Earth Resources Regulator

Quarterly Performance Report

2023-24 Quarter 1

1 July to 30 September 2023

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria’s land and waters, their unique ability to care for Country and deep spiritual connection to it.

We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

DEECA is committed to genuinely partnering with Victorian Traditional Owners and Victoria’s Aboriginal community to progress their aspirations.

# About this report

## The Earth Resources Regulator is Victoria’s regulator of exploration, mining, quarry and petroleum activities. 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 one of financial year 2023-24 (1 July to 30 September 2023).

## Performance summary

* 1. **KPI 1#** - 90 per cent of extractive industries work plan stages were assessed within the statutory time frames, below 95 per cent target (p. 5). Eight work plans were approved in the quarter, comprising three for new work authorities and five work plan variations.
  2. - 81 per cent of mineral work plan stages and licence applications were assessed within statutory time frames, below 95 per cent target (p. 7); 21 mineral work plan stages were assessed and 27 mineral licence applications granted.
  3. - 74 per cent of licence variations were completed within the Client Service Standard, below 95 per cent target (p. 9).
  4. - Three extractive industries administrative changes (notifications) were acknowledged (p. 13).
  5. **KPI 2#** - 78 operational compliance activities were undertaken, on target (p. 16).
  6. **KPI 3#** - 100 per cent of reportable incidents were responded to during this quarter, on target (page 22).

1. **KPI 4#** - 100 per cent attendance at Environmental Review Committee meetings (page 26).
2. **KPI 5#** - The time to respond to complaints took on average five business days, below the target of three business days (p. 28).
3. **Rehabilitation Bonds:** 20 initial and further rehabilitation bonds were lodged by authority holders (p. 14).
4. **Annual Return Submissions**: 90% extractive (up from 57% in the previous year) and 93% minerals licences submitted their FY2022-23 returns by the due date (p. 24)
5. # Please see note on the next page
6. The Earth Resources Regulator is progressing projects to further improve the effectiveness and efficiency of the assessment requirements and processes, such as developing a new Code of Practice for Common Risk Management Techniques for Quarries.**Key Performance Indicators 2023-24 Quarter 1**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| KPI | High Level Indicators | Target | Target Period | Current Quarter | Previous Quarter | DEECA’s Compliance Policy Framework |
| KPI 1: Efficient Approvals Process | Percentage of extractive industries work plan stages assessed within statutory time frames. | 95% | Quarterly | 90% | 90% | Outputs/activities |
| KPI 1: Efficient Approvals Process | Percentage of mineral licence applications and mineral work plan stages assessed within statutory time frames. | 95% | Quarterly | 81% | 57% | 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 | 74% | 67% | Outputs/activities |
| KPI 2: Ensuring Compliance | Number of operational compliance activities undertaken per quarter. | 75 activities | Quarterly | 78 | 81 | 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 Regulator 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 | 0 | 0 | Outputs/activities |
| KPI 4: Facilitation of Stakeholder Engagement | Number of Earth Resources Regulators Forum meetings. | 3 meetings | Annual | 0 | 0 | Outputs/activities |
| KPI 5: Complaint Management | Average number of days to respond to complaints made by community against tenements. | 3 business days | Quarterly | 5 | 2 | 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 WP  Under Assessment | Stage STF (Target Days) | Stages Over STF | Stages Within STF | Total Stages | % (Within STF/Total) |
| FY 2023-24 Q1 | Work Plan (WA) | 25 | 28 | 3 | 27 | 30 | 90% |
| FY 2022-23 Q4 | Work Plan (WA) | 13 | 28 | 2 | 18 | 20 | 90% |

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

|  |  |  |  |
| --- | --- | --- | --- |
| Quarter | Work Plan Type | Endorsed | Approved |
| FY 2023-24 Q1 | Work Plan (WA) | 0 | 8 |
| FY 2022-23 Q4 | Work Plan (WA) | 4 | 2 |

### Work authorities granted in the quarter

|  |  |  |
| --- | --- | --- |
| Quarter | Licence Type | Granted |
| FY 2023-24 Q1 | Work Authority | 0 |
| FY 2022-23 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, 30 extractive industries work plan stages were assessed from 25 unique work plans of which 90 per cent were within the statutory time frame.

