

# Earth Resources Regulation

Quarterly Performance Report

2022-23 Quarter 1

1 July to 30 September 2022



## Summary

This report provides a summary of Earth Resources Regulation's operating performance for quarter one of financial year 2022-23 (1 July to 30 September 2022).

## Performance highlights

**KPI 1#** - 100% of extractive industries work plan stages were assessed within the statutory time frames (p. 4).

- 89% of mineral work plan stages were assessed within the statutory time frames (p. 5).

**KPI 2#** - 101 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 three business days (p. 15).

# Explained in the next slide.

## Administrative updates by notification

- Three extractive industries 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 Energy, Environment and Climate Action (DEECA). 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.

## Key Performance Indicators 2022-23 Quarter 1

KPI	High Level Indicators	Target	Target Period	Current Quarter	Previous Quarter	DJPR's Compliance Policy Framework
<b>KPI 1: Efficient Approvals Process</b>	Percentage of extractive industries work plan stages assessed within statutory time frames.	95%	Quarterly	100%	89%	Outputs/activities
	Percentage of mineral licence applications and mineral work plan stages assessed within statutory time frames.	95%	Quarterly	58%	86%	Outputs/activities
	Percentage of tenement variations assessed within Client Service Standard time frames where a statutory time frame does not exist.	95%	Quarterly	65%	57%	Outputs/activities
<b>KPI 2: Ensuring Compliance</b>	Number of operational compliance activities undertaken per quarter.	75 activities	Quarterly	101	128	Inputs
<b>KPI 3: Effective Incident Management</b>	Percentage of reportable events responded to per quarter.	100%	Quarterly	100%	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	100%	100%	Outputs/activities
	Number of Industry Reference Group meetings.	4 meetings	Annual	0		Outputs/activities
	Number of Earth Resources Regulators Forum meetings.	3 meetings	Annual	1		Outputs/activities
<b>KPI 5: Complaint Management</b>	Average number of days to respond to complaints made by community against tenements.	3 business days	Quarterly	3	2	Outputs/activities

## Extractive industries 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 2022-23 Q1	Work Plan (WA)	20	28	0	28	28	100%
FY 2021-22 Q4	Work Plan (WA)	18	28	3	24	27	89%

\* A work plan stage represents a statutory decision point.

## Extractive industries work plans endorsed or approved in the quarter

Quarter	Work Plan Type	Endorsed	Approved
FY 2022-23 Q1	Work Plan (WA)	4	4
FY 2021-22 Q4	Work Plan (WA)	2	1

## Work authorities granted in the quarter

Quarter	Licence Type	Granted
FY 2022-23 Q1	Work Authority	4
FY 2021-22 Q4	Work Authority	1

### Result:

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

In Q1, 28 extractive work plan stages were assessed from 20 unique work plans of which 100% were within the statutory time frame.

Four work plans were approved in the quarter. Four work plans were statutorily endorsed and returned to the applicants to proceed with planning approval.

Four work authorities were granted in the quarter.

### Why are these measures important?

Earth Resources Regulation strives to support industry by having a consistent and transparent approvals process, balancing efficiency with maintaining the rigour required for comprehensive assessment, consistent with the legislation.

## KPI 1: Efficient Approvals Process – Mineral Licences and Work Plans

**(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 2022-23 Q1	Mineral Licence Applications – (Table A)	14	13	27	48%
	Mineral Work Plan Stages – (Table B)	1	8	9	89%
	Total	15	21	36	58%
FY 2021-22 Q4	Mineral Licence Applications – (Table A)	3	13	16	81%
	Mineral Work Plan Stages – (Table B)	1	11	12	92%
	Total	4	24	28	86%

**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 Q1, there were 36 (nine mineral work plan stages assessed and 27 mineral licence applications granted) of which 58% 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 2022-23 Q1	Exploration Licence	90	13	9	22	41%
	Prospecting Licence	90	0	4	4	100%
	Mining Licence	120	1	0	1	0%
	Retention Licence	120	0	0	0	N/A
	Total		14	13	27	48%
FY 2021-22 Q4	Exploration Licence	90	3	13	16	81%
	Prospecting Licence	90	0	0	0	N/A
	Mining Licence	120	0	0	0	N/A
	Retention Licence	120	0	0	0	N/A
	Total		3	13	16	81%

**Result:**

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

In Q1, 48% (13 out of 27) 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), competing applications and delays in recruitment in a highly competitive market. In late August ERR received additional funding to increase capacity to process the escalating number of applications being received and to reduce the backlog.

