

Earth Resources Regulation

Quarterly Performance Report

2020-21 Quarter 3

1 January to 31 March 2021



Summary

This report provides a summary of Earth Resources Regulation's operating performance for quarter three of financial year 2020-21 (1 January to 31 March 2021).

Performance Highlights

KPI 1# - 95% of the extractive work plan stages were assessed within the statutory time frames.

- 100% of mineral work plan stages were assessed within the statutory time frames.

KPI 2# - 162 operational compliance activities were undertaken.

KPI 3# - 100% of reportable incidents were responded to during this quarter.

KPI 5# - The time to respond to complaints took on average four business days, including responding to 34 complaints about explosives and ground vibration for extractives sites.

- Explained in the next slide

Administrative updates by notification

- Three (3) extractive industry administrative changes (notifications) were acknowledged.
- Two (2) mining industry administrative changes (notifications) were acknowledged.

Petroleum operation plans

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

- One (1) petroleum operation plan stage was assessed.

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, Precinct 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	95%	97%	Outputs/activities
	Percentage of mineral licence applications and mineral work plan stages assessed within statutory time frames.	%	95	Quarterly	57%	78%	Outputs/activities
	Percentage of tenement variations assessed within Client Service Standard time frames where a statutory time frame does not exist.	%	95	Quarterly	79%	84%	Outputs/activities
KPI 2: Ensuring Compliance	Number of operational compliance activities undertaken per quarter.	Number of activities	75	Quarterly	162	122	Inputs
KPI 3: Effective Incident Management	Percentage of reportable events that are responded to per quarter.	%	100	Quarterly	100%	93%	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 Earth Resources Regulation Stakeholder 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	4	16	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 Q3	Work Plan (WA)	12	28	1	17	18	95%
FY 2020-21 Q2	Work Plan (WA)	20	28	1	28	29	97%

* 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 Q3	Work Plan (WA)	2	2
FY 2020-21 Q2	Work Plan (WA)	5	9

Work authority granted in the quarter

Quarter	Licence Type	Granted
FY 2020-21 Q3	Work Authority	0
FY 2020-21 Q2	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 Q3, 18 extractive work plan stages were assessed from 12 unique work plans, of which 95% were assessed within the statutory time frame.

Two work plans were approved in the quarter. Two work plans were statutorily endorsed and returned to the client(s) to proceed with planning approval.

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 Q3	Mineral Licence Applications – (A)	12	11	23	48%
	Mineral Work Plan Stages – (B)	0	5	5	100%
	Total	12	16	28	57%
FY 2020-21 Q2	Mineral Licence Applications – (A)	8	18	26	69%
	Mineral Work Plan Stages – (B)	0	11	11	100%
	Total	8	29	37	78%

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 Q3, there were 28 (5 mineral work plan stages assessed and 23 mineral licence applications granted) of which 57% were assessed within the statutory time frames.

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, 48% (11 out of 23) applications were granted within the statutory time frames. Longer assessment was required for several applications due to complexities.

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, six exploration and mining work plan stages were assessed from four unique work plans, of which 100% were assessed within the statutory time frames. One work plan was approved in the quarter.

(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 Q3	Exploration Licence	90	12	10	22	45%
	Prospecting Licence	90	0	1	1	100%
	Retention Licence	120	0	0	0	-
	Total		12	11	23	48%
FY 2020-21 Q2	Exploration Licence	90	6	16	22	73%
	Prospecting Licence	90	0	2	2	100%
	Retention Licence	120	2	0	2	0%
	Total		8	18	26	69%

(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 Q3	Work Plan (Exploration)	1	3	28	0	4	4	100%
	Work Plan (Minerals)	0	1	28	0	1	1	100%
	Total	1	4		0	5	5	100%
FY 2020-21 Q2	Work Plan (Exploration)	1	4	28	0	4	4	100%
	Work Plan (Minerals)	2	6	28	0	7	7	100%
	Total	3	10		0	11	11	100%