Eight work plans were approved in the quarter, three for a new work authority and five work plan variations.

No work authorities were 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.

## 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 2023-24 Q1 | Mineral Licence Applications – (Table A) | 8 | 19 | 27 | 70% |
| FY 2023-24 Q1 | Mineral Work Plan Stages – (Table B) | 1 | 20 | 21 | 95% |
|  | Total | 9 | 39 | 48 | 81% |
| FY 2022-23 Q4 | Mineral Licence Applications – (Table A) | 17 | 12 | 29 | 41% |
| FY 2022-23 Q4 | Mineral Work Plan Stages – (Table B) | 1 | 12 | 13 | 92% |
|  | Total | 18 | 24 | 42 | 57% |

#### 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 48 (21 mineral work plan stages assessed and 27 mineral licence applications granted) of which 81 per cent 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 2023-24 Q1 | Exploration Licence | 90 | 3 | 19 | 22 | 86% |
| FY 2023-24 Q1 | Prospecting Licence | 90 | 0 | 0 | 0 | N/A |
| FY 2023-24 Q1 | Mining Licence | 120 | 0 | 0 | 0 | N/A |
| FY 2023-24 Q1 | Retention Licence | 120 | 5 | 0 | 5 | 0% |
|  | Total | n/a | 8 | 19 | 27 | 70% |
| FY 2022-23 Q4 | Exploration Licence | 90 | 13 | 10 | 23 | 43% |
| FY 2022-23 Q4 | Prospecting Licence | 90 | 0 | 0 | 0 | N/A |
| FY 2022-23 Q4 | Mining Licence | 120 | 0 | 0 | 0 | N/A |
| FY 2022-23 Q4 | Retention Licence | 120 | 4 | 2 | 6 | 33% |
|  | Total | n/a | 17 | 12 | 29 | 41% |

#### Result

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

In Q1, 70 per cent (19 out of 27) applications were granted within the statutory time frames.

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

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Quarter | Work Plan Type | WP  Approved | Unique WP  Under Assessment | Stage STF  (Target Days) | Stages Over  STF | Stages Within  STF | Total Stages | %  (Within STF/  Total) |
| FY 2023-24 Q1 | Work Plan (Exploration) | 2 | 3 | 28 | 1 | 2 | 3 | 67% |
| FY 2023-24 Q1 | Work Plan (Minerals) | 2 | 10 | 28 | 0 | 18 | 18 | 100% |
|  | Total | 4 | 13 |  | 1 | 20 | 21 | 95% |
| FY 2022-23 Q4 | Work Plan (Exploration) | 0 | 4 | 28 | 1 | 4 | 5 | 80% |
| FY 2022-23 Q4 | Work Plan (Minerals) | 1 | 6 | 28 | 0 | 8 | 8 | 100% |
|  | Total | 1 | 10 |  | 1 | 12 | 13 | 92% |

#### 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 Q1, three exploration and 18 mineral work plan stages were assessed from 13 unique work plans, of which 95 per cent (20 out of 21) stages were assessed within the statutory time frames.

