

Earth Resources Regulation

Quarterly Performance Report

2021-22 Quarter 4

1 April to 30 June 2022



Summary

This report provides a summary of Earth Resources Regulation's operating performance for quarter four of financial year 2021-22 (1 April to 30 June 2022).

In May, the department received 56 mineral licence applications of which 42 were from the Stavely Section 7 release. This represented a record high in monthly application numbers.

One offshore petroleum production licence was granted in the quarter.

Performance highlights

KPI 1# - One additional work authority was granted for a new quarry, bringing the total to 15 for this financial year (as at 30 June 2022), up from three for the previous financial year.

- 89% of extractive work plan stages were assessed within the statutory time frames (p. 4).

- 92% of mineral work plan stages were assessed within the statutory time frames (p. 5).

KPI 2# - 128 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

- Two extractive industries administrative changes (notifications) were acknowledged (p. 9).
- Three 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	89%	82%	Outputs/activities
	Percentage of mineral licence applications and mineral work plan stages assessed within statutory time frames.	%	95	Quarterly	86%	57%	Outputs/activities
	Percentage of tenement variations assessed within Client Service Standard time frames where a statutory time frame does not exist.	%	95	Quarterly	57%	77%	Outputs/activities
KPI 2: Ensuring Compliance	Number of operational compliance activities undertaken per quarter.	Number of activities	75	Quarterly	128	78	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	4		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	2	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 Q4	Work Plan (WA)	18	28	3	24	27	89%
FY 2021-22 Q3	Work Plan (WA)	11	28	3	14	17	82%

* 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 Q4	Work Plan (WA)	2	1
FY 2021-22 Q3	Work Plan (WA)	1	2

Work authorities granted in the quarter

Quarter	Licence Type	Granted
FY 2021-22 Q4	Work Authority	1
FY 2021-22 Q3	Work Authority	5

Explanation for the result:

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

In Q4, 27 extractive work plan stages were assessed from 18 unique work plans of which 89% were within the statutory time frame.

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

One work authority for a new quarry was granted 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 Q4	Mineral Licence Applications – (A)	3	13	16	81%
	Mineral Work Plan Stages – (B)	1	11	12	92%
	Total	4	24	28	86%
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%

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 Q4, there were 28 (12 mineral work plan stages assessed and 16 mineral licence applications granted) of which 86% 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 Q4	Exploration Licence	90	3	13	16	81%
	Prospecting Licence	90	0	0	0	-
	Retention Licence	120	0	0	0	-
	Total		3	13	16	81%
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%

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, 81% (13 out of 16) 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 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%
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%

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, 12 exploration and mining work plan stages were assessed from nine unique work plans, of which 92% 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 Q4	Exploration Licence	90	2	4	6	67%
	Mining Licence	120	0	0	0	0%
	Prospecting Licence	90	0	3	3	100%
	Retention Licence	120	0	0	0	0%
	Work Authority	30	8	6	14	43%
	Total			10	13	23
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