* 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 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%
	Total			6	23	29
FY 2020-21 Q2	Exploration Licence	90	3	20	23	87%
	Mining Licence	120	1	2	3	67%
	Prospecting Licence	90	0	0	0	-
	Retention Licence	120	0	0	0	-
	Work Authority	30	1	4	5	80%
	Total			5	26	31

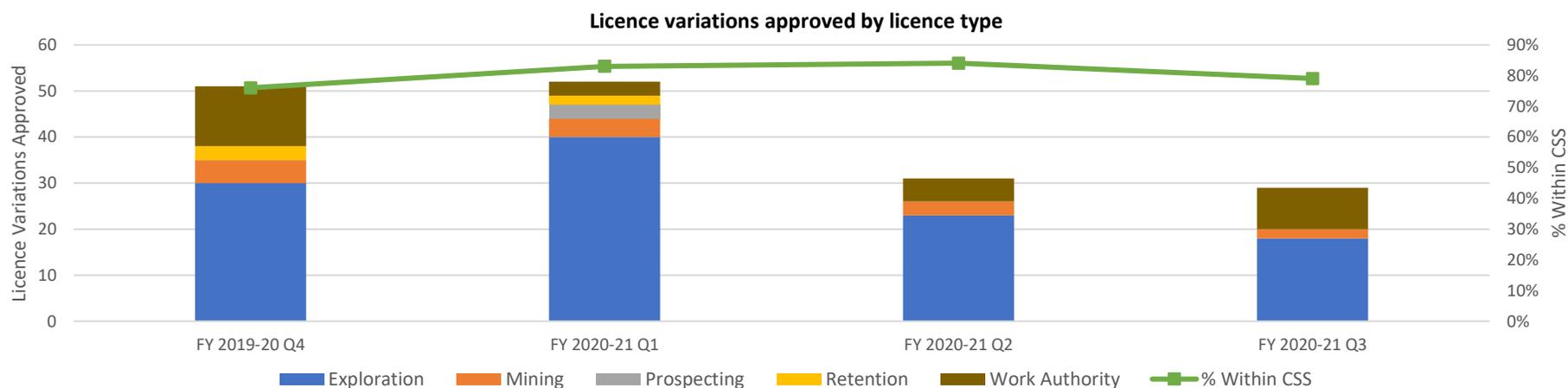
Explanation for the result:

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

In Q3, 79% (23 out of 29) 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 its client service standard when processing licence variation approvals.



