

Earth Resources Regulation

Quarterly Performance Report

2020-21 Quarter 2

1 October to 31 December 2020



Summary

This report provides a summary of the Earth Resources Regulator's operating performance for quarter two of financial year 2020-21 (1 October to 31 December 2020).

Performance indicators in 2020-21 Q2 :

KPI 1# - 97% of the work plan stages for 20 quarries were assessed within the statutory time frames.

KPI 2# - 122 operational compliance activities were undertaken.

KPI 3# - 93% of reportable incidents were responded to during this quarter.

KPI 4# - 100% participation in Environmental Review Committee meetings.

KPI 5# - The time to respond to complaints took on average 16 business days.

- Explained in the next slide

Administrative updates by notification

- Two extractive and one mining industry administrative changes (notifications) were acknowledged during the period.

Petroleum operation plans

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

- Four petroleum operation plan stages were assessed from three unique operation plan submissions.
- Two petroleum operation plans were accepted in the quarter.

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	97%	100%	Outputs/activities
	Percentage of mineral licence applications and mineral work plan stages assessed within statutory time frames.	%	95	Quarterly	78%	74%	Outputs/activities
	Percentage of tenement variations assessed within Client Service Standard time frames where a statutory time frame does not exist.	%	95	Quarterly	84%	83%	Outputs/activities
KPI 2 Ensuring Compliance	Number of operational compliance activities undertaken per quarter.	Number of activities	75	Quarterly	122	48	Inputs
KPI 3 Effective Incident Management	Percentage of reportable events that are responded to per quarter.	%	100	Quarterly	93%	88%	Short-term & 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 Stakeholder Review Group meetings held by Earth Resources Regulation.	Number of meetings	4	Annual	2		Outputs/activities
	Number of Earth Resources Regulator Forums held by Earth Resources Regulation.	Number of meetings	3	Annual	2		Outputs/activities
KPI 5 Complaint Management	Average number of days to respond to complaints made by community against tenements.	Business days	3	Quarterly	16	28	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 Q2	Work Plan (WA)	20	28	1	28	29	97%
FY 2020-21 Q1	Work Plan (WA)	16	28	0	27	27	100%

* 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 Q2	Work Plan (WA)	5	9
FY 2020-21 Q1	Work Plan (WA)	2	2

Work authority granted in the quarter

Quarter	Licence Type	Granted
FY 2020-21 Q2	Work Authority	0
FY 2020-21 Q1	Work Authority	2

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 Q2 29 extractive work plan stages were assessed for 20 unique work plans, of which 97% were assessed within the statutory time frame.

Nine work plans were approved in the quarter. Five work plans were statutorily endorsed and returned to client 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 Q2	Mineral Licence Applications – (A)	8	18	26	69%
	Mineral Work Plan Stages – (B)	0	11	11	100%
	Total	8	29	37	78%
FY 2020-21 Q1	Mineral Licence Applications – (A)	9	15	24	63%
	Mineral Work Plan Stages – (B)	1	14	15	93%
	Total	10	29	39	74%

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 Q2 there were 37 (11 mineral work plan stages assessed and 26 mineral licence applications granted) of which 78% were assessed within the statutory time frames.

Explanation for the result:

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

In Q2 69% (18 out of 26) applications were granted within the statutory time frame, an increase of 3% from last quarter.

Explanation for the result:

This table is an expanded subset of the Table 1 above and it details performance of the regulator in assessing mineral work plan application stages.

In Q2 11 exploration and mining work plan stages were assessed from 10 unique work plans, of which 100% were assessed within the statutory time frame. Three work plans were 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 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%
FY 2020-21 Q1	Exploration Licence	90	8	14	22	64%
	Prospecting Licence	90	0	1	1	100%
	Retention Licence	120	1	0	1	0%
	Total		9	15	24	63%

(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 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%
FY 2020-21 Q1	Work Plan (Exploration)	1	3	28	0	3	3	100%
	Work Plan (Minerals)	1	12	28	1	11	12	92%
	Total	2	15		1	14	15	93%

* 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 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
FY 2020-21 Q1	Exploration Licence	90	5	35	40	88%
	Mining Licence	120	3	1	4	25%
	Prospecting Licence	90	0	3	3	100%
	Retention Licence	120	1	1	2	50%
	Work Authority	30	0	3	3	100%
	Total			9	43	52