**(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 2022-23 Q1	Work Plan (Exploration)	0	4	28	0	4	4	100%
	Work Plan (Minerals)	0	4	28	1	4	5	67%
	Total	0	8		1	8	9	89%
FY 2021-22 Q4	Work Plan (Exploration)	2	6	28	1	7	8	88%
	Work Plan (Minerals)	0	3	28	0	4	4	100%
	Total	2	9		1	11	12	92%

**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 Q1, nine exploration and mining work plan stages were assessed from seven unique work plans, of which 89% were assessed within the statutory time frames. One work plan stage was over statutory time frame due to the complexity of the work plan. No mineral work plans were approved in the quarter.

\* A work plan stage represents a statutory decision point.

# KPI 1: Efficient Approvals Process – Tenement Variations

## 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 2022-23 Q1	Exploration Licence	90	11	19	30	63%
	Mining Licence	120	2	4	6	67%
	Prospecting Licence	90	0	3	3	100%
	Retention Licence	120	0	0	0	N/A
	Work Authority	30	6	10	16	63%
	<b>Total</b>			<b>19</b>	<b>36</b>	<b>55</b>
FY 2021-22 Q4	Exploration Licence	90	2	4	6	67%
	Mining Licence	120	0	0	0	N/A
	Prospecting Licence	90	0	3	3	100%
	Retention Licence	120	0	0	0	N/A
	Work Authority	30	8	6	14	43%
	<b>Total</b>			<b>10</b>	<b>13</b>	<b>23</b>

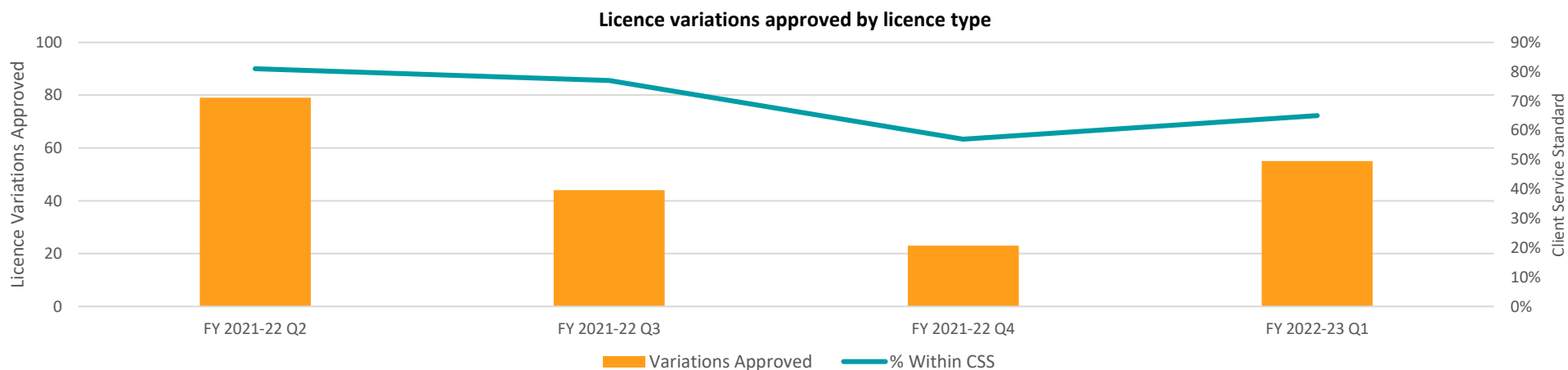
### Result:

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 Q1, 65% (36 out of 55) of licence variations were completed within the CSS. 19 licence variations were over CSS due to the intricate nature of those licence variations where extra time was required to assess and process the licence variations. In late August ERR received additional funding to increase capacity to process the escalating number of applications being received and to reduce the backlog.

