Earth Resources Regulation

Quarterly Performance Report

2022-23 Quarter 3

1 January to 31 March 2023

# About this report

Earth Resources Regulation is Victoria’s earth resources regulator. Our role includes granting rights to access resources, assessing plans for the extraction of resources, assessing site rehabilitation liabilities and setting bonds, conducting compliance operations to ensure that authority holders fulfil their regulatory obligations and engaging with communities and stakeholders on regulatory matters.

Our quarterly performance and annual statistical reports are available on our website as part of our commitment to being an effective and transparent regulator.

This report provides a summary of our operating performance for quarter three of financial year 2022-23 (1 January to 31 March 2023).

## Performance highlights

* 1. **KPI 1#** –55 per cent of extractive industries work plan stages were assessed within the statutory time frames, slightly below target (page 4). Four work plans were approved in the quarter, including one for a new work authority and three for variations. Five work plans were statutorily endorsed.
		1. - 63 per cent of mineral work plan stages and licence applications were assessed within statutory time frames, below target (page 6).
			+ 1. - 55 per cent of licence variations were completed within the Client Service Standard, below target (page 8).
				2. - Two extractive industries administrative changes (notification) were acknowledged (page 13).
1. **KPI 2#** - 63 operational compliance activities were undertaken, above target (page 16).

**KPI 3#** - 100 per cent of reportable incidents were responded to during this quarter, on target (page 23).

1. **KPI 4#** - 100 per cent attendance at Environmental Review Committee meetings (page 25).
2. **KPI 5#** - The time to respond to complaints took on average three business days, on target (page 27).
* 21 further/initial rehabilitation bonds were received (page 14).
1. # Please see note on the next page
2. Earth Resources Regulation encountered challenges in recruiting staff with relevant skills and experience to assess applications for licences and authorities and work plans for mines and quarries, within the context of the continuing high demand for minerals and extractive resources and a tight jobs market during the quarter. Projects are underway to further improve the effectiveness and efficiency of the assessment requirements and processes via the Better Approvals for Regulators program, such as developing a new Code of Practice for Common Risk Management Techniques for Quarries.

# ****Key Performance Indicators 2022-23 Quarter 3****

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| KPI | High Level Indicators | Target | Target Period | Current Quarter | Previous Quarter | DJPR’s Compliance Policy Framework |
| KPI 1: Efficient Approvals Process | Percentage of extractive industries work plan stages assessed within statutory time frames. | 95% | Quarterly | 55% | 92% | Outputs/activities |
| KPI 1: Efficient Approvals Process | Percentage of mineral licence applications and mineral work plan stages assessed within statutory time frames. | 95% | Quarterly | 63% | 80% | Outputs/activities |
| KPI 1: Efficient Approvals Process | Percentage of tenement variations assessed within Client Service Standard time frames where a statutory time frame does not exist. | 95% | Quarterly | 55% | 37% | Outputs/activities |
| KPI 2: Ensuring Compliance | Number of operational compliance activities undertaken per quarter. | 75 activities | Quarterly | 63 | 88 | Inputs |
| KPI 3: Effective Incident Management | Percentage of reportable events 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 |
| KPI 4: Facilitation of Stakeholder Engagement | Number of Industry Reference Group meetings. | 4 meetings | Annual | 1 | Outputs/activities |
| KPI 4: Facilitation of Stakeholder Engagement | Number of Earth Resources Regulators Forum meetings. | 3 meetings | Annual | 2 | Outputs/activities |
| KPI 5: Complaint Management | Average number of days to respond to complaints made by community against tenements. | 3 business days | Quarterly | 3 | 3 | Outputs/activities |

## KPI 1: Efficient Approvals Process – Extractive Industries Work Plans

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

A work plan stage represents a statutory decision point.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Quarter | Work Plan Type | Unique WPUnder Assessment | Stage STF (Target Days) | Stages Over STF | Stages Within STF | Total Stages | % (Within STF/Total) |
| FY 2022-23 Q3 | Work Plan (WA) | 17 | 28 | 10 | 12 | 22 | 55% |
| FY 2022-23 Q2 | Work Plan (WA) | 16 | 28 | 2 | 22 | 24 | 92% |

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

|  |  |  |  |
| --- | --- | --- | --- |
| Quarter | Work Plan Type | Endorsed | Approved |
| FY 2022-23 Q3 | Work Plan (WA) | 5 | 4 |
| FY 2022-23 Q2 | Work Plan (WA) | 2 | 2 |

### Work authorities granted in the quarter

|  |  |  |
| --- | --- | --- |
| Quarter | Licence Type | Granted |
| FY 2022-23 Q3 | Work Authority | 0 |
| FY 2022-23 Q2 | Work Authority | 3 |

### Result

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

In Q3, 22 extractive work plan stages were assessed from 17 unique work plans of which 55% were within the statutory time frame. In a majority of cases, the delay was minimal and decisions were made within a few additional days.

