



Submission in response to:

Trailing Liabilities for mining licensees consultation paper;

I am writing this submission on behalf of the **Latrobe Valley Sustainability Group** which is a grassroots citizens organisation dedicated to encouraging the understanding and acceptance of the principles of environmental sustainability. We believe that transition from fossil fuel-based energy to energy derived from renewable sources is a matter of urgency due to the climate and biodiversity crisis facing our world.

The Latrobe Valley Sustainability Group welcomes the Victorian Government's **Trailing Liabilities for Victoria's Declared Mines consultation paper**. We believe that the changes proposed within this paper, if implemented, would improve rehabilitation outcomes for Latrobe Valley coal mines. The 'Trailing Liabilities' scheme would help ensure that companies can't escape their rehabilitation responsibilities even when the company is no longer the current owner of the mine. However, we are concerned that the new laws may not go far enough to ensure safe, stable, and environmentally sustainable mine rehabilitation.

Outlined below are our recommendations to ensure that the Trailing Liabilities scheme is effective in achieving rehabilitation that will create a landscape that can support future uses of the land for agriculture, recreation, and native habitat.

1. Licensees should be required to seek independent environmental assessments to develop Mine Rehabilitation Plans which reflect global best practice.

Mine rehabilitation plans should be subject to independent environmental impact analysis to help ensure that decisions made will enhance rather than harm the health and ecology of an area, and that safety, stability and water availability issues are resolved in an environmentally sensitive way.

The Trailing Liabilities scheme should cover residual issues, but the risk of ongoing environmental damage post-mine closure can be mitigated by requiring independent assessments for rehabilitation plans at the outset.

2. All Victorian mines should be covered by the new laws.

The consultation paper proposes that the new laws apply to Declared Mines only. We believe that strong regulations should be applied to all Victorian mines and quarries.

Environmental degradation and biodiversity loss is occurring Victoria wide. Our native plants and fauna (both vertebrates and invertebrates) are at dire risk of decline and extinction, and many species are already well down that path.

Any mining operation should be required to carry out best practice rehabilitation. Company profit should never be put before good land management and environmental wellbeing.

3. Residual issues which may take decades to emerge should be covered by the scheme.

Drawing water from the Latrobe River system to fill the mine voids and contamination of water from coal ash, will degrade waterway health, damage ecology, and contaminate farms and forests well into the future.

It is imperative that licensees satisfy the Minister for Resources that they can finance not only the proposed work but any residual issues that might emerge.

Strong trailing liability laws will incentivise rehabilitation efforts that are less likely to adversely impact the community and environment in the first place.

4. Expand the ability to make remedial directions in relation to unrehabilitated land.

Where existing proposals for rehabilitation are not the best option for the environment or the community, the Trailing Liabilities scheme should allow the government to direct that the plan be improved. Knowledge, understanding, and circumstances change over time therefore government direction should be allowed both before and after the plan has been approved by the Department.

5. Mine operators should have to seek approval from the government to sell their mines.

This would reduce the risk of licensees disposing of assets nearing the end of their life to entities that may not be financially or technically capable of undertaking rehabilitation. The government should consider whether a company can afford rehabilitation, public interest, and community benefit in assessing these applications.

6. Increase rehabilitation bonds.

Bonds are vitally important to ensure that rehabilitation continues if a licensee is unable to afford the costs. Increasing the bond amount to cover the true cost of rehabilitation will result in better outcomes.

In the event of cost blowouts as more issues become apparent, bonds will help rehabilitation efforts stay on a positive track.

- 7. Rehabilitation bonds should not be fully reimbursed until sufficient time has elapsed for rectification of any significant post-rehabilitation problems that emerge.**

Due to the extremely complex nature of declared mine rehabilitation, some problems related to the rehabilitation work will not become evident until many years after rehabilitation has been completed. It is essential that the government has financial power to rectify post rehabilitation problems when they occur.

- 8. The government should introduce trailing liability laws for offshore oil and gas projects in Victorian waters.**

Oil and gas projects already operational within Victorian waters should be included within the Victorian government's Trailing Liabilities scheme. ***However, no new oil or gas projects should be approved as this will continue to fuel the climate and biodiversity crisis.***

I will close this submission with a quote from Australian Climate Scientist Joelle Gergis, lead author for the IPCC Sixth Assessment Report:

"If our work doesn't convince this generation of political leaders that we must stabilise the Earth's climate immediately, we will lock in an irreversibly apocalyptic future."

Joelle Gergis, Humanity's Moment, page 18.

Thank you,

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