### 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 licences granted

Quarter	Licence	Granted
FY 2022-23 Q1	Offshore Petroleum Production Licence	0
FY 2021-22 Q4	Offshore Petroleum Production Licence	1

**Result:**

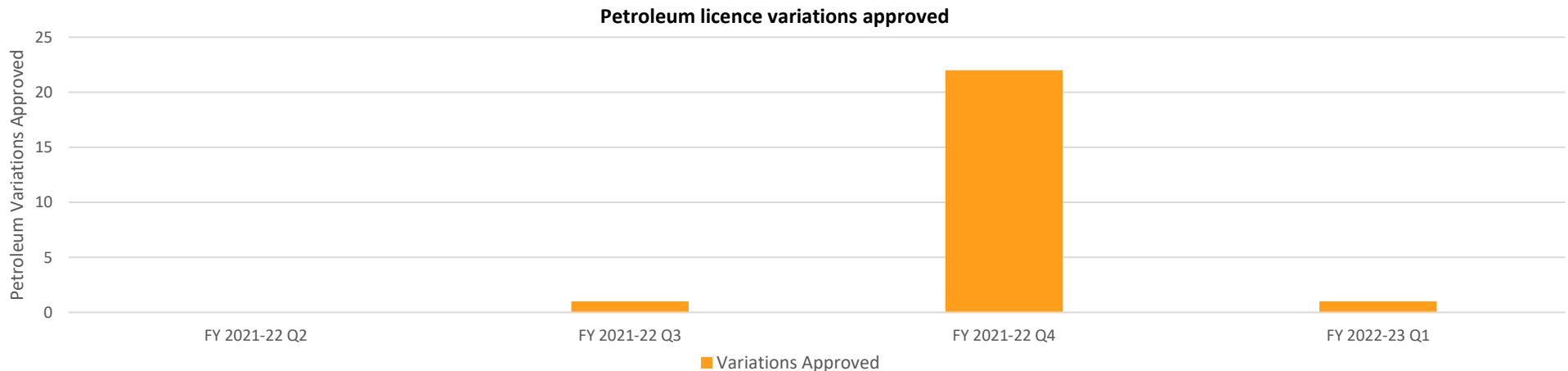
In Q1, no petroleum licences were granted.

## Petroleum licence variations approved

Quarter	Licence Type	Full Surrender	Licence Conditions Change	Registration of Dealing	Suspension and Extension	Transfer	Total
FY 2022-23 Q1	Onshore Petroleum Exploration Permit	1	0	0	0	0	1
	Total	1	0	0	0	0	1
FY 2021-22 Q4	Onshore Petroleum Exploration Permit	0	9	3	7	1	20
	Onshore Petroleum Retention Lease	0	1	0	1	0	2
	Total	0	10	3	8	1	22

**Result:**

In Q1, there was one onshore petroleum licence variation approved.



# KPI 1: Efficient Approvals Process – Petroleum Operation Plans

## Petroleum – Operation Plans

Quarter	Licence Type	Plans Accepted	Stages					Unique Plans Under Assessment
			Environment Plan Stage	Field Development Plan Stage	Operation Plan Stage	Storage Management Plan Stage	Total Stages Assessed	
FY 2022-23 Q1	Offshore Pipeline Licence	1	1	0	0	0	1	1
	Onshore Petroleum Production Licence	2	0	0	0	4	4	3
	Onshore Petroleum Special Drilling Authorisation	1	0	0	1	0	1	1
	<b>Total</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>6</b>	<b>5</b>
FY 2021-22 Q4	Offshore Petroleum Production Licence	1	0	1	0	0	1	1
	Offshore Petroleum Retention Lease	0	1	0	0	0	1	1
	Offshore Pipeline Licence	0	1	0	0	0	1	1
	Onshore Petroleum Production Licence	0	0	0	0	2	2	1
	<b>Total</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>5</b>	<b>4</b>