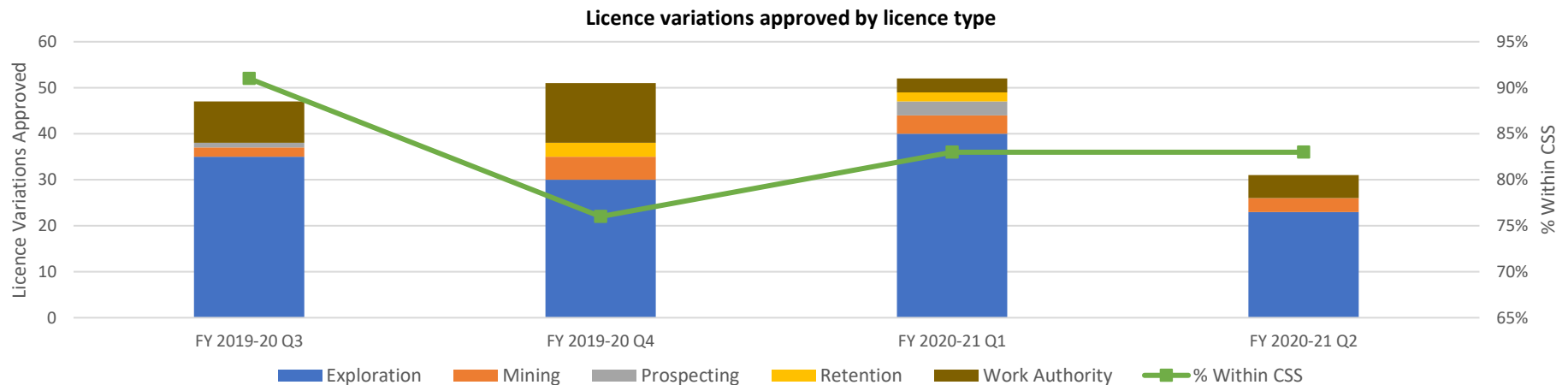
Explanation for the result:

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

In Q2 84% of the 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.



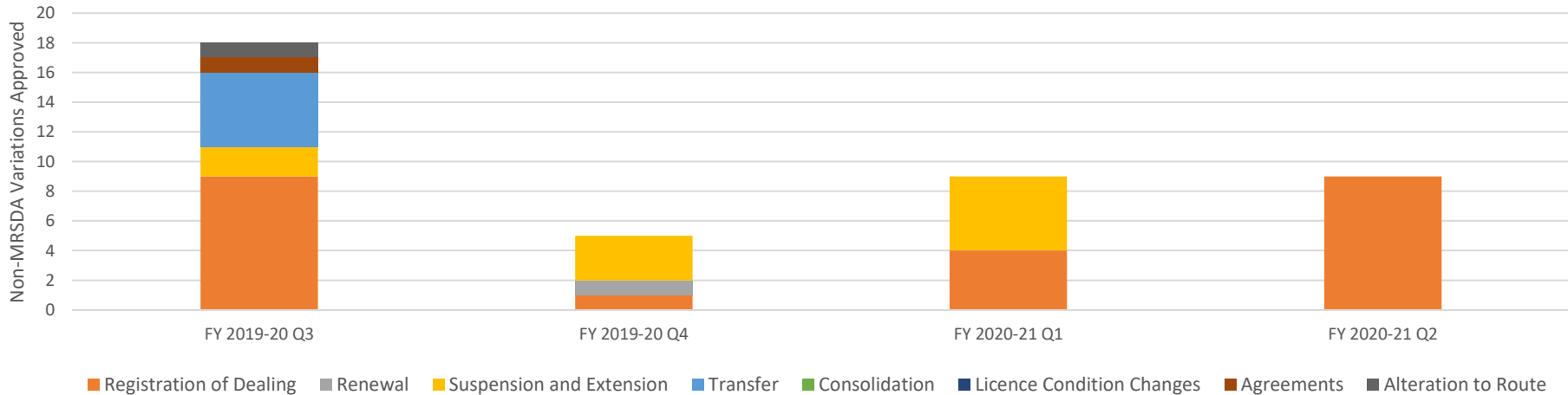
Non MRSDA licence variations approved

Quarter	Licence Type	Registration of Dealing	Suspension and Extension	Total
FY 2020-21 Q2	Onshore Petroleum Production Licence	7	0	7
	Onshore Petroleum Special Drilling Authorisation	2	0	2
		9	0	9
FY 2020-21 Q1	Offshore Greenhouse Gas Assessment Permit	0	1	1
	Offshore Petroleum Exploration Permit	0	4	4
	Offshore Pipeline Licence	1	0	1
	Onshore Petroleum Exploration Permit	2	0	2
	Onshore Petroleum Production Licence	1	0	1
		4	5	9

