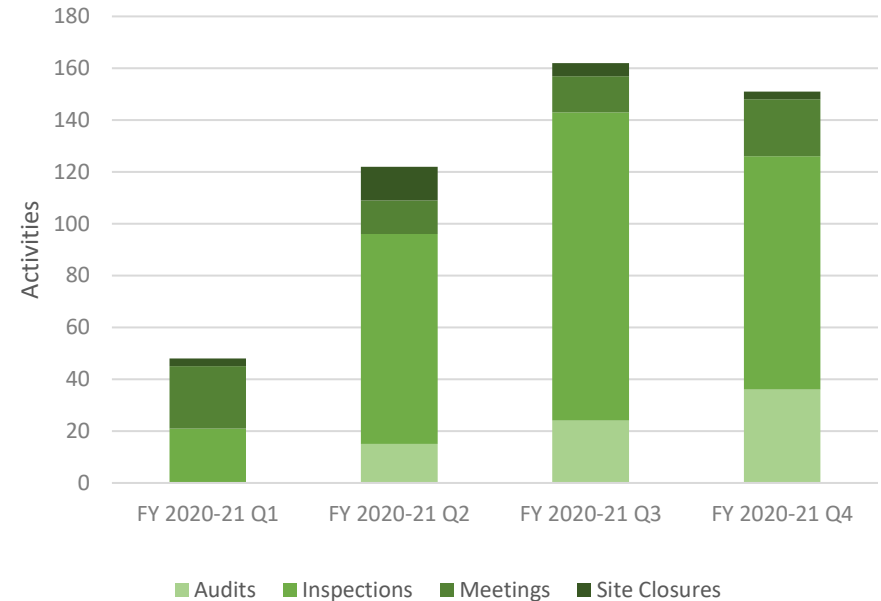
Compliance activities

Licence Types	Activity	Apr	May	June	Total
Extractives	Inspection	26	22	14	62
	Audit	12	9	6	27
	Meeting	1	4	4	9
	Site Closure	1	1	0	2
	Extractives Total	40	36	24	100
Mining	Inspection	12	13	3	28
	Meeting	4	3	6	13
	Audit	0	2	7	9
	Site Closure	0	1	0	1
	Mining Total	16	19	16	51
<b>Total</b>		<b>56</b>	<b>55</b>	<b>40</b>	<b>151</b>

**Explanation for the results:**

In Q4, Earth Resources Regulation conducted 151 proactive compliance activities involving 127 duty holders. June field activities were impacted by COVID-19 restrictions.

Compliance activities by quarter



**Why are these measures important?**

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

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 any audits or omission by the duty holder that has or is likely to result in a risk to public safety, the environment, land, property or infrastructure, or does not comply with licence or work authority conditions.

Compliance audits

Type of Audit	FY 2020-21 Q1	FY 2020-21 Q2	FY 2020-21 Q3	FY 2020-21 Q4	Total	% Total
Progressive Rehabilitation	0	1	10	16	27	36%
Plan and Conditions	0	9	3	5	17	23%
Water Management	0	1	4	0	5	7%
Dust	0	1	0	3	4	5%
Noise	0	2	0	2	4	5%
GeoTechnical	0	0	0	4	4	5%
Fire and Emergency	0	0	3	0	3	4%
Boundaries and Extraction Limits	0	1	0	1	2	3%
Site Security and Buffer Zones	0	0	1	1	2	3%
Impacts of Blasting	0	0	1	1	2	3%
Exploration Drilling	0	0	1	1	2	3%
Imported Materials	0	0	1	0	1	1%
Plan and Conditions (High Risk)	0	0	0	1	1	1%
Pest, Plant and Animal	0	0	0	1	1	1%
<b>Total</b>	<b>0</b>	<b>15</b>	<b>24</b>	<b>36</b>	<b>75</b>	<b>100%</b>