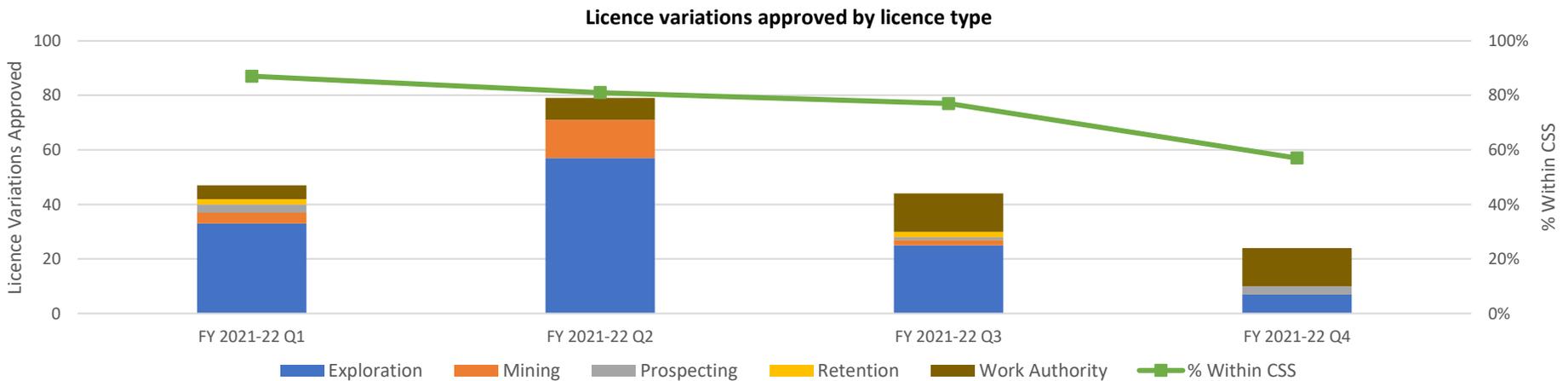
Explanation for the result:

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 Q4, 57% (13 out of 23) 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 granted

Quarter	Licence	Granted
FY 2021-22 Q4	Offshore Petroleum Production Licence	1

Explanation for the result:

In Q4, one offshore petroleum production licence was granted.

Petroleum licence variations approved

Quarter	Licence Type	Consolidation	Licence Conditions Change	Registration of Dealing	Suspension and Extension	Transfer	Total
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
FY 2021-22 Q3	Onshore Petroleum Production Licence	1	0	0	0	0	1
	Total	1	0	0	0	0	1

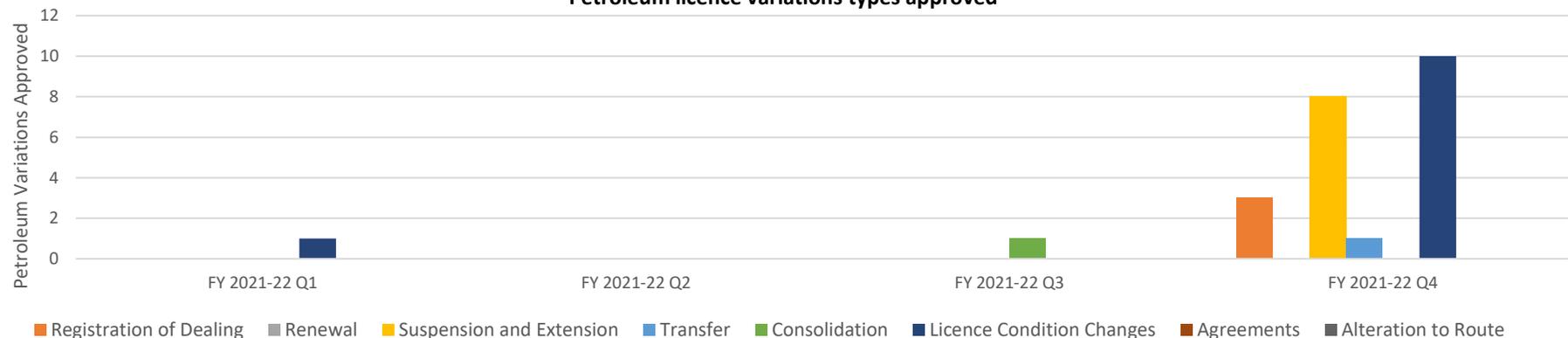
Explanation for the result:

In Q4, there were 20 onshore petroleum licence variations approved, in line with the requirements for the re-start of the onshore conventional gas sector.

The variations embedded the new work programs into the licence conditions for exploration permits and a retention lease.

The variations covered the suspension and extension of onshore authorities following the onshore petroleum restart.

