Voices of the Valley

Voicing the concerns of the Latrobe Valley community

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Voices of the Valley
Incorporated Association A0060859B

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Submission to the consultation regarding Trailing Liabilities for Declared Mines

This submission is made on behalf of Voices of the Valley which is a community advocacy group in the Latrobe Valley.
Voices of the Valley was formed in 2014 during the Hazelwood Mine Fire. We have had an interest in how the coal mines are managed and in rehabilitation planning since then. We were a party to the Hazelwood Mine Fire Inquiry including the section on mine rehabilitation and have attended information sessions and public forums run by the mine owners, the Environment Protection Authority and Mine Rehabilitation Commissioner.

We welcome this opportunity to contribute to the consultation on the proposed legislation concerning trailing liabilities for mine rehabilitation.

As a community advocacy group we have a continuing interest in how community and cultural usage are affected through the rehabilitation process. It has become apparent to us, through public information sessions, that rehabilitation plans are limited to the mine void and its perimeter. Immediate and long term effects of coal mining on surrounding land and communities do not appear to form part of planning, despite community preferences about future use of land that was subject to mining leases and coal overlays having been expressed at many 'community consultations'.
Our perception of current rehabilitation practices and proposals is that licence holders (Engie in the case of Hazelwood Mine) determine the parameters of rehabilitation and how associated assets will be used. The draining of the Hazelwood cooling pond, regarded as a community asset for decades, remains a sore point, locally. We also note that mine owners expect to have first draw in natural resources in their rehabilitation plans, namely water to fill the mine void, without regard to downstream requirements for riverine and lakes' health and future water needs for land and population use.

The three Latrobe Valley mines are surrounded by extensive areas of disturbed land that are part of mining leases; however, most of the discussion and planning about rehabilitation seems to be about how to fill the mine voids to make them 'safe, stable and sustainable'. The safety and stability of surrounding land, affected by long term mining and lowering of the water table, is also of concern to people who live in the area and may well prove to be long term liabilities. Although two towns are perched on the edges of mines, and Morwell in particular is on the edge of both Hazelwood and Yallourn mines, we have not seen this fact acknowledged in public accounts of rehabilitation planning. We consider that the mine operators should bear some responsibility for damage done to adjacent land through ground movement and changes in the water table caused by mining and this responsibility should be included in trailing liabilities.

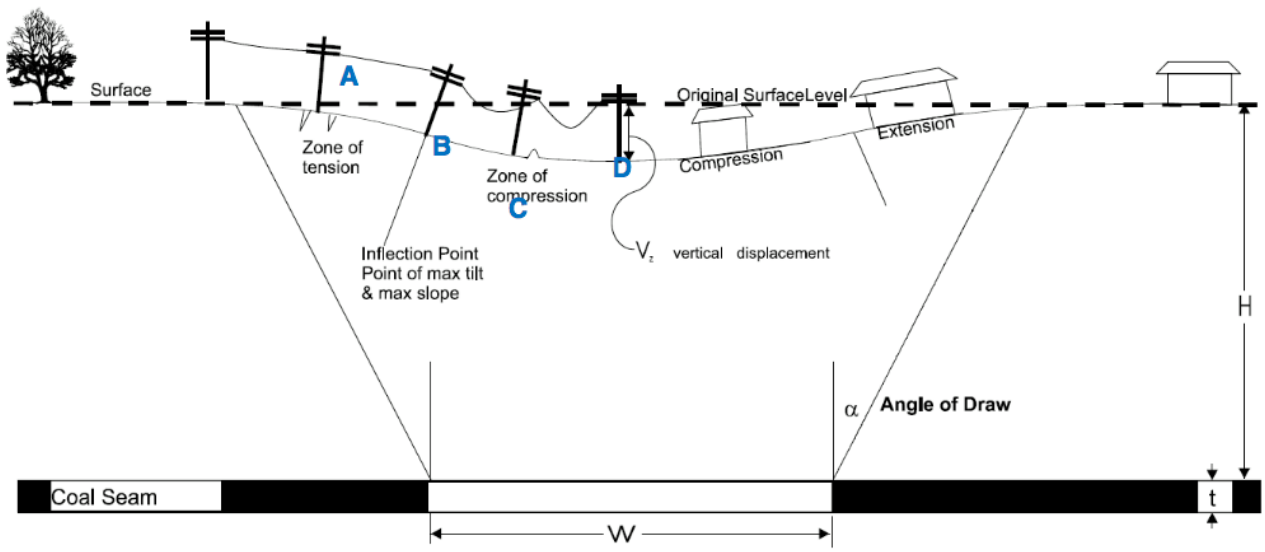
Rehabilitation plans and progress reports that are made available to the public tend to put the best view forward of how rehabilitation is progressing. It seems as if community groups, such as Voices of the Valley, have the job of drawing attention to worst-case scenarios. The trailing liabilities proposal