**Explanation for the results:**

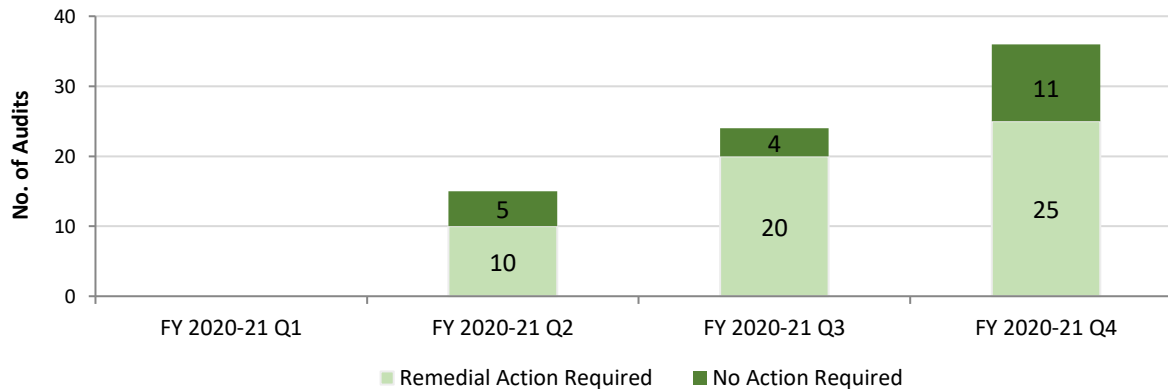
There were 36 audits conducted in Q4 with 16 focused on progressive rehabilitation.

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

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 results:**

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, 25 out of 36 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 duty 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	6
Extractives	s110 Notice	Tenement Boundaries	4
Extractives	s110 Notice	Other	4
Extractives	s110 Notice	Buffer Zones	4
Extractives	s110 Notice	Rehabilitation of Site	3
Extractives	s110 Notice	Native Vegetation and Fauna	3
Extractives	s110 Notice	Designated Parking Areas	2
Extractives	s110 Notice	Hazardous Materials Management	2
Extractives	s110 Notice	Waste and Redundant Plan	2
Extractives	s110 Notice	Work Without Licence or Consents	2
Extractives	s110 Notice	Ground Disturbance	2
Extractives	s110 Notice	Slope Stability	1
Extractives	s110 Notice	Visual Amenity	1
Extractives	s110 Notice	Noxious Weeds, Plants and Pests	1
Extractives	s110 Notice	Dust Emissions	1
Extractives	s110 Notice	Public Safety and Site Security	1
Extractives	s110 Notice (Stop Work)	Work Without Licence or Consents	1
Extractives	s110a Notice (Stop Work)	Work Without Licence or Consents	1
Mining	s110 Notice	Other	3
Mining	s110 Notice	Tailings and Slime Management	1
<b>Total</b>			<b>45</b>

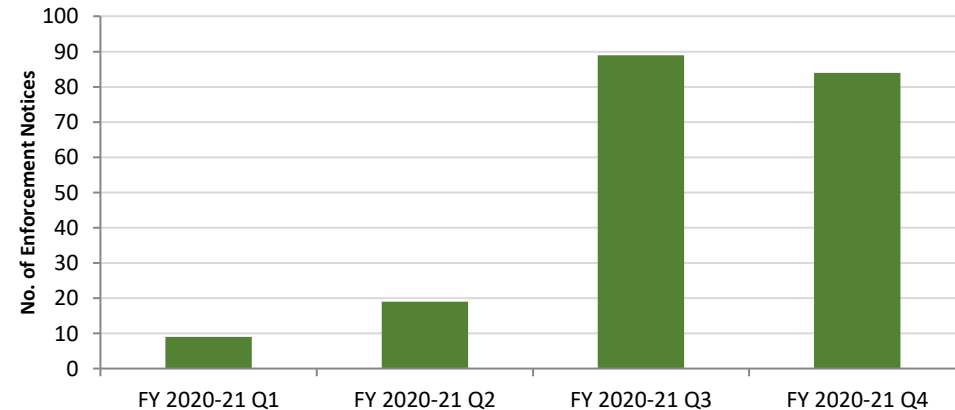
Infringements and official warnings issued