Four work plans were approved in the quarter, one for a new work authority and three for variations. Five work plans were statutorily endorsed and returned to the applicants 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.

## 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 | OverSTF | WithinSTF | Total(Over + Within STF) | % WithinSTF/Total |
| FY 2022-23 Q3 | Mineral Licence Applications – (Table A) | 4 | 6 | 10 | 60% |
| FY 2022-23 Q3 | Mineral Work Plan Stages – (Table B) | 3 | 6 | 9 | 67% |
|  | Total | 7 | 12 | 19 | 63% |
| FY 2022-23 Q2 | Mineral Licence Applications – (Table A) | 10 | 31 | 41 | 76% |
| FY 2022-23 Q2 | Mineral Work Plan Stages – (Table B) | 1 | 13 | 14 | 93% |
|  | Total | 11 | 44 | 55 | 80% |

#### Result

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

In Q3, there were 19 (9 mineral work plan stages assessed and 10 mineral licence applications granted) of which 63% were assessed within the statutory time frames.

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

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Quarter | Licence Type | STF(Target Days) | OverSTF | WithinSTF | Total(Over + Within STF) | % Within STF/Total |
| FY 2022-23 Q3 | Exploration Licence | 90 | 3 | 6 | 9 | 67% |
| FY 2022-23 Q3 | Prospecting Licence | 90 | 0 | 0 | 0 | N/A |
| FY 2022-23 Q3 | Mining Licence | 120 | 1 | 0 | 1 | 0% |
| FY 2022-23 Q3 | Retention Licence | 120 | 0 | 0 | 0 | N/A |
|  | Total | n/a | 4 | 6 | 10 | 60% |
| FY 2022-23 Q2 | Exploration Licence | 90 | 10 | 30 | 40 | 75% |
| FY 2022-23 Q2 | Prospecting Licence | 90 | 0 | 1 | 1 | 100% |
| FY 2022-23 Q2 | Mining Licence | 120 | 0 | 0 | 0 | N/A |
| FY 2022-23 Q2 | Retention Licence | 120 | 0 | 0 | 0 | N/A |
|  | Total | n/a | 10 | 31 | 41 | 76% |

#### Result

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

In Q3, 60% (6 out of 10) applications were assessed within the statutory time frames. The reduction in licences assessed within statutory time frames this quarter is due to an increased focus on finalising legacy cases (submitted prior to 1 July 2019) and competing applications.

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

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Quarter | Work Plan Type | WPApproved | Unique WPUnder Assessment | Stage STF(Target Days) | Stages OverSTF | Stages WithinSTF | Total Stages | %(Within STF/Total) |
| FY 2022-23 Q3 | Work Plan (Exploration) | 0 | 3 | 28 | 0 | 3 | 3 | 100% |
| FY 2022-23 Q3 | Work Plan (Minerals) | 0 | 4 | 28 | 3 | 3 | 6 | 50% |
|  | Total | 0 | 7 | n/a | 3 | 6 | 9 | 67% |
| FY 2022-23 Q2 | Work Plan (Exploration) | 1 | 7 | 28 | 0 | 9 | 9 | 100% |
| FY 2022-23 Q2 | Work Plan (Minerals) | 1 | 5 | 28 | 1 | 4 | 5 | 80% |
|  | Total | 2 | 12 | n/a | 1 | 13 | 14 | 93% |

#### Result

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

In Q3, 9 exploration and mining work plan stages were assessed from 7 unique work plans, of which 67% were assessed within the statutory time frames. In a majority of cases, the delay was minimal, and decisions were made within a few additional days.

**Explanatory note:**

Earth Resources Regulation received funding to temporarily expand the licensing team’s capacity to address the current legacy caseload.