Explanation for the result:

In Q2 there were nine 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 Q2	Onshore Petroleum Production Licence	2	2	0	2	2
	Offshore Pipeline Licence	0	1	2	0	2
	Total	2	3	2	2	4
FY 2020-21 Q1	Onshore Petroleum Production Licence	3	7	0	7	7
	Onshore Petroleum Retention Lease	0	1	0	1	1
	Onshore Petroleum Special Access Authorisation	1	2	0	2	2
	Total	4	10	0	10	10

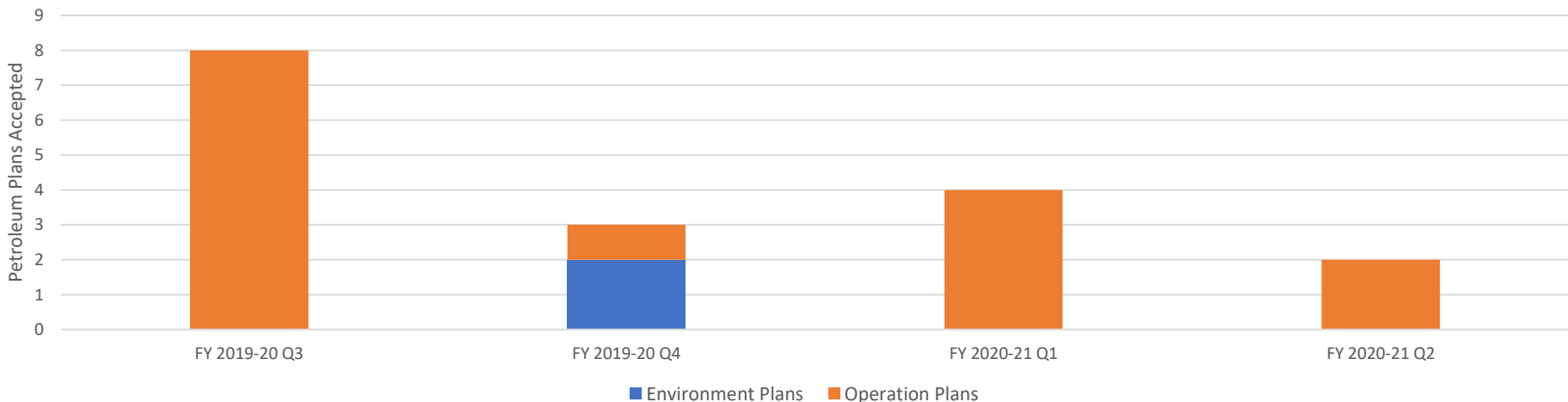
Explanation for the result:

In Q2 four operation plan stages were assessed from three unique plans and two petroleum operation plans were accepted in the quarter.

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.