### Result:

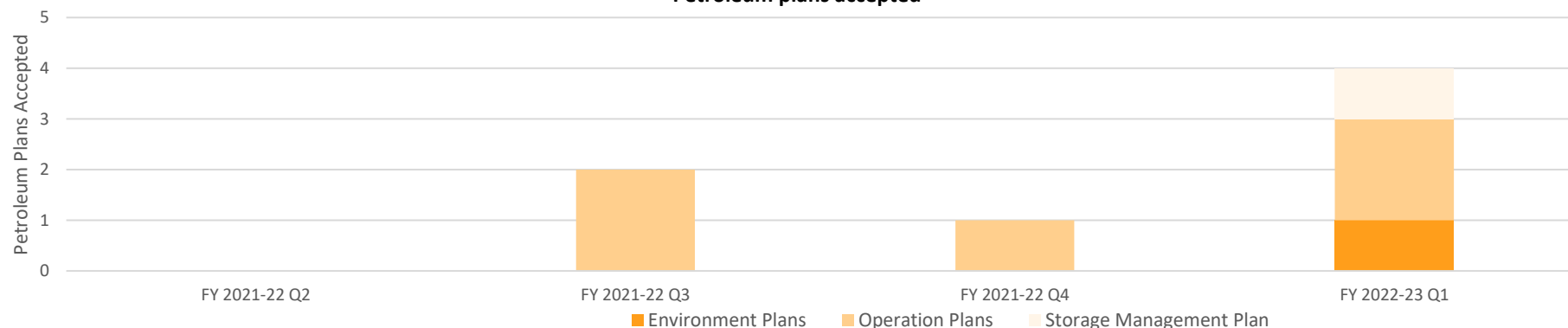
In Q1, one offshore environment plan stage and four onshore petroleum plan stages were assessed.

Three onshore storage development plans and one offshore environment plan were accepted. Long-term offshore activities must revise the relevant environment plan every five years. Pipeline licences operate for decades.

### Note:

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

Petroleum plans accepted

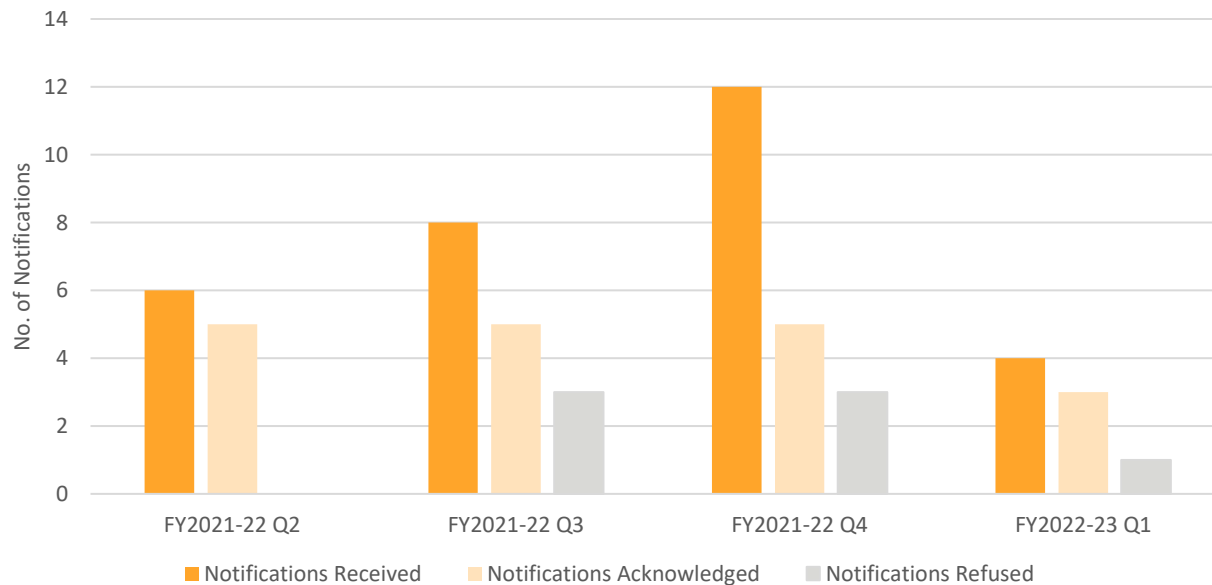




Mining	FY 2021-22 Q2	FY 2021-22 Q3	FY 2021-22 Q4	FY 2022-23 Q1	Total
Notifications Received	1	2	5	0	8
Notifications Acknowledged	1	2	3	0	6
Notifications Refused	0	1	1	0	2

Extractive industries	FY 2021-22 Q2	FY 2021-22 Q3	FY 2021-22 Q4	FY 2022-23 Q1	Total
Notifications Received	5	6	7	4	22
Notifications Acknowledged	4	3	2	3	12
Notifications Refused	0	2	2	1	5

Administrative updates by notification



**Result:**

In Q1, four extractive industries submissions were reviewed, of which three administrative changes were acknowledged.