## 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 2023-24 Q1 | Exploration Licence | 90 | 2 | 15 | 17 | 88% |
| FY 2023-24 Q1 | Mining Licence | 120 | 2 | 4 | 6 | 67% |
| FY 2023-24 Q1 | Prospecting Licence | 90 | 0 | 2 | 2 | 100% |
| FY 2023-24 Q1 | Retention Licence | 120 | 2 | 1 | 3 | 33% |
| FY 2023-24 Q1 | Work Authority | 30 | 5 | 9 | 14 | 64% |
|  | Total | n/a | 11 | 31 | 42 | 74% |
| FY 2022-23 Q4 | Exploration Licence | 90 | 7 | 25 | 32 | 78% |
| FY 2022-23 Q4 | Mining Licence | 120 | 5 | 4 | 9 | 44% |
| FY 2022-23 Q4 | Prospecting Licence | 90 | 1 | 1 | 2 | 50% |
| FY 2022-23 Q4 | Retention Licence | 120 | 0 | 0 | 0 | N/A |
| FY 2022-23 Q4 | Work Authority | 30 | 3 | 2 | 5 | 40% |
|  | Total | n/a | 16 | 32 | 48 | 67% |

#### 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, 74 per cent (31 out of 42) of licence variations were completed within the CSS.

**Explanatory note:**

Of the licence variations outside the CSS target, 11 were either renewals, transfers, change of conditions or full surrenders. 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 2023-24 Q1

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 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 |

#### FY 2022-23 Q4

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Licence Type | Full Surrender | Licence Conditions Change | Registration of Dealing | Suspension and Extension\* | Transfer | Total |
| Offshore Pipeline Licence | 0 | 0 | 3 | 0 | 0 | 3 |
| Total | 0 | 0 | 3 | 0 | 0 | 3 |

\* Suspension and Extension: Suspend the work requirement and extend the term of the permit

#### Result

In Q1, there were two ‘Suspension and Extension’ variations approved for onshore petroleum exploration permit and offshore petroleum exploration permits. Additional time has been given to the authority holders due to the complexities of obtaining approvals to carry out operations.

KPI 1: Efficient Approvals Process – Petroleum Operation Plans

### Petroleum – Operation Plans

#### FY 2023-24 Q1

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Licence Type | Plans  Accepted | Environment Plan Stage | Field Development Plan Stage | Operation Plan Stage | Storage Management Plan Stage | Total Stages Assessed | Unique Plans Under Assessment |
| Offshore Pipeline Licence | 0 | 2 | 0 | 0 | 0 | 2 | 2 |
| Onshore Petroleum Production Licence | 2 | 0 | 0 | 0 | 2 | 2 | 2 |
| Total | 2 | 2 | 0 | 0 | 2 | 4 | 4 |

#### FY 2022-23 Q4

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Licence Type | Plans  Accepted | Environment Plan Stage | Decommission Plan Stage | Operation Plan Stage | Storage Management Plan Stage | Total Stages Assessed | Unique Plans Under Assessment |
| Offshore Petroleum Retention Lease | 1 | 1 | 0 | 0 | 0 | 1 | 1 |
| Onshore Petroleum Production Licence | 0 | 0 | 1 | 6 | 0 | 7 | 7 |
| Total | 1 | 1 | 1 | 6 | 0 | 8 | 8 |

### Result

In Q1, two Offshore Pipeline and two Onshore Petroleum Production Licences plan stages were assessed that resulted in two onshore storage development plans being approved and two offshore environment plans being accepted.

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

### Minerals notifications

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Notifications | FY 2022-23 Q2 | FY 2022-23 Q3 | FY 2022-23 Q4 | FY 2023-24 Q1 | Total |
| Received | 0 | 0 | 0 | 1 | **1** |
| Acknowledged | 0 | 0 | 0 | 0 | **0** |
| Rejected/Withdrawn | 0 | 0 | 0 | 1 | **1** |

### Extractive industries notifications

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Notifications | FY 2022-23 Q2 | FY 2022-23 Q3 | FY 2022-23 Q4 | FY 2023-24 Q1 | Total |
| Received | 7 | 7 | 7 | 9 | **30** |
| Acknowledged | 3 | 2 | 4 | 3 | **12** |
| Rejected/Withdrawn | 3 | 4 | 0 | 0 | **7** |

### Explanation for the result

In Q1, nine extractive industries administrative change submissions were received, of which three were acknowledged. One minerals submission was received, but declined.