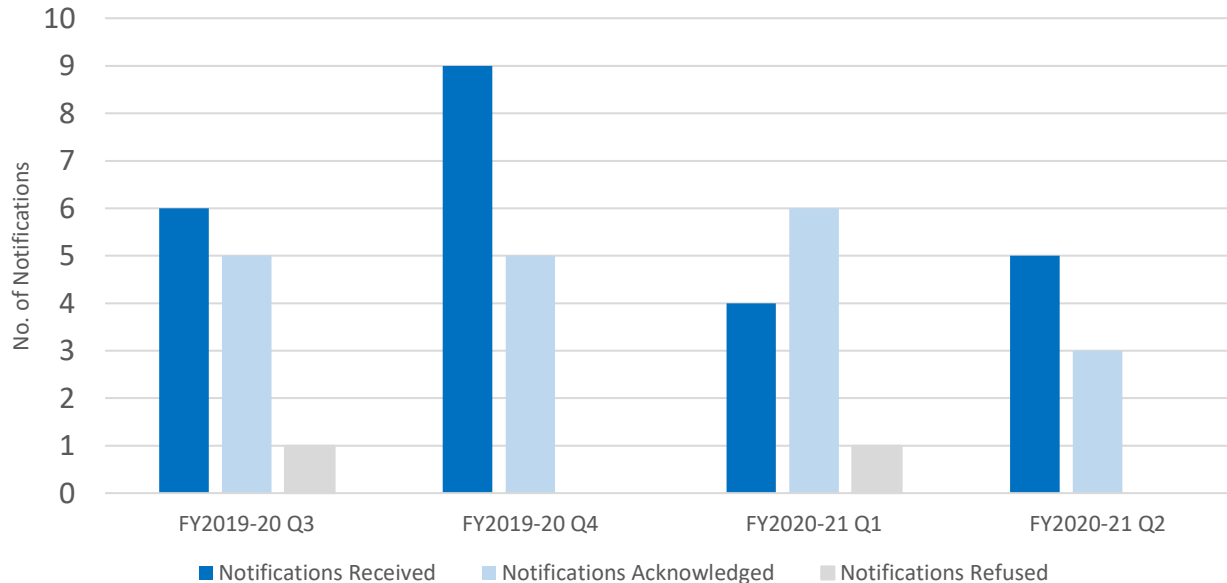
Non-MRSDA plans accepted



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

Extractives	FY 2019-20 Q3	FY 2019-20 Q4	FY 2020-21 Q1	FY 2020-21 Q2	Total
Notifications Received	4	7	2	3	16
Notifications Acknowledged	3	4	4	2	13
Notifications Refused	1	0	1	0	2

Administrative updates by notification



Explanation for the result:

In Q2 there was one mining and two extractive industry administrative changes acknowledged.

Administrative updates by notifications:

New or changing work on existing work plans where it satisfies the below 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:

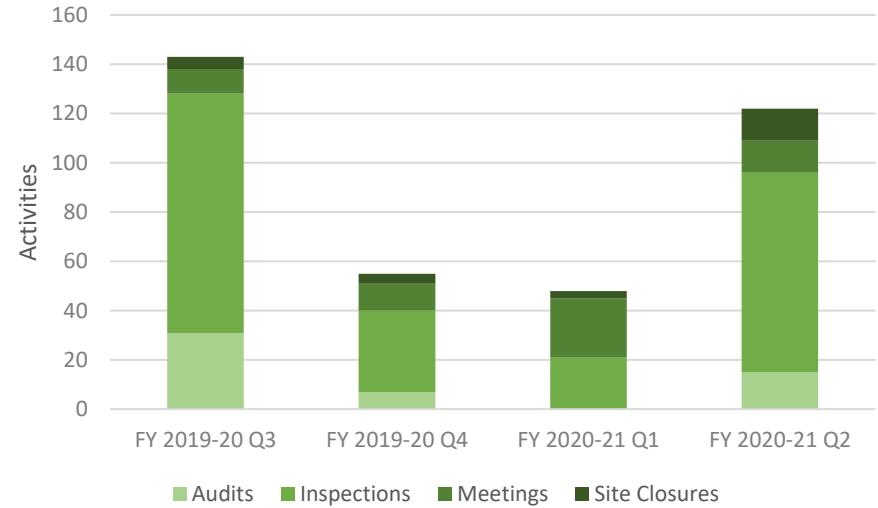
<https://earthresources.vic.gov.au/legislation-and-regulations/guidelines-and-codes-of-practice/extractive-industry-work-plan-guideline>

Compliance activities

Licence Types	Activity	Oct	Nov	Dec	Total
Extractives	Inspection	8	11	10	29
	Audit	0	2	8	10
	Site Closure	1	0	1	2
	Meeting	2	3	6	11
	Extractives Total	11	16	25	52
Mining	Inspection	13	17	19	49
	Meeting	3	5	3	11
	Audit	0	1	0	1
	Site Closure	1	1	0	2
	Mining Total	17	24	22	63
Petroleum	Audit	4	0	0	4
	Inspection	3	0	0	3
	Petroleum Total	7	0	0	7
Total		35	40	47	122

In Q2 Earth Resources Regulation conducted 122 proactive compliance activities involving 91 duty holders. Inspector field activities were limited to respond to critical incidents while aligning with the COVID-19 requirements. Inspector field activities since resumed in line with the changed COVID-19 requirements.