One did not meet the criteria or provide the necessary information for an administrative update.

**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>

## KPI 2: Ensuring Compliance – Compliance Activities Undertaken

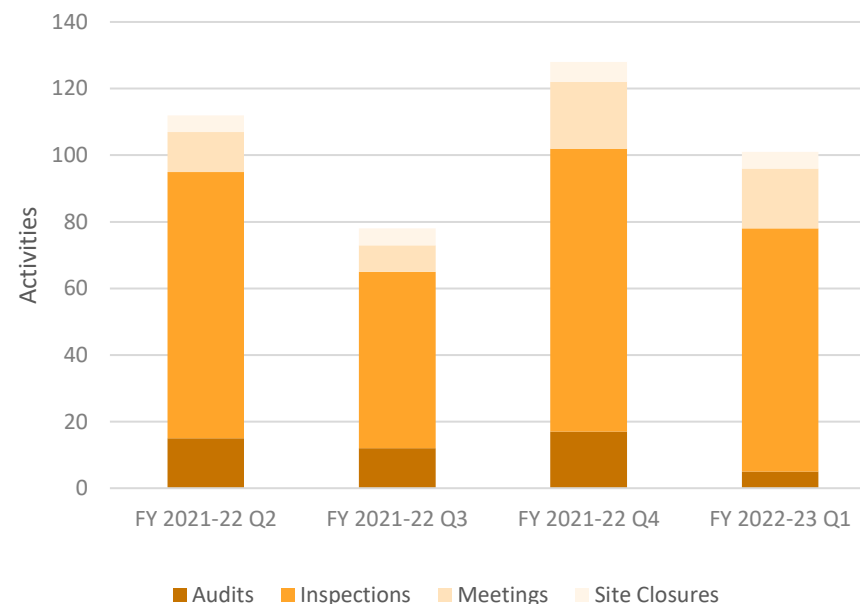
### Compliance activities

Licence Types	Activity	July	Aug	Sep	Total
Extractive industries	Inspection	14	19	11	44
	Audit	2	1	1	4
	Meeting	4	3	4	11
	Site Closure	2	0	1	3
	<b>Extractives Total</b>	<b>22</b>	<b>23</b>	<b>17</b>	<b>62</b>
Mining	Inspection	6	8	14	28
	Audit	0	0	1	1
	Meeting	1	5	1	7
	Site Closure	0	0	2	2
	<b>Mining Total</b>	<b>7</b>	<b>13</b>	<b>18</b>	<b>35</b>
Petroleum	Inspection	0	1	0	1
	<b>Petroleum Total</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Total</b>		<b>29</b>	<b>37</b>	<b>35</b>	<b>101</b>

#### Result:

In Q1, Earth Resources Regulation conducted 101 proactive compliance activities involving 85 authority holders. The numbers are lower than previous due to a restructure of this area and delays in recruitment in a highly competitive market.

### 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.

## KPI 2: Ensuring Compliance – Compliance Audits

### Compliance audits

Type of Audit	FY 2021-22 Q2	FY 2021-22 Q3	FY 2021-22 Q4	FY 2022-23 Q1	Total	% Total
Progressive Rehabilitation	7	4	7	2	20	41%
Plan and Conditions	2	3	4	1	10	20%
Water Management	1	0	0	0	1	2%
Dust	0	0	1	0	1	2%
Noise	0	1	0	0	1	2%
Geo-technical	0	2	0	0	2	4%
Fire and Emergency	2	1	0	0	3	6%
Boundaries and Extraction Limits	0	1	3	0	4	8%
Site Security and Buffer Zones	0	0	0	1	1	2%
Impacts of Blasting	2	0	0	0	2	4%
Exploration Drilling	0	0	0	0	0	0%
Imported Materials	0	0	0	0	0	0%
Plan and Conditions (High-Risk)	1	1	0	0	2	4%
Pest, Plant and Animal	0	0	1	0	1	2%
TSF Management	0	0	1	1	2	2%
<b>Total</b>	<b>15</b>	<b>13</b>	<b>17</b>	<b>5</b>	<b>50</b>	<b>100%</b>

