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Environmental Defenders Office

*Using the law to protect  
our environment.*

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Dear Committee Secretary

**Submission - Natural Resources and Other Legislation Amendment Bill 2019**

Thank you for the opportunity to provide comment on the Bill. This submission is provided on behalf of Lock the Gate Alliance (**Lock the Gate**) and Environmental Defenders Office Qld (**EDO Qld**).

Our comments are focused on Part 5 Amendments of Mineral and Energy Resources (Financial Provisioning) Act 2018

**We do not support the proposed amendments to Clauses 213, 214 and 215, that is replacing “rehabilitation” with “remediation”.**

The proposed amendments pre-empt the current review of the State’s Abandoned Mines Program which is a key element of the on-going mine rehabilitation reforms. The existing program has consistently failed to deliver a measureable and sustained reduction in the State’s exposure to environmental, social and economic risks posed by the State’s abandoned Mines. It is for this reason that the review is being undertaken; to improve the standard of management of abandoned mine sites.

The current abandoned mines program such that it is, is framed by chapter 13 part 4 of the *Mineral Resources Act 1989* (Qld). This framework lacks the appropriate ambition necessary to deal effectively with the State’s abandoned mines risk. Further downgrading the level of ambition from “rehabilitation” to “remediation” locks in an inadequate level of commitment to addressing the issue.

Under the *Environmental Protection Act 1994* (Qld) (**EP Act**) ‘remediate, contaminated land, means— (a) rehabilitate the land; or (b) restore the land; or (c) take other action to prevent or minimise serious environmental harm being caused by the hazardous contaminant contaminating

the land' per schedule 4. This is a broad definition open to subjective interpretation which can result in many different potential outcomes as to the standard expected for a site.

Rehabilitation is a concept under the EP Act and the new *Mineral and Energy Resources (Financial Provisioning) Act 2018* (Qld) which goes several steps further in that it supports the rebuilding of natural or agricultural systems to the point that these systems can sustain a variety of land uses. Remediation is simply a first step in the rehabilitation process in that it controls pollution. Remediated, as opposed to rehabilitated, areas can remain un-able to sustain post mining land uses.

We would strongly advocate maintaining the reference to rehabilitation in the Mineral and Energy Resources (Financial Provisioning) Act 2018 in regards abandoned mines as it maintains the opportunity for the new, revamped abandoned mines program to adopt the standards and definitions contained in the Mineral and Energy Resources (Financial Provisioning) Act 2018 that apply to operating and new mines. These include returning abandoned mine sites to a "stable condition" and where this is not possible that abandoned mine sites with "non-use management areas" be rehabilitated and managed to a "best practice" standard.

The proposed amendments to Clauses 213, 214 and 215 are a retrograde step. The State needs to raise the bar in regards to rehabilitating abandoned mines, not lower it.

Yours faithfully



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