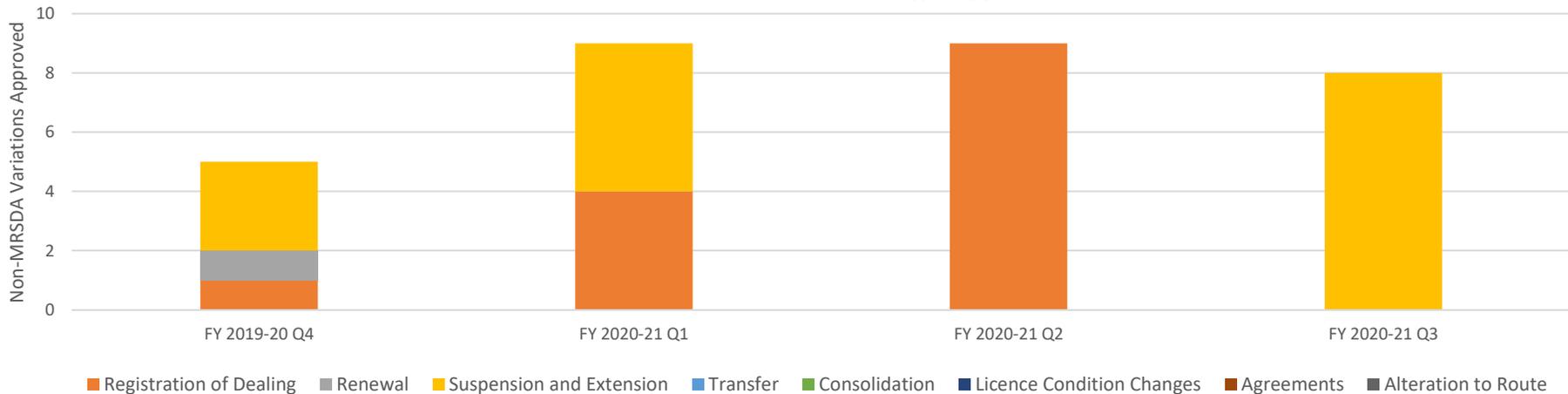
Non-MRSDA licence variations approved

Quarter	Licence Type	Registration of Dealing	Suspension and Extension	Total
FY 2020-21 Q3	Offshore Petroleum Exploration Permit	0	8	8
		0	8	8
FY 2020-21 Q2	Onshore Petroleum Production Licence	7	0	7
	Onshore Petroleum Special Drilling Authorisation	2	0	2
		9	0	9

Explanation for the result:

In Q3, there were eight petroleum licence variations approved.

Non-MRSDA licence variations types approved



Non-MRSDA – Operation plans

Quarter	Licence Type	Plans Accepted	Unique Plans Under Assessment	Environment Plan Stages	Operation Plan Stages	Total Stage Assessed
FY 2020-21 Q3	Onshore Petroleum Special Drilling Authorisation	0	1	0	1	1
	Total	0	1	0	1	1
FY 2020-21 Q2	Onshore Petroleum Production Licence	2	2	0	2	2
	Offshore Pipeline Licence	0	1	2	0	2
	Total	2	3	2	2	4

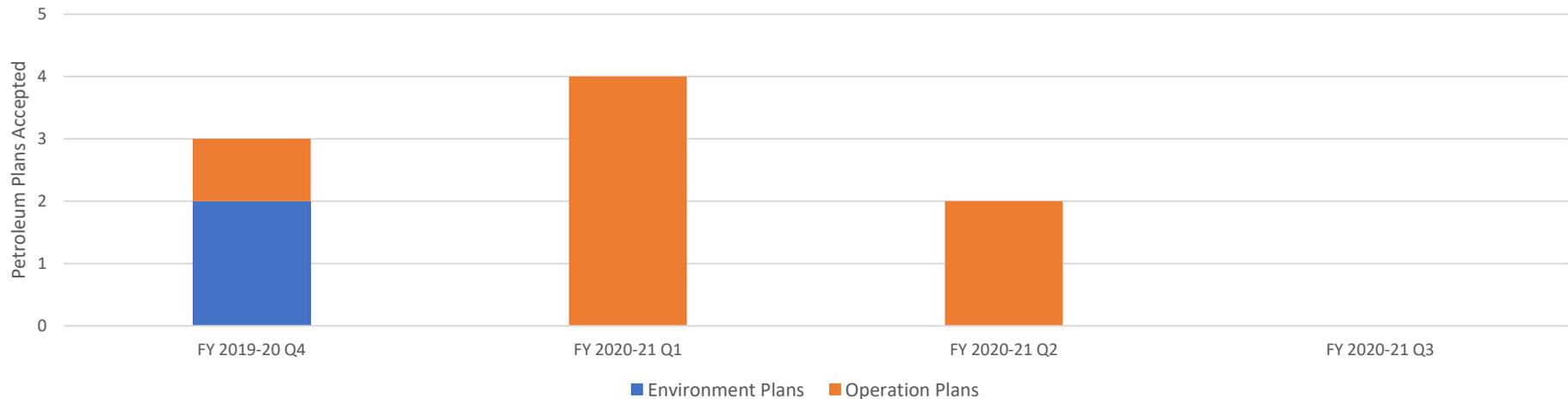
Explanation for the result:

In Q3, one operation plan stage was assessed.

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.