provides an opportunity to ensure a number of important things are taken into account and remediation provided for.

Some problems may only become apparent after the current rehabilitation activities have been completed, so it is essential that rehabilitation plans and liabilities provide for issues that may emerge in the future. For instance, ash ponds and asbestos disposal cells have the potential to become problematic in the future, including contaminating soil and water. It should be recognised that liabilities will continue for decades. The new EPA Act and Climate Change Act should now form part of the framework for rehabilitation planning and for continuing and trailing liabilities.

It seems implicit in mine rehabilitation plans that they are concerned with the mine void. However, mining affects the surrounding area, sometimes for many kilometres. Earth movements, slippage, subsidence, in the surrounding area may not be included in current rehabilitation activities yet have serious consequences for people living in the area and for future land use.

Trailing liability provisions should extend to unrehabilitated land and watercourses surrounding the void and beyond. For instance, subsidence and slippage can occur at a distance from the actual void. Land subsidence around the Latrobe Valley attributable to decades of pumping out the mine has resulted in damage to buildings, roads and pipes. Once the water is no longer being pumped out and the void is filled with water (the plan), the land will rise again, although not evenly, leading to further damage to property. The long term implications and effects of river diversions in relation to the Hazelwood and Yallourn mines should also be kept in mind. The following illustration is taken from *Background Review: Subsidence from Coal Mining Activities*, published by the Australian Government: Department of Environment in 2014.



Although this diagram refers to underground coal mines, the depth of Latrobe Valley open cut mines and their close proximity to the towns of Morwell and Yallourn North makes it relevant.