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 legislations, 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 is a non-compliance with a licence or work authority conditions.

Compliance audits

Type of Audits	FY 2019-20 Q3	FY 2019-20 Q4	FY 2020-21 Q1	FY 2020-21 Q2	Total	% Total
Plan and Conditions	9	1	0	9	19	36%
Progressive Rehabilitation	8	4	0	1	13	25%
Dust	5	1	0	1	7	13%
GeoTechnical	3	1	0	0	4	8%
Boundaries and Extraction limits	3	0	0	1	4	8%
Noise	0	0	0	2	2	4%
TSF Management	2	0	0	0	2	4%
Site Security and Buffer Zones	1	0	0	0	1	2%
Water Management	0	0	0	1	1	2%
Total	31	7	0	15	53	100%

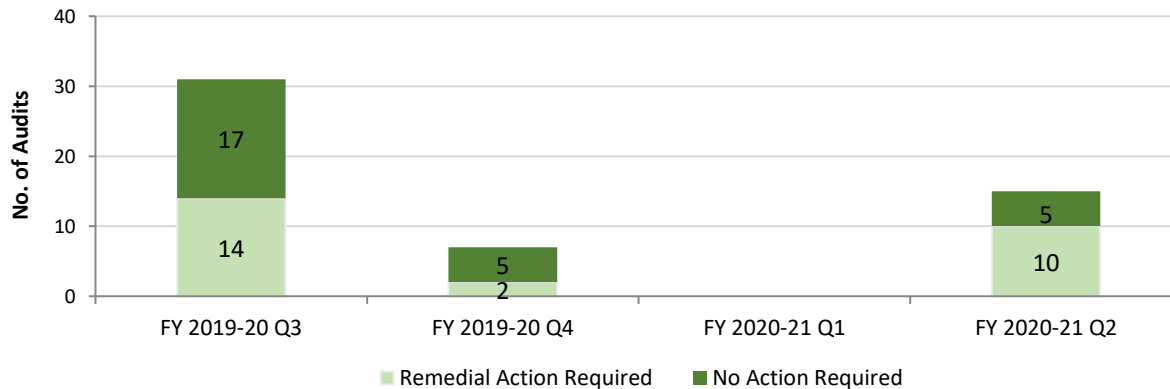
Explanations for the results:

There were 15 audits conducted in Q2 and nine were related to plans and conditions.

Earth Resources Regulation's compliance program aims to drive improved industry performance and is focusing on 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 https://earthresources.vic.gov.au/_data/assets/pdf_file/0020/461315/Earth-Resources-Regulation-Compliance-Strategy-2018-2020.pdf

Remedial action / No action after audits



Explanations for the results:

The audit program is risk based with a focus on more significant sites. The number of actions required can be dependant on the type of audits completed, and if the audits were 'follow up' audits from previously identified risks.

10 out of 15 audits conducted in the quarter 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.

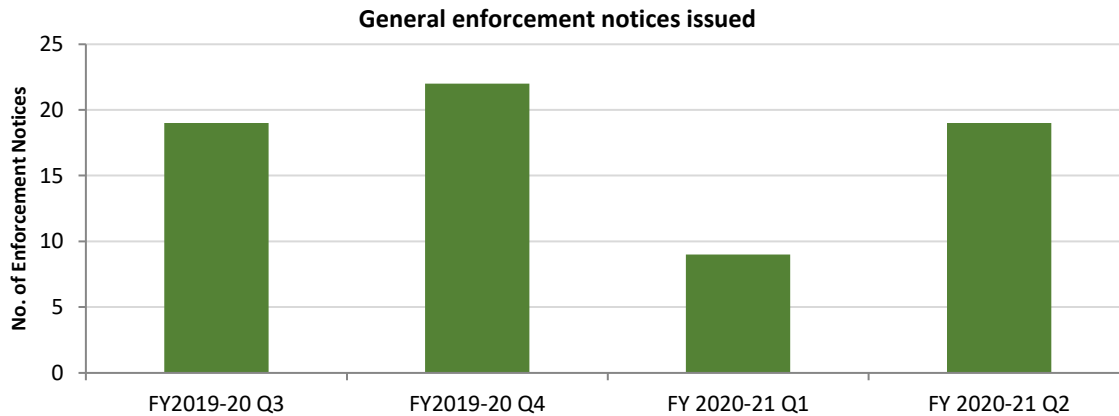
General enforcement notices issued in the quarter

