

Earth Resources Regulation

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# Regulatory Practice Strategy for the Rehabilitation of Earth Resources Sites **PROGRESS REPORT**

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Improving rehabilitation for mines, quarries and other earth resources sites

# Effective rehabilitation underpins confidence

As Victoria's primary regulator of earth resources, Earth Resources Regulation is committed to protecting people, land, infrastructure and the environment across the whole resource life cycle – from the earliest exploration activity through to extraction and final site closure.

Effective site rehabilitation underpins confidence in both the resources industry and the regulator – the commitments made upon approval of a project must be fulfilled when it is finished.

In February 2020, Earth Resources Regulation published our *Regulatory Practice Strategy for the Rehabilitation of Earth Resources Sites*. The Strategy outlines our regulatory approach and the actions we are taking to overhaul our site rehabilitation practice out to 2022. In late 2020, we published an addendum to the Strategy. The Addendum reaffirms our commitment to our strategic objectives and goals and outlines additional actions we will take to further improve Victoria's rehabilitation outcomes.

This Progress Update outlines the progress we have made in implementing the Strategy. It also outlines how and when we will report on our progress into the future.

## Strategic objective and goals

Our strategic objective and goals for site rehabilitation remain appropriate and have not been changed by the Addendum.

Our strategic objective is to achieve site rehabilitation for mines, quarries and other earth resources activities including exploration to meet government and community expectations.

Our strategic goals to achieve this objective are:

- protecting people, land, infrastructure and the environment
- ensuring land can be returned to a safe, stable and sustainable landform
- minimising the State's exposure to rehabilitation liabilities if authority holders default, and
- being a best practice regulator.



# Strategic goal 1

## Protect people, land, infrastructure and environment

We are regulating resource sites to protect people, land, infrastructure and the environment from potential adverse impacts of poor site rehabilitation. We are doing this by working with authority holders to encourage effective rehabilitation and requiring clear closure criteria for the completion of rehabilitation.

### Overview of actions we have delivered

- **Improved communications and stakeholder engagement capability.** We have reinvigorated Earth Resources Regulation's communications and stakeholder engagement capability through employing dedicated staff. We have increased the frequency of our newsletters, to keep authority holders and the wider community up to date on earth resources regulatory matters. We have also published a Stakeholder Engagement Charter.
- **More transparency around rehabilitation bonds.** We have published an inventory of rehabilitation bonds that Earth Resources Regulation currently holds for all exploration, mine and quarry sites. The inventory is available on our public website – [earthresources.vic.gov.au](http://earthresources.vic.gov.au).

# Strategic goal 2

## Ensure land is returned to a safe, stable and sustainable form

We are regulating to ensure that land is returned to a safe, stable and sustainable form. We are doing this by encouraging authority holders to undertake rehabilitation planning, including specifying the final safe, stable and sustainable landform and working more closely with public and private landholders and co-regulators.

### Overview of actions we have delivered

- **More advice and assistance to authority holders.** We want to help authority holders ensure they comply with updated regulations around site rehabilitation. To do this, we have increased stakeholder engagement to assist authority holders with their implementation.
- **Helping the minerals industry develop better rehabilitation plans.** We have published guidelines to aid the minerals industry in preparing rehabilitation plans that meet current regulations. This gives more clarity to the industry on what we expect in rehabilitation plans. The guidelines are available on our public website at [earthresources.vic.gov.au](http://earthresources.vic.gov.au).



## Strategic goal 3

### Minimise the State's exposure to rehabilitation liabilities

We are minimising the State's exposure to potential rehabilitation liabilities if authority holders fail to fulfil their regulatory obligations. We are doing this by more accurately identifying rehabilitation liabilities and setting bonds, in line with the State's standing policy for authority holders to lodge a rehabilitation bond to cover 100 per cent of the estimated rehabilitation cost. We are also taking follow-up action with a more effective compliance program.

#### Overview of actions we have delivered

- **A more accurate rehabilitation bond calculator.** We have updated the rates in our rehabilitation bond calculator to reflect current estimates of costs associated with rehabilitation.
- **Helping authority holders accurately assess their rehabilitation liabilities.** We have updated our Rehabilitation Self-Assessment Guidelines to help authority holders accurately assess their rehabilitation liabilities. This will help ensure that both the State and authority holders have a true picture of rehabilitation liabilities and will help minimise the State's financial risk.
- **Moving to risk-based rehabilitation regulation.** We have developed and are currently trialling our Rehabilitation Risk Profile Guidelines to enable us to prioritise and guide all our regulatory activities. These guidelines include assessment of rehabilitation plans, liabilities and setting bonds, and will ensure we take a consistent, risk-based approach to our regulatory efforts.

## Strategic goal 4

### Be a best practice regulator

We are building on the implementation of recommendations of the Victorian Commissioner for Better Regulation's *Getting the Groundwork Right* report by applying a risk-based regulatory approach to rehabilitation. We are also managing our information effectively and more transparently.

#### Overview of actions we have delivered

- **More accurate and current website.** We have updated the Earth Resources public website – [earthresources.vic.gov.au](http://earthresources.vic.gov.au) – to include additional detail on rehabilitation management and regulator roles and responsibilities. With the reinvigoration of our stakeholder engagement and communications capability, we will keep the website updated to ensure authority holders and the public can access current, accurate information.
- **Clearer roles and less overlap.** As we have built our rehabilitation team, we have also clarified the rehabilitation roles and responsibilities of all our staff. This ensures the best use of resources and consistent advice on rehabilitation issues.
- **Specialist rehabilitation capability.** We have recruited two new senior positions dedicated to assessing rehabilitation liabilities and setting bonds. The additional staff have also enabled us to conduct more frequent on-site oversight of rehabilitation works. To ensure we maintain appropriate staff numbers, we have submitted a proposal for more new positions for the next State Budget.



# Monitoring, evaluation and reporting on our delivery of this Strategy

We have established a monitoring and evaluation framework to track our progress in implementing the actions in the Strategy. Our framework will also enable us to evaluate the success of the Strategy by assessing improvement in site rehabilitation outcomes. The framework includes both internal performance measures for us to track our own progress and to inform the public of our performance.

We will publish a report on these measures every year, with the first report to be published in July 2021.