#### Explanation for the result:

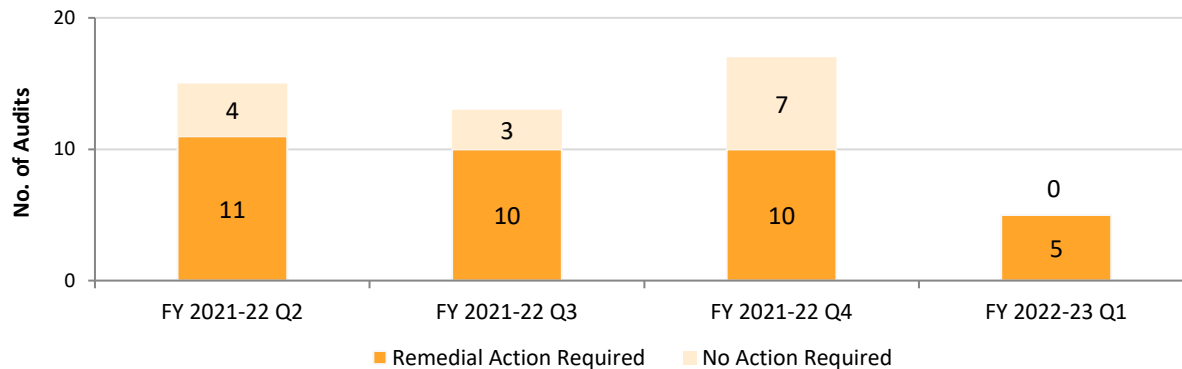
There were 5 audits conducted in Q1. Audit numbers this quarter were lower than usual due to a restructure of this area and delays in recruitment in a highly competitive market. Numbers are expected to increase as vacancies are filled.

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. All 5 audits completed during the quarter require 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.

## KPI 2: Ensuring Compliance – Enforcement Actions

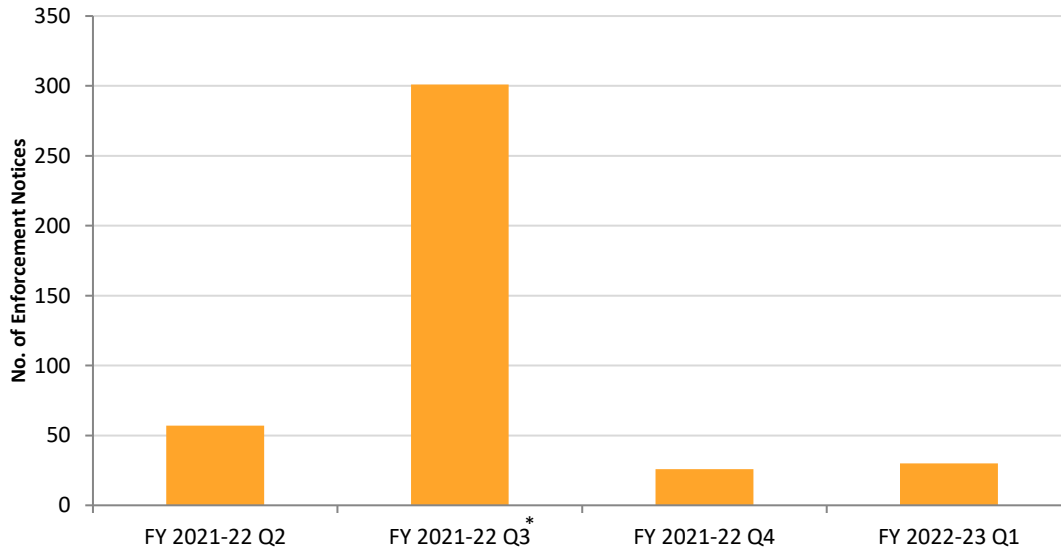
### Enforcement notices issued in the quarter