Actions	Issued in the quarter
Written Instruction	35
Direction	2
Official Warning Letter	2
<b>Total</b>	<b>39</b>

**Enforcement actions summary:**

In Q4, there were 84 enforcement actions issued of which 45 were related to s110 notices and 39 were from written instructions, directions and official warning letters. Further details on enforcement actions can be found in the following media releases: <https://earthresources.vic.gov.au/about-us/news>

**Enforcement notices issued**



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	9
Mining Licence	Minor	Public Safety	Reporting, Monitoring and Auditing	Yes	Resolved	3
Mining Licence	Minor	Infrastructure	Slope Stability	Yes	Resolved	1
Mining Licence	Minor	Legislation Breach	Other (Not Specified Above)	Yes	Resolved	1
Mining Licence	Significant	Public Safety	Slope Stability	Yes	Open	1
Work Authority	Minor	Environmental	Slope Stability	Yes	Open	1
<b>Total</b>						<b>16</b>

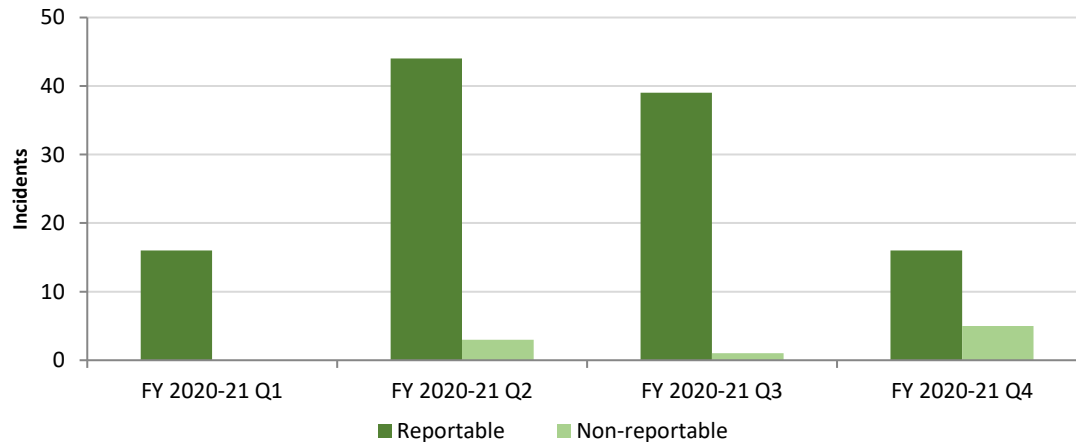
Non-reportable incidents in the quarter

Sector	Classification	Incident Type	Enforcement Code	Count
Mining Licence	Minor	Legislation Breach	Environmental Incident Notification	1
Mining Licence	Minor	Legislation Breach	Explosives Air and Ground Vibration	1
Mining Licence	Minor	Public Safety	Fire Precautions and Risk Control	1
Mining Licence	Minor	Public Safety	Slope Stability	1
Work Authority	Minor	Public Safety	Explosives Air and Ground Vibration	1
<b>Total</b>				<b>5</b>

Why are these measures important?

This measure shows whether Earth Resources Regulation is responsive to high-risk incidents that occur at tenement sites. The indicators measure the number of compliance and enforcement actions that Earth Resources Regulation inspectors commenced, completed and closed in a particular period. Depending on its complexity, an incident may be resolved in a subsequent quarter.

Reportable vs Non-reportable incidents



Explanation for the result:

There were 16 reportable incidents in Q4 with a majority of these relating to small coal smoulders and fire. A recent change in reporting requirements now classifies smoulders as a reportable fire event. All incidents were responded to and two are still under investigation.

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

## Environmental review committee attendance

	2020-21 Q1	2020-21 Q2	2020-21 Q3	2020-21 Q4
Meetings Planned	11	20	14	13
Meetings Attended	11	20	14	13
% 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 Q4. All ERCs were held online during the period due to COVID-19 restrictions, with feedback indicating that this approach worked well for licensees and communities.