Petroleum licence variations types approved



Petroleum – Operational Plans

Quarter	Licence Type	Plans Accepted	Unique Plans Under Assessment	Environment Plan Stage	Field Development Plan Stage	Operation Plan Stage	Storage Management Plan Stage	Total Stages Assessed
FY 2021-22 Q4	Offshore Petroleum Production Licence	1	1	0	1	0	0	1
	Offshore Petroleum Retention Lease	0	1	1	0	0	0	1
	Offshore Pipeline Licence	0	1	1	0	0	0	1
	Onshore Petroleum Production Licence	0	1	0	0	0	2	2
	Total	1	4	2	1	0	2	5
FY 2021-22 Q3	Offshore Petroleum Production Licence	0	1	0	1	0	0	1
	Onshore Petroleum Production Licence	2	2	0	0	2	0	2
	Total	2	3	0	1	2	0	3

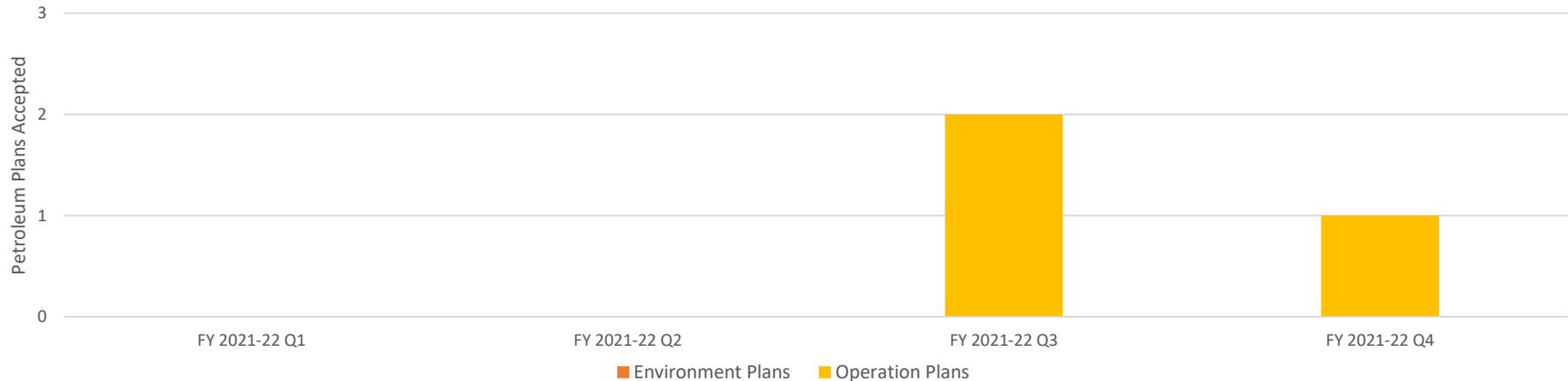
Explanation for the result:

In Q4, four petroleum plans stages and one offshore pipeline plans stage were assessed.

One onshore petroleum production licence plan was accepted.