### 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: [Work approval process for extractive industries - Resources Victoria](https://resources.vic.gov.au/licensing-approvals/extractives-industry-work-authority/work-approval-process-for-extractive-industries)

## Rehabilitation Liabilities and Bonds

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Rehabilitation Work Program in Q1 | Extractives | Mineral | Petroleum | Total |
| Number of s79A notices issued | 0 | 1 | 0 | 1 |
| Number of further bond notices issued | 10 | 4 | 0 | 14 |
| Number of initial bond notices issued | 2 | 4 | 0 | 6 |
| Number of further / initial bonds received | 12 | 8 | 0 | 20 |
| Number of bond returns | 4 | 3 | 1 | 8 |
| 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 | 1 | 9 | 2 | 12 |

### 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 the Earth Resources Regulator 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](https://resources.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: [Rehabilitation - Resources Victoria](https://resources.vic.gov.au/community-and-land-use/rehabilitation)

## KPI 2: Ensuring Compliance – Compliance Activities Undertaken

### Extractive industries licences

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Activity | July | August | September | Total |
| Inspection | 7 | 16 | 14 | 37 |
| Meeting | 1 | 6 | 2 | 9 |
| Audit | 1 | 1 | 1 | 3 |
| Site Closure | 0 | 0 | 2 | 2 |
| Total | 9 | 23 | 19 | 51 |

### Mining licences

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Activity | July | August | September | Total |
| Inspection | 1 | 6 | 4 | 11 |
| Audit | 3 | 3 | 4 | 10 |
| Meeting | 0 | 1 | 1 | 2 |
| Site Closure | 0 | 0 | 1 | 1 |
| Total | 4 | 10 | 10 | 24 |

### Petroleum licences

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Activity | July | August | September | Total |
| Inspection | 1 | 2 | 0 | 3 |
| Total | 1 | 2 | 0 | 3 |

### Total licence activities

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| All activities | July | August | September | Total |
| Total | 14 | 35 | 29 | 78 |

### Result

In Q1, 78 proactive compliance activities involving 64 authority holders were undertaken.

#### Explanatory note:

The Earth Resources Regulator 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?

The Earth Resources Regulator undertakes proactive compliance actions under the *Mineral Resources (Sustainable Development) Act 1990*, *Petroleum Act 1998* and other legislation. We use a risk-based 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 2022-23 Q2 | FY 2022-23 Q3 | FY 2022-23 Q4 | FY 2023-24 Q1 | Total | % Total |
| Progressive Rehabilitation | 0 | 1 | 5 | 7 | 13 | **35%** |
| Plan and Conditions | 3 | 2 | 1 | 1 | 7 | **19%** |
| Fire and Emergency | 2 | 1 | 0 | 0 | 3 | **8%** |
| Geo-technical | 0 | 1 | 2 | 0 | 3 | **8%** |
| Pest, Plant and Animal | 0 | 0 | 3 | 0 | 3 | **8%** |
| Plan and Conditions (High-Risk) | 0 | 3 | 0 | 0 | 3 | **8%** |
| Boundaries and Extraction Limits | 0 | 2 | 0 | 2 | 4 | **11%** |
| TSF Management | 1 | 0 | 0 | 0 | 1 | **3%** |
| Site Security and Buffer Zones | 0 | 0 | 0 | 0 | 0 | **0%** |
| Total | 6 | 10 | 11 | 10 | 37 | 100% |

#### Result

The Earth Resources Regulator conducted 10 site audits in Q1, with five requiring remedial action.