## 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 Q3 | Exploration Licence | 90 | 15 | 11 | 26 | 42% |
| FY 2022-23 Q3 | Mining Licence | 120 | 1 | 4 | 5 | 80% |
| FY 2022-23 Q3 | Prospecting Licence | 90 | 0 | 1 | 1 | 100% |
| FY 2022-23 Q3 | Retention Licence | 120 | 0 | 0 | 0 | N/A |
| FY 2022-23 Q3 | Work Authority | 30 | 4 | 8 | 12 | 67% |
|  | Total | n/a | 20 | 24 | 44 | 55% |
| FY 2022-23 Q2 | Exploration Licence | 90 | 8 | 4 | 12 | 33% |
| FY 2022-23 Q2 | Mining Licence | 120 | 2 | 1 | 4 | 25% |
| FY 2022-23 Q2 | Prospecting Licence | 90 | 0 | 0 | 0 | N/A |
| FY 2022-23 Q2 | Retention Licence | 120 | 0 | 0 | 0 | N/A |
| FY 2022-23 Q2 | Work Authority | 30 | 7 | 5 | 12 | 42% |
|  | Total | n/a | 17 | 10 | 27 | 37% |

#### Result

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

In Q3, 55% (23 out of 44) of licence variations were completed within the CSS.

**Explanatory note:**

Q3 has seen a marked increase in the number of variations processed, as well as an improvement in the number assessed within the CSS. Of the licence variations outside the CSS target, 20 were either renewals, transfers, full surrenders or licence area changes. Extra time was required to assess and process these licence variations due to their complexity.

### 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.

## KPI: 1 Efficient Approvals Process – Petroleum Licence Variations

### Petroleum licence variations approved

#### FY 2022-23 Q3

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Licence Type | Full Surrender | Licence Conditions Change | Registration of Dealing | Suspension and Extension | Transfer | Total |
| Offshore Pipeline Licence | 0 | 0 | 7 | 0 | 0 | 7 |
| Total | 0 | 0 | 7 | 0 | 0 | 7 |

#### FY 2022-23 Q2

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Licence Type | Full Surrender | Licence Conditions Change | Registration of Dealing | Suspension and Extension | Transfer | Total |
| Onshore Petroleum Exploration Permit | 0 | 0 | 0 | 1 | 0 | 1 |
| Total | 0 | 0 | 0 | 1 | 0 | 1 |

#### Result

In Q3, there were seven dealings approved for offshore pipeline licences affecting the Esso-managed pipelines in Victorian waters.

KPI 1: Efficient Approvals Process – Petroleum Operation Plans

### Petroleum – Operation Plans

#### FY 2022-23 Q3

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Licence Type | PlansAccepted | Environment Plan Stage | Field Development Plan Stage | Operation Plan Stage | Storage Management Plan Stage | Total Stages Assessed | Unique Plans Under Assessment |
| Offshore Petroleum Retention Lease | 0 | 1 | 0 | 0 | 0 | 1 | 1 |
| Offshore Pipeline Licence | 1 | 1 | 0 | 0 | 0 | 1 | 1 |
| Onshore Petroleum Production Licence | 1 | 0 | 0 | 0 | 1 | 1 | 1 |
| Total | 2 | 2 | 0 | 0 | 1 | 3 | 3 |

#### FY 2022-23 Q2

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Licence Type | PlansAccepted | Environment Plan | Field Development Plan | Operation Plan Stages | Storage Management Plan | Total Stages Assessed | Unique Plans Under Assessment |
| Offshore Pipeline Licence | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| Offshore Petroleum Retention Lease | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| Total | 0 | 2 | 0 | 0 | 0 | 0 | 2 |

### Result

In Q3, an environment plan for an offshore pipeline licence was accepted to enable its continued operation and maintenance. Another environmental plan for an offshore petroleum retention lease was assessed and returned requiring further information before it could be considered for a drilling activity.

An operation plan for an onshore petroleum production licence was assessed and returned requiring additional information before it could be considered for decommissioning a well.

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

## KPI 1: Efficient Approval Process - Work Plan Administrative Updates by Notification

### Mining notifications

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Notifications | FY 2021-22 Q4 | FY 2022-23 Q1 | FY 2022-23 Q2 | FY 2022-23 Q3 | Total |
| Received  | 5 | 0 | 0 | 0 | 5 |
| Acknowledged | 4 | 0 | 0 | 0 | 4 |
| Rejected/Withdrawn | 0 | 0 | 0 | 0 | 0 |

### Extractive industries notifications

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Notifications | FY 2021-22 Q4 | FY 2022-23 Q1 | FY 2022-23 Q2 | FY 2022-23 Q3 | Total |
| Received  | 7 | 3 | 7 | 7 | 24 |
| Acknowledged | 2 | 3 | 3 | 2 | 10 |
| Rejected/Withdrawn | 2 | 2 | 3 | 4 | 11 |

### Explanation for the result

### In Q3, seven extractive industries submissions were reviewed, of which two administrative changes were acknowledged. Four did not meet the criteria for an administrative update and one was withdrawn by the authority holder.