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

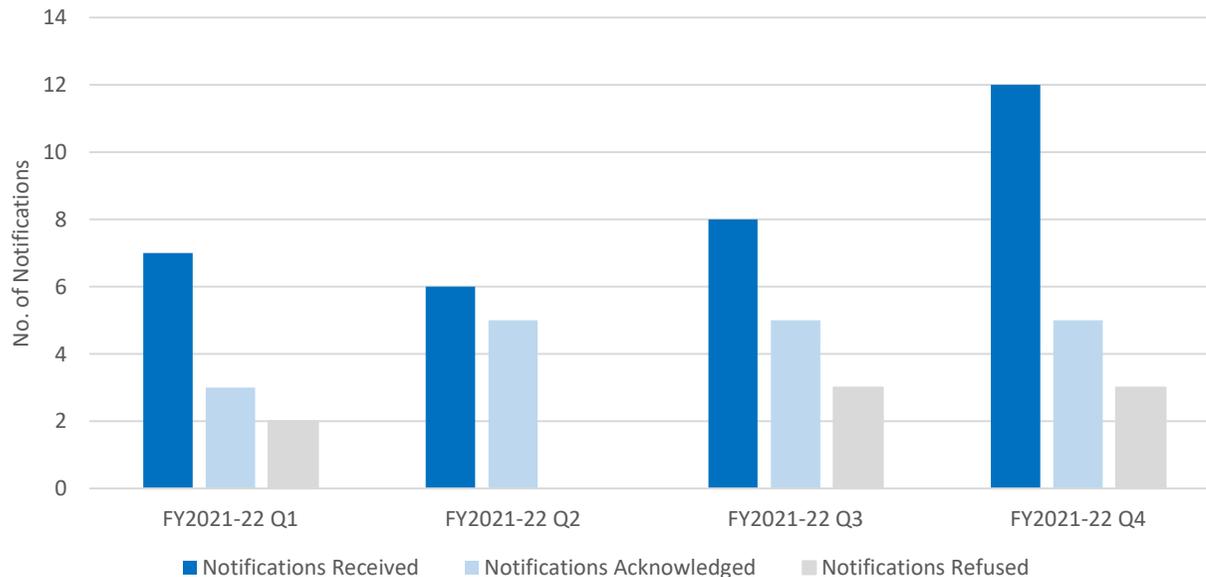
Petroleum plans accepted



Mining	FY 2021-22 Q1	FY 2021-22 Q2	FY 2021-22 Q3	FY 2021-22 Q4	Total
Notifications Received	2	1	2	5	10
Notifications Acknowledged	1	1	2	3	7
Notifications Refused	0	0	1	1	2

Extractives	FY 2021-22 Q1	FY 2021-22 Q2	FY 2021-22 Q3	FY 2021-22 Q4	Total
Notifications Received	5	5	6	7	23
Notifications Acknowledged	2	4	3	2	11
Notifications Refused	2	0	2	2	6

Administrative updates by notification



Explanation for the result:

In Q4, eight submissions were reviewed, of which three mining and two extractive industries administrative changes were acknowledged.

Three others either did not meet the criteria or did not 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>

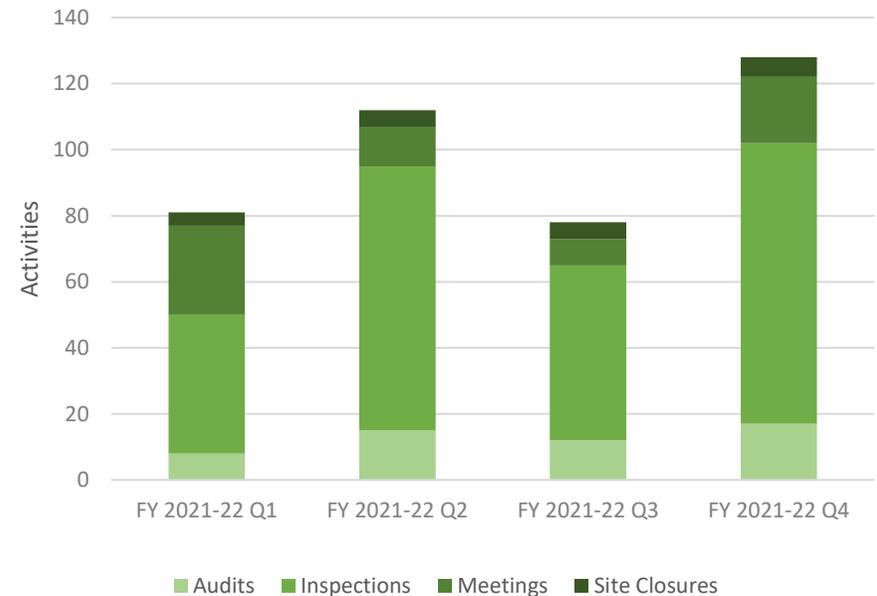
Compliance activities

Licence Types	Activity	Apr	May	June	Total
Extractives	Inspection	13	24	11	48
	Audit	3	3	6	12
	Meeting	0	1	1	2
	Site Closure	0	1	0	1
	Extractives Total	16	29	18	63
Mining	Inspection	4	18	12	34
	Audit	2	3	0	5
	Meeting	2	11	5	18
	Site Closure	2	1	2	5
	Mining Total	10	33	19	62
Petroleum	Inspection	0	2	1	3
	Petroleum Total	0	2	1	3
Total		26	64	38	128