#### 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?

The Earth Resources Regulator’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:

[Compliance and enforcement - Resources Victoria](https://resources.vic.gov.au/legislation-and-regulations/compliance-enforcement)

### Remedial action / No action after audits

|  |  |  |
| --- | --- | --- |
| Quarter | Remedial Action Required | No Action Required |
| FY 2022-23 Q2 | 4 | 2 |
| FY 2022-23 Q | 7 | 3 |
| FY 2022-23 Q4 | 3 | 8 |
| FY 2023-24 Q1 | 5 | 5 |

#### Result

5 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 | Waste and Redundant Plan | 5 |
| Extractives | s110 Notice | Hazardous Materials Management | 4 |
| Extractives | s110 Notice | Other | 2 |
| Extractives | s110 Notice | Work Without Licence or Consents | 1 |
| Extractives | s110 Notice | Rehabilitation of Site | 1 |
| Extractives | s110 Notice | Ground Disturbance | 1 |
| Extractives | s110 Notice | Documentation and Records | 1 |
| Extractives | s110 Notice | Drainage, Erosion and Discharge | 1 |
| Extractives | s110 Notice | Noise Emissions | 1 |
| Extractives | s110 Notice (Stop Work) | Authorised Activity Compliance | 1 |
| Extractives | s110a Notice (Stop Work) | Work Without Licence or Consents | 1 |
| Mining | s110 Notice | Tailings and Slime Management | 3 |
| Mining | s110 Notice | Slope Stability | 2 |
| Total |  |  | 24 |

### Infringements and official warnings issued

|  |  |
| --- | --- |
| Activities | Issued in the quarter |
| Written Instruction | 14 |
| Infringement Notice | 4 |
| Education | 3 |
| Total | 21 |

#### Result

In Q1, there were 45 enforcement activities taken , including 24 notices issued.

## KPI 3: Reportable Events

### Reportable events 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 | 23 |
| Mining Licence | Minor | Infrastructure | Fire Precautions and Risk Control | Yes | Resolved | 3 |
| Mining Licence | Minor | Environmental | Environmental Incident Notification | Yes | Open | 2 |
| Mining Licence | Minor | Environmental | Environmental Incident Notification | Yes | Resolved | 1 |
| Mining Licence | Minor | Environmental | Slope Stability | Yes | Open | 1 |
| Work Authority | Minor | Legislation Breach | Explosives Air and Ground Vibration | Yes | Resolved | 1 |
| Work Authority | Minor | Environmental | Dust Emissions | Yes | Resolved | 1 |
| Total |  |  |  |  |  | 32 |

### Non - reportable incidents/events in the quarter

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Sector | Classification | Incident Type | Enforcement Code | Incident Status | Incident Count |
| Mining Licence | Minor | Legislation Breach | Environmental Incident Notification | Open | 1 |
| Total |  |  |  |  | 1 |

#### Result

There were 32 reportable events in Q1 with the majority of these relating to small coal smoulders. Of these, 29 reportable incidents were resolved and three are under investigation.

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

#### Why are these measures important?

This measure shows whether the Earth Resources Regulator 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.

## FY2022-23 Annual Return Submissions

### Annual returns submitted by the due date

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Tenement Type | FY2022-23 Number of Licences/Work Authorities | FY2022-23 Annual Returns Required | FY2022-23 Total Annual returns received by due date or with extensions\* | FY2022-23 %annual returns received by due date or with extensions\* | FY2021-22 % annual returns received by due date or with extensions |
| Extractive industries^ | 832 | 1250 | 1119 | **90%** | **57%** |
| Mining licences | 122 | 244 | 226 | **93%** | **82%** |
| Prospecting licences | 52 | 104 | 103 | **99%** | **86%** |
| Exploration licences | 401 | 802 | 734 | **92%** | **93%** |
| Retention licences | 35 | 70 | 69 | **99%** | **93%** |

**\***Due Date: Extractive Industries Work Authorities 31 July 2023, Mining and Prospecting Licences 28 July 2023. Also includes regulator approved extensions.

^Extractive industry work authority on crown land are required to submit a royalty return and an annual return.

