



Victoria Government Gazette

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Subordinate Legislation Act 1994

PROPOSED MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) (MINERAL INDUSTRIES) AMENDMENT REGULATIONS 2022

Notice of Preparation of Regulatory Impact Statement

Notice is given in accordance with section 11 of the **Subordinate Legislation Act 1994**, that a Regulatory Impact Statement (RIS) has been prepared in relation to the proposed Mineral Resources (Sustainable Development) (Mineral Industries) Amendment Regulations 2022 (the proposed Regulations).

Note: The notice given on 1 June 2022 that a RIS had been prepared for the proposed Regulations, is superseded by this notice.

Objectives

The proposed Regulations further the objectives of the **Mineral Resources (Sustainable Development) Amendment Act 2019** ('the Amendment Act') to better manage the rehabilitation risks associated with mining sites, which are located on declared mine land. These changes will impact the three Latrobe Valley coal mines, which are currently the State's declared mines located on declared mine land. The proposed changes provide clarity to operators on actions that need to be taken and greater transparency to the community.

Without new regulations, accountability gaps for enforcement arise, as current liability for declared mine land rehabilitation attaches to mining licenses which are at risk of expiry or cancellation, on a declared mine licensee not complying with a declared mine rehabilitation plan.

The proposed Regulations cover the three areas that give effect to the Amendment Act, and are the subject of the Regulatory Impact Statement:

- declared Mine Rehabilitation Plans – provide for adequate rehabilitation planning and activities to manage risks posed by declared mine land for the closure of a mine on declared mine land;
- determinations – provide for the closure of mines on declared mine land and support informed decision-making to ensure that rehabilitation meets legislative objectives and provides a clear and transparent decision-making process; and
- registration – provides for declared mine land to be registered and the recording of information and risks about declared mines, supporting fair determinations of fund contribution amounts.

The regulations are necessary because the **Mineral Resources (Sustainable Development) Act 1990** ('the Act') requires that certain matters, forms and procedures be prescribed to support the operation of the Act. The proposed Regulations are made under section 124 of the Act.

The RIS examines the costs and benefits of the proposed Regulations and possible alternatives and concludes that the proposed Regulations which give effect to Option 2 are the most efficient method of achieving the objectives mentioned above.

RIS and Submissions

Copies of the RIS and proposed regulations can be obtained from the Engage Victoria website at <https://engage.vic.gov.au/draft-declared-mine-regulations-ris>

Public comment is invited on the proposed Regulations and RIS.

Please note that all comments and submissions received will be treated as public documents.

Comments and submissions should be received by the Department of Jobs, Precincts and Regions no later than 5.00 pm, 17 August 2022.

The Engage Victoria website is the preferred method for receiving submissions, and can be found at: <https://engage.vic.gov.au/draft-declared-mine-regulations-ris>

SPECIAL

Submissions can also be received by post, marked ‘Mineral Resources (Sustainable Development) (Mineral Industries) Amendment Regulations 2022’ (‘Draft Regulations’) and addressed to:

Director,
Resources Policy and Legislation Reform
Department of Jobs, Precincts and Regions
GPO Box 4509
Melbourne, Victoria 3001.

HON. JAALA PULFORD MP
Minister for Resources

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