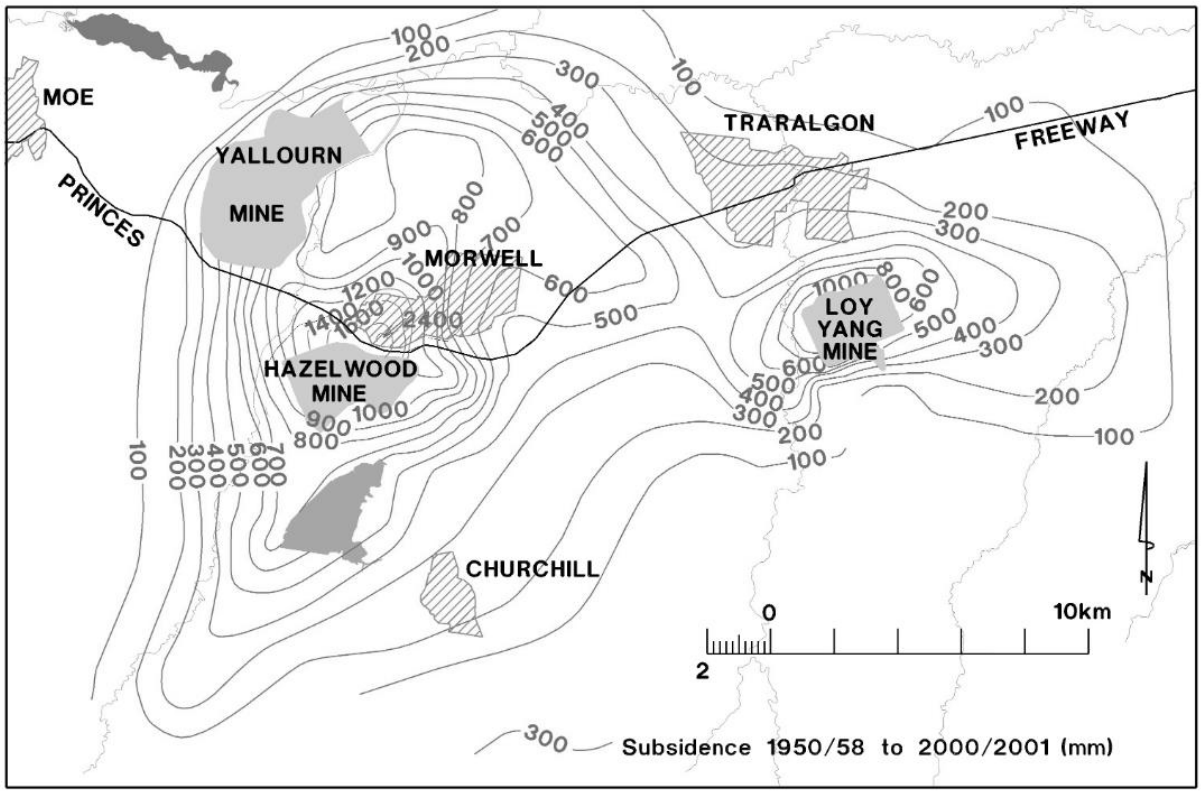


Figure 1: Regional Subsidence Contours

Source: The potential for Artificial Recharge of the Tertiary Aquifers of the Latrobe Valley Depression, Victoria, Australia, 2001, by Schaeffer and others

The illustrations show the proximity of mines to towns as well as the potential for long term effects on land and infrastructure.

We would definitely agree that liabilities should be included in any proposed sale and that approval of sale should not be granted if it could be a means of avoiding liabilities. As mines and sales of mines tend to involve transnational corporations which have the ability to transfer both profits and liabilities to other jurisdictions it is imperative that a close eye and tight regulation be applied to trailing liabilities.

We would argue that trailing liabilities provisions should be extended to apply to all mines, not restricted to the three coal mines in the Latrobe Valley. The mining industry, globally, has a poor reputation for maintaining safety and cleaning up following disasters and end of active mining, especially where there is lax regulation. Our observation of mining and large industrial enterprises in the Latrobe Valley that have an impact on human health, land use, and environmental conditions is that they mostly abide by licence conditions, but rarely do better than is required, and we think this is likely to be so more generally; so, it is crucial that licences, rehabilitation conditions, liabilities and responsibilities should be

specified more extensively and regulated more strictly across the range of mining activities, including quarries and other mines.

All mining affects land use and surrounding communities. Old, abandoned mines are a danger. New mines should not be allowed to become a danger to those who live near them. We would argue that the provisions should apply to all mines in the state, as all mines have an impact on the land and communities near them, and all should have rehabilitation plans. The provisions should also apply to rehabilitation of off-shore oil and gas projects: these are predominantly the responsibility of the Commonwealth but are closely linked to coastal Victorian communities and have the potential to affect onshore environments and amenity for local communities so should also be subject to Victorian environmental and climate change law as well as trailing liabilities law.

Given that effects of mining can become apparent long after active mining has ceased, and that rehabilitation obligations are based on knowledge at the time mining ceased, money held in bond by Government should continue to be held in case further problems become apparent. In the case of Latrobe Valley coal mines, issues of land subsidence, earth movement resulting from mining and effects on water downstream of the mine voids may continue for decades and require remediation. We would argue that making provision for these factors would strengthen the trailing liability regime.

Voices of the Valley welcomes the proposal for a trailing liabilities regime for mines in Victoria and consider it would be improved by recognising that the need for rehabilitation may persist over a wider area and for a much longer period than current rehabilitation plans encompass.