Sector	Enforcement Code	Enforcement Action Type	No. of Notices
Extractives	s110 Notice	Noxious Weeds, Plants and Pests	1
Extractives	s110 Notice	Others	1
Extractives	s110 Notice	Waste and Redundant Plan	1
Extractives	s110 Notice (Stop Work)	Work Without Licence or Consents	1
Mining	s110 Notice	Reporting; Monitoring and Auditing	1
Mining	s110 Notice	Slope Stability	1
Total			6

Enforcement actions summary:

In Q2 19 remedial notices were issued, including alleged breaches of work plan conditions, safety hazards and waste disposals.

Further details on enforcement actions can be found in the following media releases:
<https://earthresources.vic.gov.au/about-us/news>



Infringements and Official Warnings Issued

Actions	Issued in the quarter
Infringement Notice	1
Written Instructions	12

Infringements and Official Warnings summary:

In Q2 there were 12 written instructions and one infringement issued.

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 & Risk Control	Yes	Resolved	32
Mining Licence	Minor	Public Safety	Reporting, Monitoring & Auditing	Yes	Resolved	4
Mining Licence	Minor	Public Safety	Public Safety & Site Security	No	Open	1
Mining Licence	Minor	Environmental	Environmental Incident Notification	Yes	Resolved	1
Mining Licence	Minor	Environmental	Environmental Incident Notification	No	Open	1
Mining Licence	Minor	Environmental	Noise Emissions	Yes	Resolved	1
Mining Licence	Minor	Infrastructure	Slope Stability	Yes	Resolved	2
Mining Licence	Minor	Infrastructure	Others	Yes	Resolved	1
Petroleum Licence	Minor	Legislation Breach	Fire Precautions & Risk Control	No	Open	1
Total						44

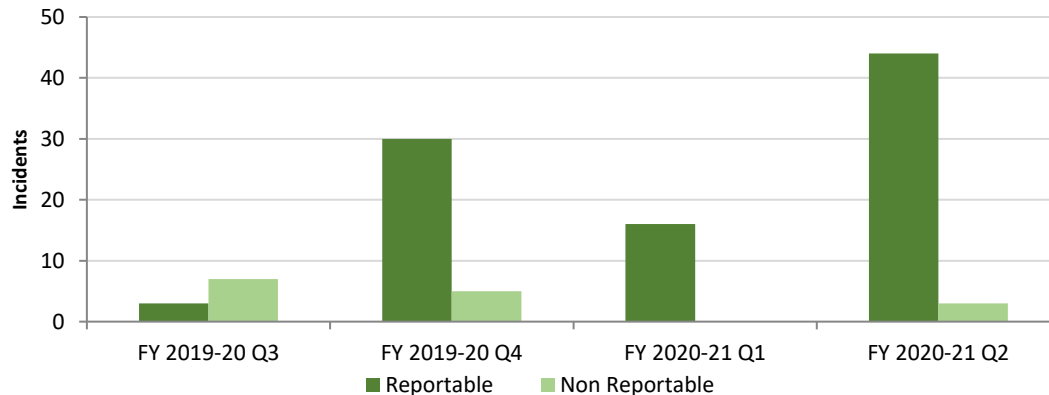
Non-reportable incidents in the quarter

Sector	Classification	Incident Type	Enforcement Code	Count
Mining Licence	Minor	Legislation Breach	Environmental Incident Notification	1
Mining Licence	Minor	Infrastructure	Reporting, Monitoring & Auditing	1
Work Authority	Minor	Legislation Breach	Working Hours	1
Total				3

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 44 reportable incidents in Q2 with a majority of these relating to small coal smoulders in the coal mines. A recent change in reporting requirements now classifies smoulders as a reportable fire event.

Other incidents included, noise and environmental incidents. 93% (41 out of 44) incidents were responded to in the quarter. 41 incidents were resolved, three are under investigation. There were three non-reportable incidents in Q2.