### Administrative updates by notification

Can be made by notification for current licences and work authorities where they meet the criteria including:

* 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 amended or new planning permit
* relevant referral agencies have been consulted and confirmed that the new or changing work raises no concerns and conditions are not required
* no change to the community engagement plan.

More information is available on the website:<https://earthresources.vic.gov.au/licensing-approvals/extractives-industry-work-authority/work-approval-process-for-extractive-industries>

## Rehabilitation Liabilities and Bonds

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Rehabilitation Work Program in Q3 | Extractives | Mineral | Petroleum | Total |
| Number of s79A notices issued  | 0 | 2 | 0 | **2** |
| Number of further bond notices issued | 0 | 1 | 0 | **1** |
| Number of initial bond notices issued | 1 | 12 | 0 | **13** |
| Number of further / initial bonds received | 5 | 16 | 0 | **21** |
| Number of bond returns | 0 | 4 | 0 | **4** |
| Number of authority holders using the voluntary annual review option | 0 | 0 | 0 | **0** |
| Number of site inspections by the Rehabilitation Liability Assessment & Bonds team | 4 | 4 | 0 | **8** |

### Why Rehabilitation bonds are required and in what form

Effective site rehabilitation underpins public confidence in the resources sector and the regulator and minimises the State’s exposure to rehabilitation liabilities and costs.

Authority holders are required to lodge rehabilitation bonds. Bonds held enable Earth Resources Regulation to conduct rehabilitation works if an authority holder defaults on their obligations.

Established policy requires a bond for 100% of the estimated rehabilitation cost.

Bonds are lodged in the form of a bank guarantee issued by a bank authorised by the Australian Prudential Regulatory Authority and executable by the State. Authority holders typically pay their bank a service fee based on a percentage of the bank guarantee per year, as determined by the issuing financial institution. Cash bonds are accepted where the bond total is $50,000 or less.

### Progressive approach and options for authority holders

Earth Resources Regulation initiated a program to improve the regulation of site rehabilitation in 2018, which included developing a modern policy framework, updating the bond calculator and requiring the operators of key sites to complete site rehabilitation.

Earth Resources Regulation is implementing a progressive program to review the rehabilitation liabilities for:

High priority sites selected by the regulator based on their risk of default and consequences.

Sites subject to major expansions or ownership transfers.

Sites that have self-reported a significant bond deficiency.

Sites that have voluntarily requested a rehabilitation liability and bond review to recognise their actual stage of site operations or progressive rehabilitation, rather than a standard bond based on the maximum point of site disturbance over a mine or quarry’s full lifecycle.

Regulatory practice strategy for the rehabilitation of earth resources sites*:*[Earth-Resources-Regulation-Regulatory-Practice-Strategy-for-the-Rehabilitation-of-Earth-Resources-Sites-February-2020.pdf (earthresources.vic.gov.au)](https://earthresources.vic.gov.au/__data/assets/pdf_file/0018/511920/Earth-Resources-Regulation-Regulatory-Practice-Strategy-for-the-Rehabilitation-of-Earth-Resources-Sites-February-2020.pdf)

Rehabilitation bonds held by the State interactive dashboard:<https://earthresources.vic.gov.au/community-and-land-use/rehabilitation>

## KPI 2: Ensuring Compliance – Compliance Activities Undertaken

### Extractive industries licences

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Activity | Jan | Feb | March | Total |
| Inspection | 8 | 7 | 7 | 22 |
| Audit | 1 | 5 | 1 | 7 |
| Meeting | 2 | 1 | 2 | 5 |
| Site Closure | 0 | 0 | 1 | 1 |
| Total | 11 | 13 | 11 | 35 |

### Mining licences

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Activity | Jan | Feb | March | Total |
| Inspection | 5 | 4 | 6 | 15 |
| Audit | 1 | 1 | 1 | 3 |
| Meeting | 1 | 1 | 2 | 4 |
| Site Closure | 0 | 0 | 4 | 4 |
| Total | 7 | 6 | 13 | 26 |

### Petroleum licences

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Activity | Jan | Feb | March | Total |
| Inspection | 0 | 1 | 1 | 2 |
| Total | 0 | 1 | 1 | 2 |

### Total licence activities

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| All activities | Jan | Feb | March | Total |
| Total | 18 | 20 | 25 | 63 |

### Result

In Q3, Earth Resources Regulation conducted 63 proactive compliance activities involving 50 authority holders. Results are lower than target due to reduced capacity with ongoing recruitment for a number of vacancies in the team. Focus has also been on managing a number of complex non-compliance matters, redirecting resources from additional field activities.

