

Survey responses

Three individuals responded to the survey for the online Trailing Liabilities.

The responses provided did not necessarily answer every question on the survey.

Question	Responses
Do you agree that trailing liabilities provisions should only be applied to declared mines? What are your reasons for that view?	<ul style="list-style-type: none"> • No, such liabilities should extend to ALL mines and Quarries. • No. They should apply to all mines because failure to rehabilitate all mines is widespread across Victoria. • No. All mines in Victoria present the same mine-site rehabilitation issues as Latrobe ones. In Central Victoria it's failed gold mines that have repeatedly demonstrated the inadequacy of Victoria's mining law in preventing rehabilitation failure
What are your views on the Commonwealth Government's trailing liabilities regime of the offshore petroleum sector?	<ul style="list-style-type: none"> • Have no detailed knowledge of such. • The State Government should adopt the Commonwealth Offshore Petroleum Trailing Liabilities Framework in full and implement it. It should apply to all mines, including onshore gas. • It's a good idea, but needs full funding to implement
Do you believe the Commonwealth Government trailing liabilities regime, developed for the offshore petroleum sector, could be adapted to Victoria's declared mines? What are your reasons for that view?	<ul style="list-style-type: none"> • No detailed knowledge C'wealths regime or its effectiveness. • I support their application, especially regarding the "call back" provisions and the onus placed on "related persons" rather than corporations per se. • No - it needs to be applied to all industrial mine-sites. Victoria's mining law needs to be updated to encompass current mining best practice in step with community expectations
Do you think the proposed trailing liability regime will be effective in ensuring Victorians are not exposed to rehabilitation liability risk?	<ul style="list-style-type: none"> • Only if adequate / realistic bond are in place to returned to premised state. It is administered by an independent statuary authority who sets bond amounts, supervises ongoing increasing liability and supervises the the reparation of mine site reparation and finally signs off on completion of rehabilitation independent of DELWP/ DEECA and ERR and treasury. • Hard to say. Depends on just how serious the Vic Govt is in implementing them and holding mining companies to account.

	<ul style="list-style-type: none"> • The regime will only be effective if there is full disclosure & transparency to the public by the mining industry & ERR
What are your views on the proposed Victorian trailing liability regime?	<ul style="list-style-type: none"> • See above • The proposal will not change anything without strong legal enforcement. As the VAGO Report Rehabilitating Mines (August 2020) found “systemic regulatory failures” relating to mine rehabilitation have existed for ages. Earth Resources' dual responsibilities--to approve licences and to oversee mining operations, including rehabilitation is seriously conflicted. This is a profound failure in good governance. ERR does not act in the public interest. • It's a good start to changing Victoria's mining law. However it appears to be another clause cobbled on to a ponderous, messy & antiquated Act
Do you have any suggested improvements to the proposed Victorian regime?	<ul style="list-style-type: none"> • See above • Establish an independent Mine Land Rehabilitation Authority (MLRA), like the Latrobe Valley Authority charged with oversight and enforcement of rehabilitation of all mines. Ensure realistic bonds, which cover all stages of rehabilitation, including residual contingencies are lodged in a separate trust account prior to grant of licence. Make "related persons" past, present and future, responsible for bonds and rehabilitation. If this is not done, no licence should be issued or on sold. I would support the improvements in the consultation paper. • The regime must include all industrial mine-sites in Victoria
If the trailing liabilities provisions were used, do you believe the related persons [as outlined in the Consultation paper] should have access to any existing rehabilitation bond to undertake the necessary works, as they would be doing the rehabilitation instead of the Government?	<ul style="list-style-type: none"> • Monies should be held until rehabilitation to original state is completed as determined by a new independent statutory authority. • No. Bonds are inadequate and rehabilitation, which can take decades means costs rise exponentially over time. Residual issues, such as toxic leakage, dams collapse, contaminated water and soils and diseases such as cancer may not emerge for years. • An independent Government mine-site rehabilitation authority independent of ERR to oversee best practice mine-site rehabilitation in consultation with impacted community representatives
If the trailing liabilities provisions were used and rehabilitation obligations were completed successfully by the related	<ul style="list-style-type: none"> • Only if rehab obligations were actually completed returning mine or quarry site to original state not a degraded state.

persons, do you think their expenses should be reimbursed (in full or in part) from any rehabilitation bond held by Government against the operation?	<ul style="list-style-type: none"> • No. There will not be any money left over. I am totally opposed to taxpayers paying for the damage mining companies leave behind while they take the profits and run. • Government mine-site rehabilitation authority independent of ERR will determine if a related persons are suitably involved in rehabilitation during mining operations. Part reimbursement from the bond assessed by the rehabilitation authority occurs for progressive rehabilitation milestones signed off by the rehabilitation authority. When the mining company becomes insolvent or sells of their mine, the related persons forfeit their bond to the rehabilitation authority
Should the Mineral Resources (Sustainable Development) Act 1990 be amended to require declared mine licensees to seek approval of changes in ownership above a set threshold?	<ul style="list-style-type: none"> • MRSD Act should be amended to include ALL mining activities on a mining license should be required to seek approval before ownership change. • Yes. But I would need to know what the threshold is. • No - the amendment must include all industrial mine-sites in Victoria. Mining companies in Central Victoria are mostly foreign owned & seem to operate in a socially & environmental irresponsible manner with impunity
Do you have any further comment on any other aspects of the proposed trailing liability scheme?	<ul style="list-style-type: none"> • The proposal is already in the Act and regulations. I am not confident these changes will ensure mining is safe for the environment and rural communities. There is so much toxic pollution around abandoned and working mines which EPA and ERR refuse to make the companies clean up. The regulators and the Government just turn a blind eye. Rural communities are suffering real and deep psychological anxiety and despair which is affecting our lives, livelihoods and homes. WE DO NOT FEEL SAFE. WE DO NOT CONSENT TO MINING which creates such ecological and social damage. WE ARE SICK OF BEING HARASSED BY GREEDY MINING COMPANY REPRESENTATIVES. When a Ministerial assessment of an EES inquiry says the environmental effects are unacceptable, that should be the end of any further attempts to pursue a licence. I would like to see a Royal Commission into Mining in Victoria. • The scheme is another example of tinkering around the edges of a fundamentally flawed mining Act