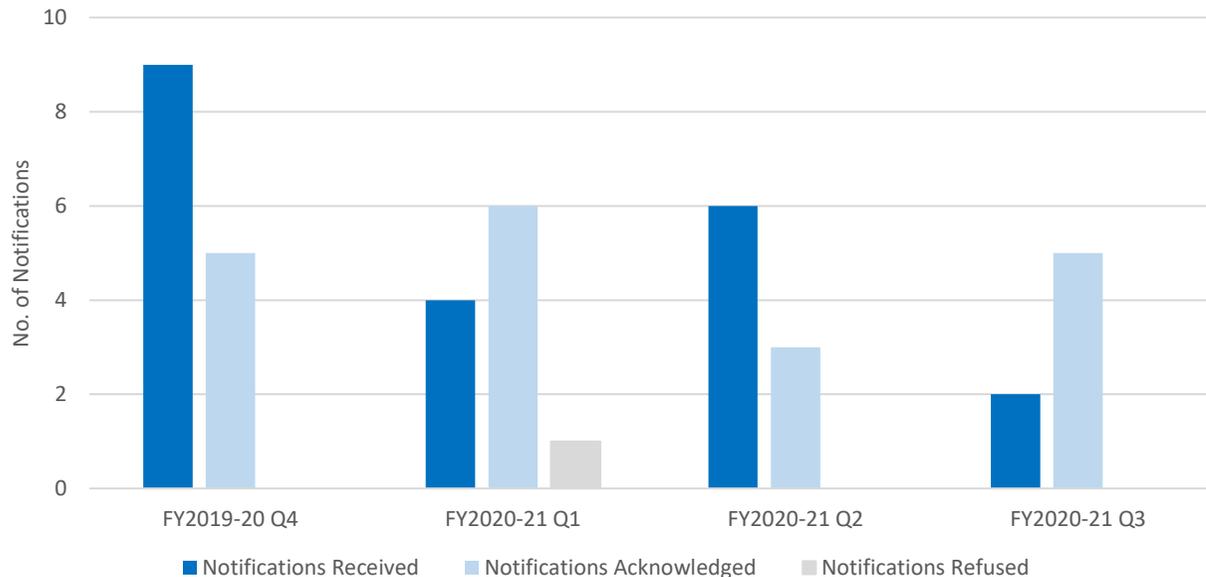
Non-MRSDA plans accepted



Mining	FY 2019-20 Q4	FY 2020-21 Q1	FY 2020-21 Q2	FY 2020-21 Q3	Total
Notifications Received	2	2	2	2	8
Notifications Acknowledged	1	2	1	2	6
Notifications Refused	0	0	0	0	0

Extractives	FY 2019-20 Q4	FY 2020-21 Q1	FY 2020-21 Q2	FY 2020-21 Q3	Total
Notifications Received	7	2	4	0	13
Notifications Acknowledged	4	4	2	3	13
Notifications Refused	0	1	0	0	1

Administrative updates by notification



Explanation for the result:

In Q3, there were two mining and three 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>