Explanation for the result:

In Q4, Earth Resources Regulation conducted 128 proactive compliance activities involving 106 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 2021-22 Q1	FY 2021-22 Q2	FY 2021-22 Q3	FY 2021-22 Q4	Total	% Total
Progressive Rehabilitation	1	7	4	7	19	35%
Plan and Conditions	1	2	3	0	6	11%
Water Management	2	1	0	0	3	5%
Dust	0	0	0	1	1	2%
Noise	4	0	1	0	5	9%
Geo-technical	0	0	2	0	2	4%
Fire and Emergency	0	2	1	0	3	5%
Boundaries and Extraction Limits	1	0	1	3	5	9%
Site Security and Buffer Zones	0	0	0	0	0	0%
Impacts of Blasting	0	2	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)	0	1	1	4	6	11%
Pest, Plant and Animal	0	0	0	1	1	2%
TSF Management	1	0	0	1	2	4%
Total	10	15	13	17	55	100%

Explanation for the result:

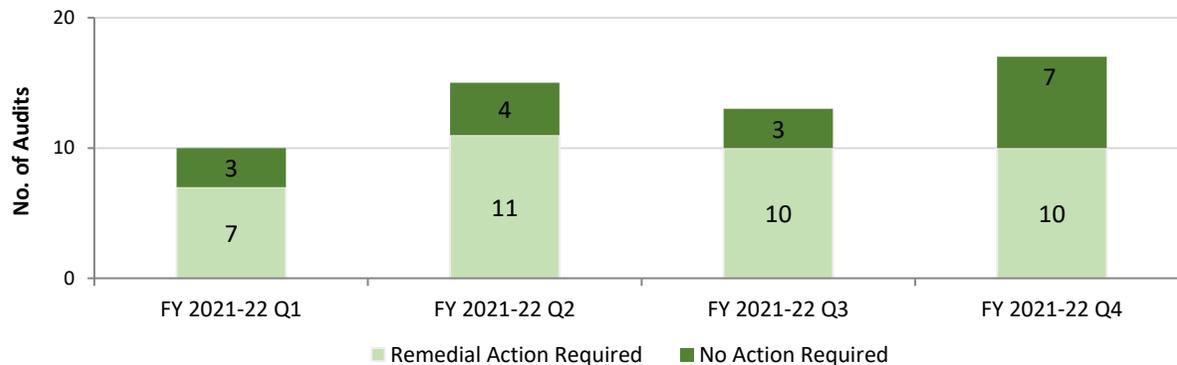
There were 17 audits conducted in Q4.

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 17 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.