#### Explanatory note:

Earth Resources Regulation is implementing a modern compliance operating model based on an intelligence-led, statewide tasking and coordination approach to ensure that authority holders fulfil their regulatory obligations. The new approach combines a range of education and enforcement activities.

### Why are these measures important?

Earth Resources Regulation undertakes proactive compliance activities under the *Mineral Resources (Sustainable Development) Act 1990, Petroleum Act 1998* and other legislation. We use a risk-based prioritisation approach 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.

Activities include audits, inspections, meetings with duty holders and site closures after reviewing rehabilitation outcomes.

## KPI 2: Ensuring Compliance – Compliance Audits

### Compliance audits

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Type of Audit | FY 2021-22 Q4 | FY 2022-23 Q1 | FY 2022-23 Q2 | FY 2022-23 Q3 | Total | % Total |
| Progressive Rehabilitation | 8 | 2 | 0 | 1 | 11 | 29% |
| Plan and Conditions | 4 | 1 | 3 | 2 | 10 | 26% |
| Water Management | 0 | 0 | 0 | 0 | 0 | 0% |
| Dust | 1 | 0 | 0 | 0 | 1 | 3% |
| Noise | 0 | 0 | 0 | 0 | 0 | 0% |
| Geo Technical | 0 | 0 | 0 | 1 | 1 | 3% |
| Fire and Emergency | 0 | 0 | 2 | 1 | 3 | 8% |
| Boundaries and Extraction Limits | 3 | 0 | 0 | 2 | 5 | 13% |
| Site Security and Buffer Zones | 0 | 1 | 0 | 0 | 1 | 3% |
| Impacts of Blasting | 0 | 0 | 0 | 0 | 0 | 0% |
| Exploration Drilling | 0 | 0 | 0 | 0 | 0 | 0% |
| Imported Materials | 0 | 0 | 0 | 0 | 0 | 0% |
| Plan and Conditions (High-Risk) | 0 | 0 | 0 | 3 | 3 | 8% |
| Pest, Plant and Animal | 1 | 0 | 0 | 0 | 1 | 3% |
| TSF Management | 1 | 1 | 1 | 0 | 3 | 8% |
| Total | 17 | 5 | 6 | 10 | 38 | 100% |

#### Result

Earth Resources Regulation conducted 10 audits in Q3, with six requiring remedial action and one still open. Audit focus has been on high risk, complex activities, which are lengthier audits, and often identifies areas of improvement to effectively manage the risk.

#### Explanatory note:

Earth Resources Regulation’s audit program is risk-based with a focus on more significant or high-risk sites or activities. The number of actions required can be dependent on the type of audits completed and the number of ‘follow up’ audits from previously identified risks.

##### Why are these measures important?

Earth Resources Regulation's compliance program aims to improve industry performance by including audits focused on key risks to the environment and protection of public safety.

This indicator measures the number of field audits conducted addressing key risks and how compliant industry is.

 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

|  |  |  |
| --- | --- | --- |
| Quarter | Remedial Action Required | No Action Required |
| FY 2021-22 Q4 | 10 | 7 |
| FY 2022-23 Q1 | 5 | 0 |
| FY 2022-23 Q2 | 4 | 2 |
| FY 2022-23 Q3 | 7 | 3 |

#### Result

7 audits out of 10 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 Activities

### General enforcement notices issued in the quarter

|  |  |  |  |
| --- | --- | --- | --- |
| Sector | Enforcement Action Type | Enforcement Code | No. of Notices |
| Extractives | s110 Notice |  Hazardous Materials Management | 2 |
| Extractives | s110 Notice |  Buffer Zones | 2 |
| Extractives | s110 Notice |  Waterway Quality and Aquatic Habitat | 1 |
| Extractives | s110 Notice |  Other - Not Specified Above | 1 |
| Extractives | s110 Notice |  Waste and Redundant Plan | 1 |
| Extractives | s110 Notice |  Authorised Activity Compliance | 1 |
| Extractives | s110 Notice |  Tailings and Slime Management | 1 |
| Extractives | s110 Notice |  Tenement Boundaries | 1 |
| Extractives | s110 Notice (Stop Work) |  Work Without Licence or Consents | 1 |
| Mining | s110 Notice |  Other - Not Specified Above | 4 |
| Mining | s110 Notice |  Tailings and Slime Management | 3 |
| Mining | s110 Notice |  Noxious Weeds, Plants and Pests | 3 |
| Total |  |  | 21 |

### Infringements and official warnings issued

|  |  |
| --- | --- |
| Activities | Issued in the quarter |
| Official Warning Letter | 19 |
| Direction | 3 |
| Written Instruction | 1 |
| Education | 1 |
| Total | 24 |

#### Result

In Q3, there were 45 enforcement actions taken, including 21 notices issued. Key matters identified in the quarter include over extraction, materials management and operating outside of approvals.