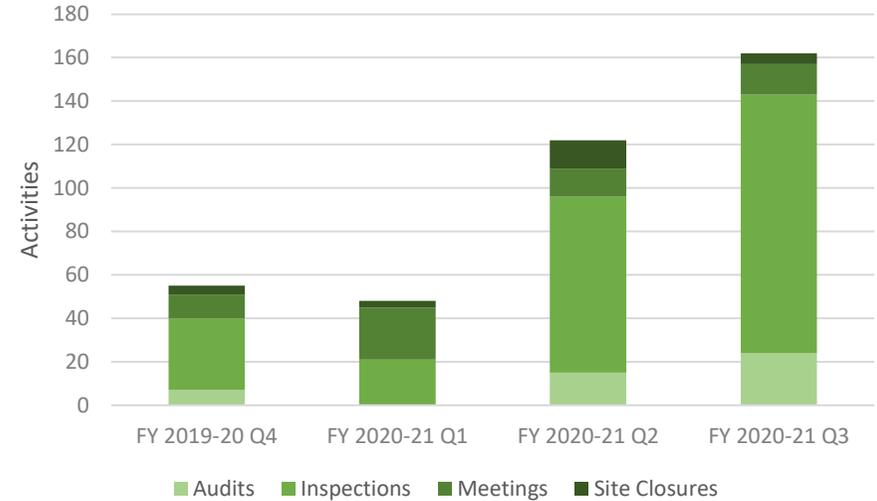
Compliance activities

Licence Types	Activity	Jan	Feb	Mar	Total
Extractives	Inspection	12	23	41	76
	Audit	2	3	7	12
	Site Closure	2	0	1	3
	Meeting	0	2	0	2
	Extractives Total	16	28	49	93
Mining	Inspection	12	9	16	37
	Meeting	1	7	4	12
	Audit	1	4	7	12
	Site Closure	0	2	0	2
	Mining Total	14	22	27	63
Petroleum	Inspection	0	6	0	6
	Petroleum Total	0	6	0	6
Total		30	56	76	162

Explanation for the results:

In Q3, Earth Resources Regulation conducted 162 proactive compliance activities involving 130 duty holders. Field activities have returned following an easing of COVID-19 restrictions. Reduced resourcing over January and February (due to leave) impacted the number of field activities in the first part of the quarter.

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 2019-20 Q4	FY 2020-21 Q1	FY 2020-21 Q2	FY 2020-21 Q3	Total	% Total
Progressive Rehabilitation	4	0	1	10	15	33%
Plan and Conditions	1	0	9	3	13	28%
Water Management	0	0	1	4	5	11%
Fire and Emergency	0	0	0	3	3	7%
Dust	1	0	1	0	2	4%
Noise	0	0	2	0	2	4%
GeoTechnical	1	0	0	0	1	2%
Boundaries and Extraction Limits	0	0	1	0	1	2%
Site Security and Buffer Zones	0	0	0	1	1	2%
Impacts of Blasting	0	0	0	1	1	2%
Exploration Drilling	0	0	0	1	1	2%
Imported Materials	0	0	0	1	1	2%
Total	7	0	15	24	46	100%

Explanation for the results:

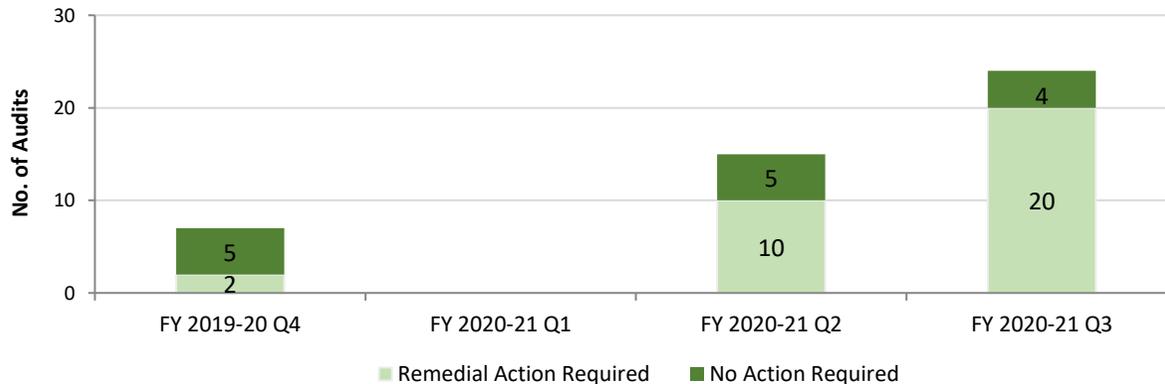
There were 24 audits conducted in Q3 with 10 focused on progressive rehabilitation.

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, 20 out of 24 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.