## Earth Resources Regulation Stakeholder Reference Group

2020-21 Q1	2020-21 Q2	2020-21 Q3	2020-21 Q4	Annual Total	Target
1	1	1	1	4	4

**Explanation for the result:**

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

There was one SRG meeting held by Earth Resources Regulation in Q4. The annual target of four SRG was achieved.

## Earth Resources Regulators Forum

2020-21 Q1	2020-21 Q2	2020-21 Q3	2020-21 Q4	Annual Total	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 year.

The annual target of 3 has been achieved.

**Why are these measures important?**

The stakeholder engagement indicator covers the interaction between the regulator, duty holders, co-regulators and the community by reporting active participation by Earth Resources Regulation at Environmental Review Committee meetings. Earth Resources Regulation has made a commitment in the Compliance Strategy to report on ERC attendance quarterly.

**Why are these measures important?**

The Stakeholder 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.

**Why are these measures important?**

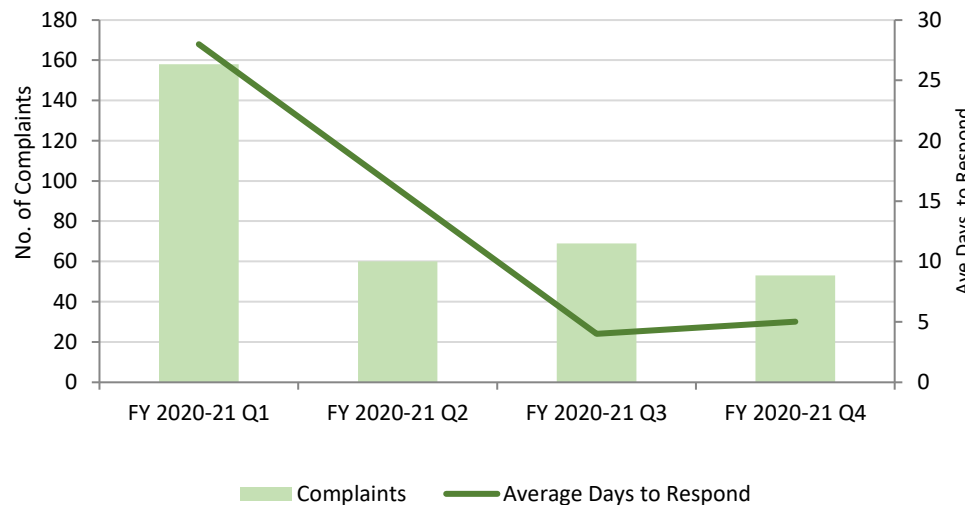
The Earth Resources Regulators' Forum drives a coordinated, strategic approach to regulation in the earth resources sector. Through the forum and its independent chair, Earth Resources Regulation coordinates its activities with other regulators to improve timeliness, reduce compliance and administrative 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	Explosives Air and Ground Vibration	18	10	7
Extractives	Working Hours	4	11	5
Extractives	Dust Emissions	2	2	2
Extractives	Work without Licence or Consents	2	2	2
Extractives	Impacts Outside Tenement Site	2	2	2
Extractives	Noise Emissions	2	1	1
Extractives	Waste and Redundant Plant	1	1	1
Extractives	Rehabilitation of Site	1	2	2
Mining	Explosives Air and Ground Vibration	12	2	1
Mining	Noise Emissions	3	1	1
Mining	Work without Licence or Consents	3	2	1
Mining	Authorised Activity Compliance	2	0	0
Mining	Community Engagement	1	1	1
		<b>53</b>	<b>5</b>	<b>2</b>

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

Complaints vs Average Days to respond



**Explanation for the result:**

There were 53 complaints in Q4. Of these, 34% were attributed to one quarry in the Melbourne Metropolitan area relating to blast vibrations and 23% were attributed to an underground mine relating to blast vibrations.

Of the 53 complaints received, 41 were resolved and 12 are under investigation. The average number of days to respond to a complaint was five days and the median to respond was two days. Repeat complaints were addressed through combined responses.

**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.



## Department of Jobs, Precincts and Regions

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