In Q2, results were elevated due to the annual reporting process, which resulted in a number of official warnings and infringement being issued.

## KPI 3: Reportable Incidents

### Reportable incidents in the quarter

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Sector | Classification | Incident Type | Enforcement Code | Incident Responded To | Incident Status | Incident Count |
| Mineral | Minor | Public Safety | Fire Precautions and Risk Control | Yes | Resolved | 37 |
| Mineral | Minor | Infrastructure | Fire Precautions and Risk Control | Yes | Resolved | 1 |
| Mineral | Minor | Infrastructure | Slope Stability | Yes | Resolved | 1 |
| Mineral | Minor | Infrastructure | Other (Not Specified Above) | Yes | New | 1 |
| Mineral | Minor | Legislation Breach | Noise Emissions | Yes | Resolved | 1 |
| Mineral | Minor | Legislation Breach | Explosives Air and Ground Vibration | Yes | Resolved | 1 |
| Mineral | Minor | Environmental | Water Dams | Yes | Open | 1 |
| Mineral | Significant | Infrastructure | Fire Precautions and Risk Control | Yes | New | 1 |
| Total |  |  |  |  |  | 44 |

### Non - reportable incidents in the quarter

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Sector | Classification | Incident Type | Enforcement Code | Incident Status | Incident Count |
| Mineral | Minor | Infrastructure | Slope Stability | Resolved | 1 |
| Mineral | Minor | Environmental | Other (Not specified above) | Resolved | 1 |
| Extractives | Minor | Legislation Breach | Explosives Air and Ground Vibration | Resolved | 1 |
| Petroleum | Minor | Environmental | Fire Precautions and Risk Control | Resolved | 1 |
| Total |  |  |  |  | 4 |

#### Result

There were 44 reportable incidents in Q3 with the majority of these relating to small coal smoulders, slope stability and water discharge. Of these, 41 reportable incidents were resolved and three are 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.

## KPI 4: Facilitation of Stakeholder Engagement

### Environmental review committee attendance

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Meetings | 2021-22 Q4 | 2022-23 Q1 | 2022-23 Q2 | 2022-23 Q3 |
| Planned | 11 | 13 | 9 | 9 |
| Attended | 11 | 13 | 9 | 9 |
| % Attendance | 100% | 100% | 100% | 100% |
| Target | 100% | 100% | 100% | 100% |

#### Result

Earth Resources Regulation attended 100% of the scheduled Environmental Review Committee (ERC) meetings in Q3.

#### 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 | 2022-23 Q3 | 2022-23 Q4 | Annual Total | FY Target |
| 0 | 0 | 1 |  | 1 | 4 |

#### Explanation for the result

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

There was one meeting held in Q3.

#### 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 | 0 | 1 |  | 2 | 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 one meeting held in Q3.

#### 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.

## KPI 5: Complaints Management

### 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 | 5 | 5 | 4 |
| Extractives | Noise Emissions | 3 | 3 | 1 |
| Extractives | Other (Not Specified Above) | 1 | 1 | 1 |
| Extractives | Work without Licence or Consents | 1 | 1 | 1 |
| Mining | Dust Emissions | 1 | 1 | 1 |
| Mining | Noise Emissions | 1 | 1 | 1 |
| Mining | Water and Redundant Plant | 1 | 1 | 1 |
| Mining | Work without Licence or Consents | 1 | 2 | 2 |
| Total |  | 14 | 3 | 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.

#### Result

There were 14 complaints in Q3, mostly relating to noise and blasting vibration from quarry activities. The average response time was three business 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 [Quarterly performance reports](https://earthresources.vic.gov.au/legislation-and-regulations/regulator-performance-reporting/quarterly-performance-reports).

For more information, visit [Earth Resources Regulation performance reporting site](https://earthresources.vic.gov.au/legislation-and-regulations/regulator-performance-reporting).