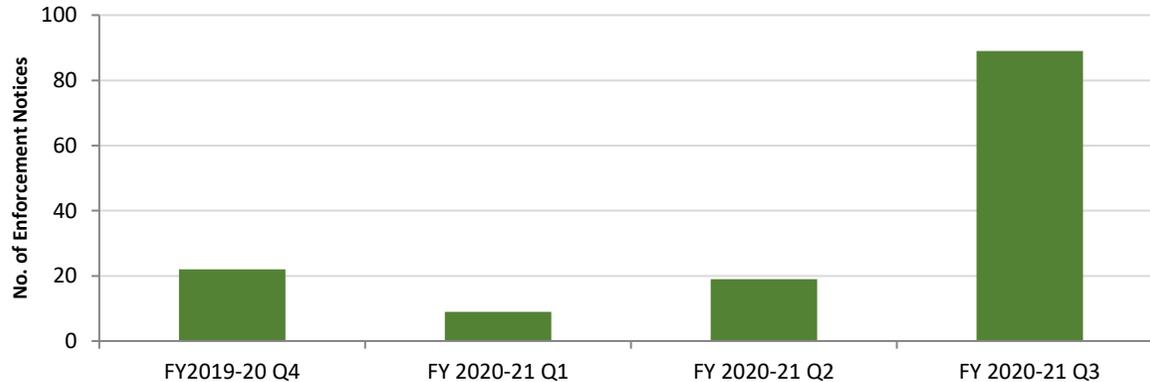
General enforcement notices issued in the quarter

Sector	Enforcement Code	Enforcement Action Type	No. of Notices
Extractives	s110 Notice	Buffer Zones	1
Mining	s110 Notice	Noxious Weeds, Plants and Pests	1
Total			2

Infringements and official warnings issued

Actions	Issued in the quarter
Infringement Notice	65
Written Instructions	21
Education	1
Total	87

Enforcement notices issued



Enforcement actions summary:

In Q3, there were 89 enforcement actions issued of which 65 were infringement notices relating to the failure to lodge required annual returns.

Further details on enforcement actions can be found in the following media releases:

<https://earthresources.vic.gov.au/about-us/news>

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	36
Mining Licence	Minor	Environmental	Environmental Incident Notification	Yes	Resolved	1
Mining Licence	Minor	Public Safety	Reporting, Monitoring and Auditing	Yes	Resolved	1
Work Authority	Minor	Environmental	Drainage, Erosion and Discharge	Yes	Resolved	1
Total						39

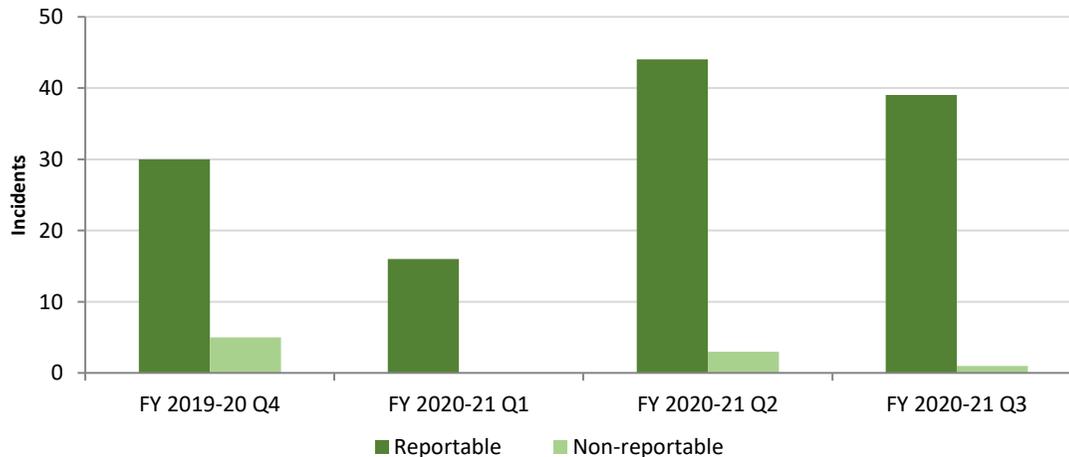
Non-reportable incidents in the quarter

Sector	Classification	Incident Type	Enforcement Code	Count
Mining Licence	Minor	Public Safety	Fire Precautions and Risk Control	1
Total				1

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 39 reportable incidents in Q3 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 resolved.