**Annual return requirements:**

All tenement holders are obliged to submit annual return on their activities by the due date even if no work has been undertaken in the financial year. The information is used to monitor industry activities, specify regulatory fees and royalties and inform management of Victoria's earth resources sector by understanding the state of the industry and aiding further investment and jobs.

There is a marked increase in the submission rates for FY 2022-23 annual returns compared to FY 2021-22. This is most noticeable in the extractive industries sector where the annual return rate increased from 57 per cent to 90 per cent.

|  |  |
| --- | --- |
| Tenement Type | Annual Returns |
| Extractive industries | Annual return extractive industries/Royalty return |
| Mining licences | Expenditure and activity/Production and royalty |
| Prospecting licences | Expenditure and activity/Production and royalty |
| Exploration licences | Expenditure and activity/Annual technical |
| Retention licences | Expenditure and activity/Annual technical |

## KPI 4: Facilitation of Stakeholder Engagement

### Environmental review committee attendance

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Meetings | 2022-23 Q2 | 2022-23 Q3 | 2022-23 Q4 | 2023-24 Q1 |
| Planned | 9 | 9 | 7 | 12 |
| Attended | 9 | 9 | 7 | 12 |
| % 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 Q1.

#### 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 the Earth Resources Regulator at Environmental Review Committee (ERC) meetings. ERC meetings do not occur for all sites and the regulator typically only attends meetings for priority sites or where significant community interest is present. The regulator has made a commitment in the Compliance Strategy to report on ERC attendance quarterly.

### Industry Reference Group

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 2023-24 Q1 | 2023-24 Q2 | 2023-24 Q3 | 2023-24 Q4 | Annual Total | FY Target |
| 0 |  |  |  |  | 4 |

#### Result and explanatory note:

The target is an annual figure based on Industry Reference Group (IRG) meetings being scheduled every three months, in addition to consultation on project-specific matters.

There were no IRG meetings held in Q1. Consultations were conducted on the code of practice for quarries and operational policy for competing licence applications.

#### 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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 2023-24 Q1 | 2023-24 Q2 | 2023-24 Q3 | 2023-24 Q4 | Annual Total | FY Target |
| 0 |  |  |  | 0 | 3 |

#### Explanation for the result

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

No ERRF meetings were scheduled to be 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, the Earth Resources Regulator 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 | Noise Emissions | 3 | 1 | 1 |
| Extractives | Explosives Air and Ground Vibration | 2 | 30 | 30 |
| Extractives | Impacts Outside Tenement Site | 2 | 4 | 3.5 |
| Extractives | Working Hours | 1 | 1 | 1 |
| Extractives | Tenement Boundaries | 1 | 1 | 1 |
| Extractives | Work without Licence or Consents | 1 | 1 | 1 |
| Extractives | Dust Emissions | 1 | 2 | 2 |
| Extractives | Internal Roads and Tracks | 1 | 1 | 1 |
| Mining | Explosives Air and Ground Vibration | 2 | 1 | 1 |
| Mining | Work without Licence or Consents | 2 | 2 | 2 |
| Mining | Hazardous Materials Management | 1 | 7 | 7 |
| Total |  | 17 | 5 | 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.

#### Result

There were 17 complaints in Q1, mostly relating to noise emissions, and explosives air and ground vibration. The average response time was five business day. The median response time was two business days.

The Earth Resources Regulator’s Compliance Unit is transitioning to using public complaints as an intelligence source to inform the tasking and coordination of structured compliance activities.

#### Why are these measures important?

The complaints handling process is an important aspect of effective stakeholder management and building confidence in the Earth Resources Regulator as an effective regulator.

**Department of Energy, Environment and Climate Action**

Earth Resources Regulator

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 - Resources Victoria](https://resources.vic.gov.au/legislation-and-regulations/regulator-performance-reporting/quarterly-performance-reports)

Earth Resources Regulation performance reporting site: [Regulator performance reporting - Resources Victoria](https://resources.vic.gov.au/legislation-and-regulations/regulator-performance-reporting)