



# Victoria Government Gazette

No. S 232 Friday 14 June 2019  
By Authority of Victorian Government Printer

## Subordinate Legislation Act 1994

### NOTICE OF DECISION

Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019

I, Jaclyn Symes, Minister responsible for administering the **Mineral Resources (Sustainable Development) Act 1990**, give notice under section 12 of the **Subordinate Legislation Act 1994** ('SLA') that further to public consultation on a Regulatory Impact Statement (RIS), I have decided to recommend the making of the Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019 ('proposed Regulations') to replace the Mineral Resources (Sustainable Development) (Mineral Industries) Interim Regulations 2018 ('the current regulations'), which expire on 30 June 2019.

The RIS was open to public consultation from 25 March 2019 to 23 April 2019, and 21 submissions were received. After consideration of these submissions in accordance with section 11 of the SLA, some amendments were made to the consultation draft of the Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019. The amendments in response to submissions that are included in the proposed Regulations are as follows:

- Rehabilitation – Proposed changes to clarify and strengthen the mine site rehabilitation requirements will be delayed for 12 months. This will allow for the development of Ministerial guidelines to assist compliance and to allow mining proponents time to adjust to the new arrangements.
- Work Plans – The consultation draft of the Regulations proposed to develop a Risk Management Plan Code of Practice (Code of Practice) and Ministerial Guidelines to clarify regulatory expectations and simplify compliance. The department received several submissions indicating that such guidance material (yet to be developed) may cause uncertainty. At this time, it has been decided not to develop a Code of Practice and Ministerial Guidelines.
- Licence Applications (survey requirements) – Submissions did not support the proposal to only require surveys in mining and retention licence applications on the request of the Department Head. Consultation suggested that this proposal could potentially cause confusion or disputes. The current surveying arrangements will be retained in the proposed Regulations to avoid these concerns.
- Reporting and Rents – Submissions did not support moving reporting and rent payment for exploration and retention licences to the anniversary date of the licence. Several submitters were concerned that the proposal would impose increased regulatory burden on operators with multiple related licences, each of which has a different anniversary date. These operators prefer to submit joint reports for licences at a single point in time. The existing reporting dates for these licence types will therefore be retained in the proposed Regulations.

The proposed Regulations also include some minor and technical amendments.

The requirements for advertising licence applications and the acceptance of tenders in the proposed Regulations are in the same form as in the consultation draft. The greater flexibility in the advertising requirements in the proposed Regulations compared with the current regulations was broadly supported in the submissions. Several submissions supported an alternative proposal for the Government to provide an advertising site. The alternative proposal would require changes to the **Mineral Resources (Sustainable Development) Act 1990** and will be considered in the future.

Dated 7 June 2019

HON. JACLYN SYMES MP  
Minister for Resources

**SPECIAL**

## **bluestar** **PRINT**

The *Victoria Government Gazette* is published by Blue Star Print with the authority of the Government Printer for the State of Victoria

© State of Victoria 2019

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria

Level 2, 1 Macarthur Street  
Melbourne 3002  
Victoria Australia

### How To Order



**Retail &  
Mail Sales**

**Victoria Government Gazette**

Ground Floor, Building 8,  
658 Church Street,  
Richmond 3121  
DX 106 Melbourne



**Telephone**

(03) 8523 4601



**Fax**

(03) 9600 0478

**email**

[gazette@bluestargroup.com.au](mailto:gazette@bluestargroup.com.au)

**Price Code A**