Sector	Enforcement Action Type	Enforcement Code	No. of Notices
Extractives	s110 Notice	Authorised Activity Compliance	1
Extractives	s110 Notice	Dust Emissions	1
Extractives	s110 Notice	Waste and Redundant Plan	1
Extractives	s110 Notice	Rehabilitation of Site	1
Extractives	s110 Notice	Other	2
Extractives	s110 Notice (Stop Work)	Work Without Licence or Consents	2
Mining	s110 Notice	Tailings and Slime Management	3
Mining	s110 Notice	Other	1
Mining	s110 Notice	Slope Stability	1
<b>Total</b>			<b>13</b>

### Other Enforcement Actions

Activities	Issued in the quarter
Written Instruction	16
Direction	1
<b>Total</b>	<b>17</b>

### Enforcement Actions Taken



\* Including 213 Infringement notices issued for non-compliance with annual reporting requirements

### Enforcement actions summary:

In Q1, there were 30 enforcement actions issued, of which 13 were related to s110 notices and 17 were from written instructions and direction.

## KPI 3: Reportable Incidents

### Reportable incidents in the quarter (reportable under legislation)

Sector	Classification	Incident Type	Enforcement Code	Incident Responded To	Incident Status	Incident Count
Mining Licence	Minor	Public Safety	Fire Precautions & Risk Control	Yes	Resolved	10
Mining Licence	Minor	Infrastructure	Slope Stability	Yes	Resolved	1
Mining Licence	Minor	Infrastructure	Fire Precautions & Risk Control	Yes	Resolved	1
Mining Licence	Minor	Environmental	Environmental Incident Notification	Yes	Resolved	1
Mining Licence	Minor	Legislation Breach	Drilling Waste Management	Yes	Resolved	1
Work Authority	Major	Infrastructure	Slope Stability	Yes	Open	1
Work Authority	Minor	Environmental	Explosives Air & Ground Vibration	Yes	Open	1
Work Authority	Minor	Environmental	Environmental Incident Notification	Yes	Open	1
Work Authority	Minor	Legislation Breach	Slope Stability	Yes	Open	1
<b>Total</b>						<b>18</b>

### Non-reportable incidents in the quarter

Sector	Classification	Incident Type	Enforcement Code	Incident Responded To	Incident Status	Incident Count
Mining Licence	Minor	Legislation Breach	Working Hours	No	Resolved	1
Mining Licence	Minor	Legislation Breach	Drainage, Erosion & Discharge	No	New	1
<b>Total</b>						<b>2</b>

#### Result:

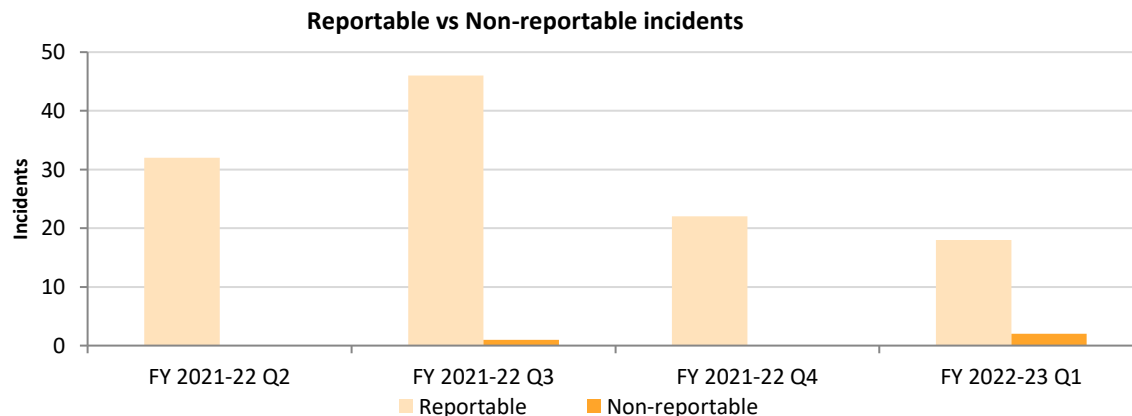
There were 18 reportable incidents in Q1 with a majority of these relating to small coal smoulders, slope stability and water discharge. 18 reportable incidents were responded to and four are still under investigation.

There were two non-reportable incidents.

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.