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

Environmental review committee attendance

	2019-20 Q3	2019-20 Q4	2020-21 Q1	2020-21 Q2
Meetings Planned	18	9	11	20
Meetings Attended	18	9	11	20
% 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 Q2. All ERCs were held online during the period in line with the COVID-19 restrictions, with feedback indicating that this approach worked well for licencees and communities.

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.

Stakeholder reference group

2020-21 Q1	2020-21 Q2	2020-21 Q3	2020-21 Q4	Annual Total	Target
1	1	-	-	2	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 Q2. On target to achieve the annual total of four.

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.

Earth resources regulators forum

2020-21 Q1	2020-21 Q2	2020-21 Q3	2020-21 Q4	Annual Total	Target
1	1	-	-	2	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 Q2. On target to achieve the annual total of three.

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.

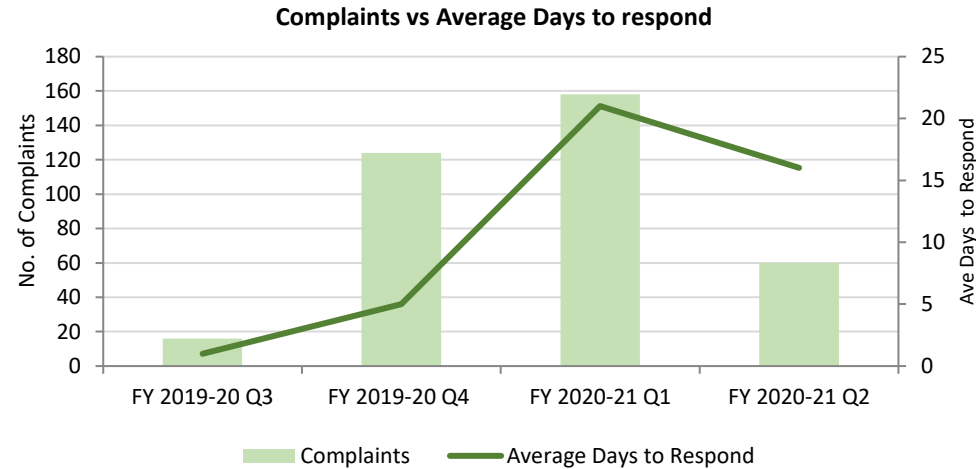
Response time to complaints in the quarter

Sector	Enforcement Codes	Number of Complaints	Ave Days to respond	*Median Days to respond
Minerals	Explosives Air & Ground Vibration	28	25	33
Minerals	Dust Emissions	5	5	3
Minerals	Working Hours	3	26	3
Minerals	Noise Emissions	3	4	1
Minerals	Authorised Activity Compliance	2	21	21
Minerals	Public Safety & Site Security	2	5	5
Minerals	Other	2	3	3
Minerals	Drill Sites, Costeans & Trenches	2	1	1
Minerals	Rehabilitation of Site	1	3	3
Minerals	Ground Disturbance	1	1	1
Minerals	Work without License or Consents	1	2	2
Minerals	Native Vegetation & Fauna	1	1	1
Extractive	Work without License or Consents	4	1	1
Extractive	Other	1	2	2
Extractive	Drainage, Erosion & Discharge	1	1	1
Total		57	16	3

* 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 yet to responded to in the quarter

Sector	Enforcement Codes	Number of Complaints
Minerals	Native Vegetation & Fauna	1
Minerals	Explosives Air & Ground Vibration	1
Extractive	Noise Emissions	1
Total		3



Explanation for the result:

There were 60 complaints in Q2. 43% of the complaints were relating to a single quarry in the Melbourne Metropolitan area, with complaints relating to blast vibrations, dust and dust emissions.

39 of the complaints were resolved and 21 are under investigation. The average number of days to respond to a complaint was 16 days and the median to respond was three days. Repeat complaints were addressed through combined responses.

A number of complaints required a follow up inspection to close out the matter, which were delayed due to COVID-19 restrictions. It is expected that complaint resolution times will improve in the following quarters.

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

Earth Resources Regulation

1 Spring Street
Melbourne VIC 3000
Telephone: 1300 366 356

© Copyright State of Victoria, Department of Jobs, Precincts and Regions 2021

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

This document is also available online at:

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



Jobs,
Precincts
and Regions