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

Environmental review committee attendance

	2019-20 Q4	2020-21 Q1	2020-21 Q2	2020-21 Q3
Meetings Planned	9	11	20	14
Meetings Attended	9	11	20	14
% 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. 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	-	3	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 Q3. On target to achieve the annual total of four.

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.

There was one ERR forum meeting held by Earth Resources Regulation in Q3. 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?

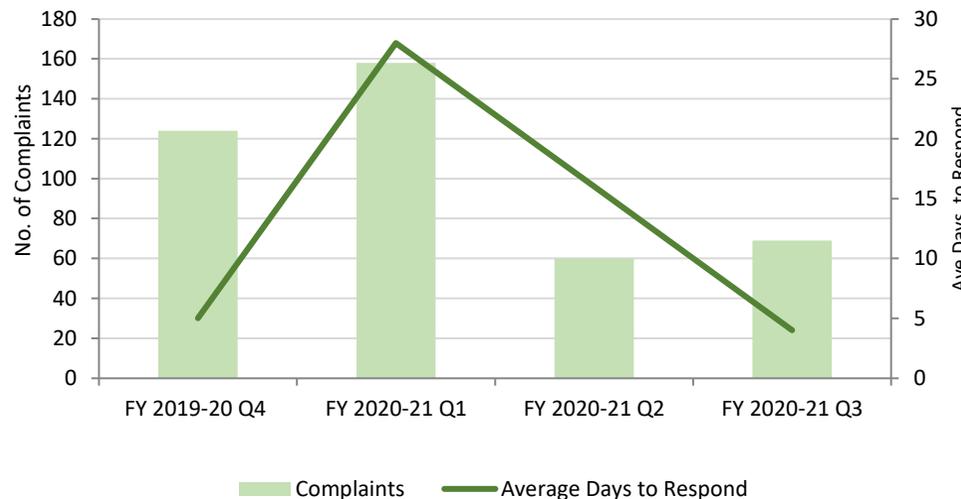
The Earth Resources Regulators' Forum drives a coordinated, strategic approach to regulation in the earth resources sector. Through the forum and its independent chair, Earth Resources Regulation coordinates its activities with other regulators to improve timeliness, reduce compliance and administrative 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 time 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	34	4	4
Extractives	Dust Emissions	5	3	2
Extractives	Noise Emissions	3	2	2
Extractives	Work without License or Consents	3	3	2
Extractives	Other (Not Specified Above)	2	2	2
Extractives	Working Hours	2	2	2
Extractives	Complaints Management	1	3	3
Extractives	Visual Amenity	1	2	2
Extractives	Community Engagement	1	1	1
Extractives	Buffer Zones	1	1	1
Extractives	Impacts Outside Tenement Site	1	1	1
Mining	Drainage, Erosion and Discharge	3	1	1
Mining	Public Safety and Site Security	1	4	4
Mining	Community Engagement	1	1	1
Mining	Authorized Activity Compliance	1	1	1
Mining	Hazardous Materials Management	1	4	4
Mining	Noise Emissions	1	1	1
Mining	Noxious Weeds, Plants and Pests	1	23	23
Mining	Environmental Incident Notification	1	1	1
Mining	Work without License or Consents	1	1	1
Mining	Explosives Air and Ground Vibration	1	1	1
Mining	Fire Precautions and Risk Control	1	4	4
Total		67	4	2

* 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 67 complaints in Q3. Of these, 45% related to a single quarry in the Melbourne Metropolitan area and concerned blast vibrations. A co-regulator community information session about this site was held in March 2021 and was well attended.

Of the total complaints received, 30 were resolved and 37 are under investigation. The average number of days to respond to a complaint was four 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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