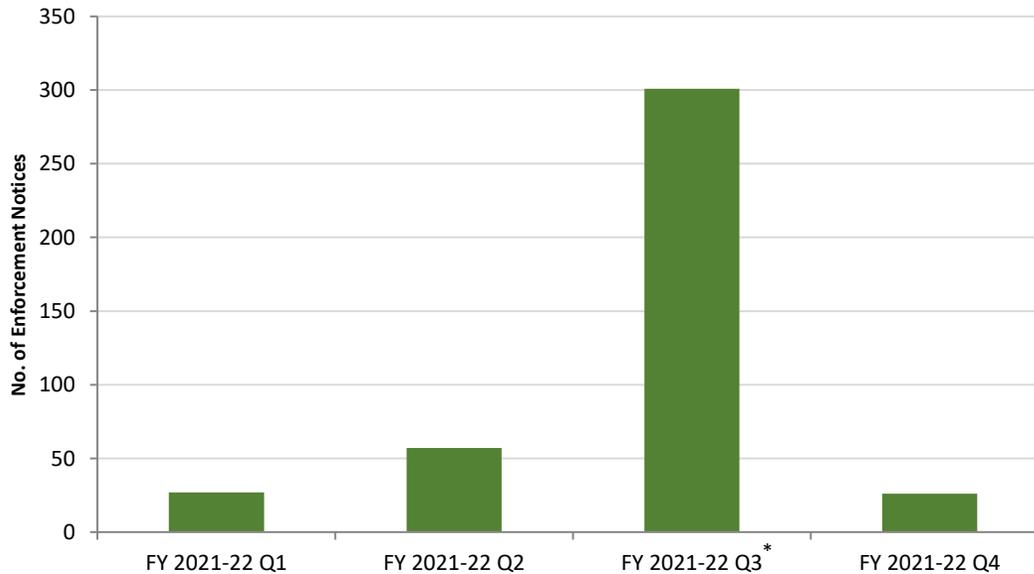
General enforcement notices issued in the quarter

Sector	Enforcement Action Type	Enforcement Code	No. of Notices
Extractives	s110 Notice	Ground Disturbance	4
Extractives	s110 Notice	Survey Required	2
Extractives	s110 Notice	Noise Emissions	2
Mining	s110 Notice	Work Without Licence or Consents	1
Total			9

Infringements and official warnings issued

Activities	Issued in the quarter
Written Instruction	9
Infringement Notice	6
Official Warning Letter	1
Education	1
Total	17

Enforcement notices issued



* Including 213 Infringement notices issued for annual returns

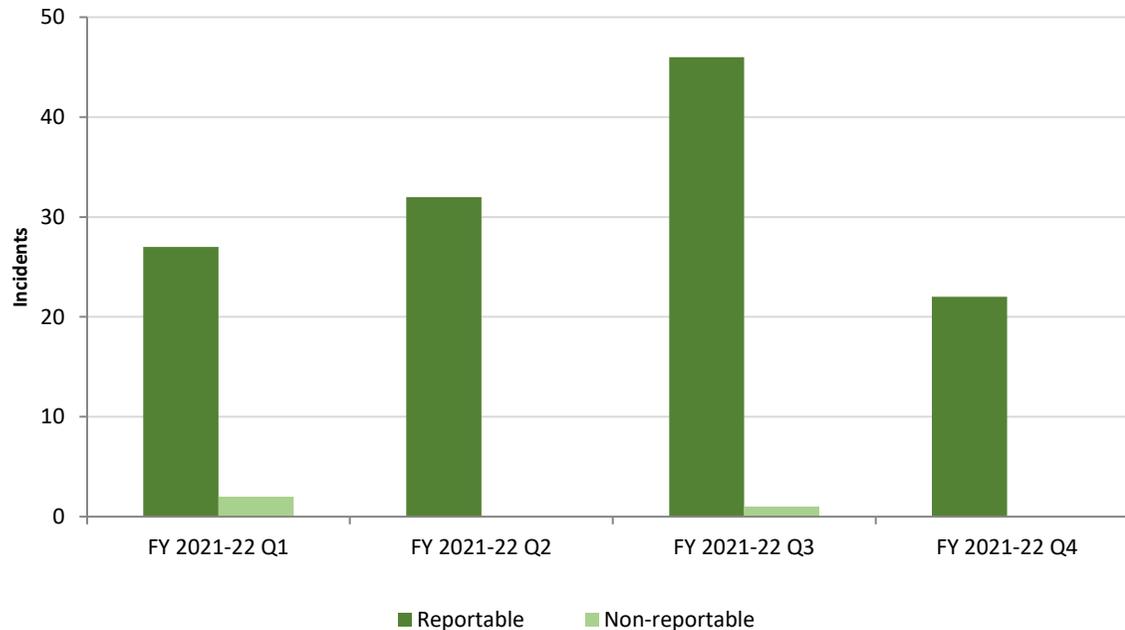
Enforcement actions summary:

In Q4, there were 26 enforcement actions issued, of which nine were related to s110 notices and 17 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	18
Mining Licence	Minor	Public Safety	Explosives Air and Ground Vibration	Yes	Resolved	1
Mining Licence	Minor	Environmental	Environmental Incident Notification	Yes	Resolved	1
Mining Licence	Minor	Infrastructure	Slope Stability	Yes	Resolved	1
Work Authority	Minor	Infrastructure	Slope Stability	Yes	Resolved	1
Total						22

Reportable vs Non-reportable incidents



Explanation for the result:

There were 22 reportable incidents in Q4 with a majority of these relating to small coal smoulders at coal mine operations.

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.

Environmental review committee attendance

	2021-22 Q1	2021-22 Q2	2021-22 Q3	2021-22 Q4
Meetings Planned	14	20	23	11
Meetings Attended	14	20	23	11
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. 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	1	4	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 Q4 and we met 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.

There was no meeting held in Q4. We have met the annual target.

Why are these measures important?

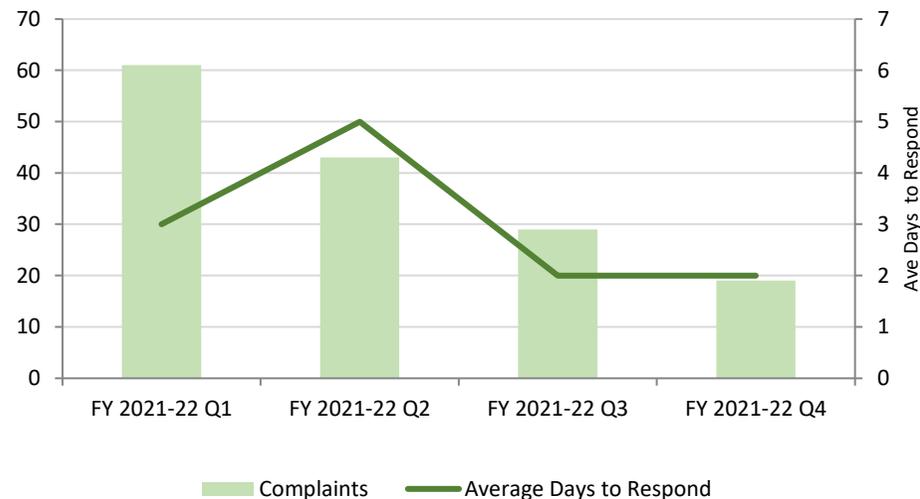
The Earth Resources Regulators Forum drives a coordinated, strategic approach to regulation in the earth resources sector. Through the forum and its independent chair, Earth Resources Regulation coordinates its activities with other regulators to improve timeliness, reduce compliance and administrative 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	Average Days to Respond	*Median Days to Respond
Extractives	Explosives Air and Ground Vibration	6	2	1
Extractives	Impacts Outside Tenement Site	2	2	2
Extractives	Noise Emissions	2	2	2
Extractives	Dust Emissions	1	0	0
Extractives	Work without Licence or Consents	1	1	1
Extractives	Waterway Quality and Aquatic Habitat	1	1	1
Extractives	Authorised Activity Compliance	1	2	2
Extractives	Working Hours	1	4	4
Extractives	Other	1	1	1
Extractives	Rehabilitation of Site	1	5	5
Mining	Work without Licence or Consents	1	1	1
Mining	Noise Emissions	1	1	1
		19	2	1

* **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 19 complaints in Q4. Of these, 35% were attributed to one licence holder relating to blasting noise and vibration.

Of the 19 complaints received, 14 were resolved and five 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.

Department of Jobs, Precincts and Regions

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