## Environmental review committee attendance

	2021-22 Q2	2021-22 Q3	2021-22 Q4	2022-22 Q1
Meetings Planned	20	23	11	13
Meetings Attended	20	23	11	13
<b>Attendance (%)</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Target	100%	100%	100%	100%

### Result:

Earth Resources Regulation attended 100% of the scheduled Environmental Review Committee (ERC) meetings in Q1. 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

2022-23 Q1	2022-23 Q2	2022-22 Q3	2022-23 Q4	Annual Total	FY Target
0				0	4

### Result:

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

There was no IRG meeting conducted in Q1 due to multiple leadership changes within ERR at that time. ERR will prioritise meeting with the IRG through 2023.

### 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

2022-23 Q1	2022-23 Q2	2022-23 Q3	2022-23 Q4	Annual Total	FY Target
1				1	3

### Result:

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

There was one meeting held in Q1.

### Why are these measures important?

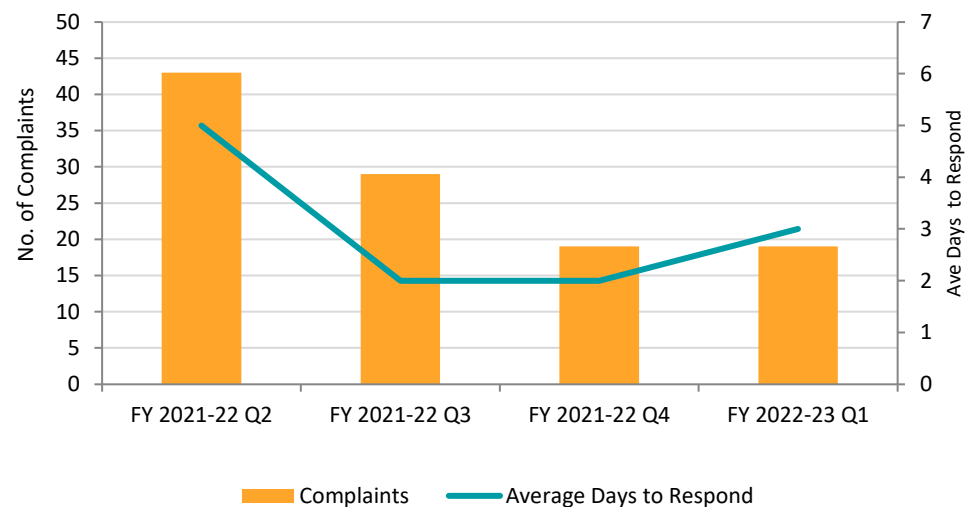
The Earth Resources Regulators Forum drives a coordinated, strategic approach to regulation in the earth resources sector. Through the forum and its independent chair, Earth Resources Regulation coordinates its activities with other regulators to improve timeliness, reduce compliance and administrative 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	Average Days to Respond	*Median Days to Respond
Extractives	Work without Licence or Consents	4	6	6
Extractives	Explosives Air and Ground Vibration	3	2	2
Extractives	Others	2	3	3
Extractives	Dust Emissions	2	3	3
Extractives	Rehabilitation of Site	1	3	3
Extractives	Working Hours	1	1	1
Extractives	Drainage, Erosion and Discharge	1	2	2
Extractives	Native Vegetation and Fauna	1	1	1
Mining	Work without Licence or Consents	2	1	1
Mining	Authorised Activity Compliance	1	1	1
Mining	Noise Emissions	1	1	1
		<b>19</b>	<b>3</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



### Result:

There were 19 complaints in Q1. Six complaints were resolved and 13 are under investigation. The average number of days to respond to a complaint was three days and the median to respond was two days.

### 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 Energy, Environment and Climate Action

Earth Resources Regulation

1 Spring Street  
Melbourne VIC 3000  
Telephone: 1300 366 356

© Copyright State of Victoria, Department of Energy, Environment and Climate Action 2023

Except for any logos, emblems, trademarks, artwork and photography, this document is made available under the terms of the Creative Commons Attribution 3.0 Australia licence.

This document is also available online at:

<https://earthresources.vic.gov.au/legislation-and-regulations/regulator-performance-reporting/quarterly-performance-reports>

Earth Resources Regulation performance reporting site:

<https://earthresources.vic.gov.au/legislation-and-regulations/regulator-performance-reporting>

