**Proposed Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019**

**Statement of Reasons**

**Introduction**

On 25 March 2019 the Department of Jobs, Precincts, and Regions (DJPR) released a Regulatory Impact Statement (RIS) to facilitate public consultation on the proposed Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019 (the proposed Regulations). The public submission period closed on 23 April 2019.

DJPR received 21 submissions on the proposed Regulations and the RIS:

* AGL
* Construction Material Processors Association
* Cement Concrete & Aggregates Australia
* Latrobe City Council
* Latrobe Valley Mine Rehabilitation Commissioner
* Minerals Council of Australia (Victorian Division)
* Prospectors and Miners Association of Victoria
* Victorian Farmers Federation
* Tracey Anton
* Anonymous
* Anonymous
* Anonymous
* Anonymous
* Anonymous
* Anonymous
* Anonymous
* Anonymous
* Anonymous
* Anonymous
* Anonymous
* Confidential

The submissions as a group responded to the five areas described in the RIS and consultation draft of the proposed Regulations:

1. Rehabilitation: changes to information required in rehabilitation plans.
2. Work plans: proposed Risk Management Code of Practice and Ministerial Guidelines on risk management plans.
3. Licence applications: proposal to require mining and retention licence applications to provide a survey only where requested by the Department Head to resolve a dispute or accurately identify the location.
4. Reporting and rents: require reporting and payment of rent for exploration and retention licences on the anniversary date of the licence.
5. Advertising: allow licence applicants to meet advertising requirements by adopting alternate methods set out in Departmental guidance.

There were also submissions on specific proposed Regulations and other issues outside the scope of Regulations. **Table 1** sets out a summary of each issue raised in the submissions, the response of the Department of Jobs, Precincts and Regions (DJPR) and a statement of reasons for each. Following detailed consideration of each submission, the changes to the proposed Regulations are:

1. **Rehabilitation**

Proposed changes to clarify and strengthen the mine site rehabilitation requirements will be delayed for 12 months. This will allow for the development of Ministerial guidelines to assist compliance and to allow mining proponents time to adjust to the new arrangements.

1. **Work plans**

The consultation draft of the proposed Regulations put forward a Risk Management Plan Code of Practice (Code of Practice) and Ministerial Guidelines to clarify regulatory expectations and simplify compliance. The Department received several submissions indicating that such guidance material (yet to be developed) may cause uncertainty. At this time, it has been decided not to develop a Code of Practice or Ministerial Guidelines.

1. **Licence Applications (survey requirements)**

Submissions did not support the proposal to only require surveys in mining and retention licence applications at the request of the Department Head. Consultation suggested that this proposal could potentially cause confusion or disputes. The current surveying arrangements will be retained in the proposed Regulations.

1. **Reporting and rents**

Submissions did not support the proposal to move reporting and rent payment for exploration and retention licences to the anniversary date of the licence. Several submitters were concerned that the proposal would impose increased regulatory burden on operators with multiple related licences, each of which has a different anniversary date. These operators prefer to submit joint reports for licences at a single point in time. The existing reporting dates will therefore be retained in the proposed Regulations.

1. **Advertising**

There was broad support from submitters for the proposed changes to increase flexibility on methods of advertising. These changes will be included in the proposed Regulations. Several submissions also supported an alternative proposal for the Government to provide an advertising site. This proposal requires changes to the *Mineral Resources (Sustainable Development) Act 1990* (MRSDA) and will be considered for future legislation reform.

**Table 1 – summary of issues raised in submissions to the Regulatory Impact Statement and response**

| **Issue number and Regulation heading** | **Comment/Issue raised** | **Response** |
| --- | --- | --- |
| 1. ***Rehabilitation and rehabilitation plans*** | | |
| 1.1 – General | Capacity for rehabilitation plans to adapt over time, particularly the information contained in the objectives; completion criteria; progressive rehabilitation schedule; and ongoing monitoring/maintenance risks posed by the proposed final rehabilitated land form(s). | **Supported, no change required**  A Ministerial Guideline for rehabilitation plans under the MRSDA could be developed and the Department will progress this in consultation with stakeholders. The guideline would seek to clarify expectations around adaptability, including when and to what standard information should improve throughout phases of mining.  The proposed rehabilitation Regulations enable adaptability and flexibility over time, which reflects existing policy supporting the ongoing development of a rehabilitation plan. The information contained in a rehabilitation plan should become more detailed and sophisticated as mining operations progress. |
| 1.2 – Definitions | Proposed Regulation 4: definition of ‘domain’ unsuitable for rehabilitation domains. | **Supported**  The definition of ‘domain’ will be removed.  The draft definition of ‘domain’ is limited to geotechnical features and does not sufficiently cover broader features that apply to rehabilitation domains. |
| 1.3 – Definitions | Proposed Regulation 4: phrase ‘does not cause’ unsuitable for the definition of safe, stable and sustainable. | **Supported**  The phrase ‘does not cause’ will be removed from the definition of safe, stable and sustainable.  Safety is assessed by whether the land form is likely to cause injury or illness, for the purpose of determining whether rehabilitation is complete. However, it is not intended to regulate beyond that point. A Ministerial Guideline could specify the relevant considerations for the benchmark of injury or illness. |
| 1.4 – Information required in work plans—rehabilitation plans | Proposed Regulation 43(a): prescriptive land use inhibits flexibility; community expectations may change over time; and land use should be innovative. | **Supported in part, no change required**  The rehabilitated land form may support multiple proposed land uses, which can be broadly described rather than overly prescriptive. A Ministerial Guideline may clarify the level of information required for the proposed land use(s), including community input. The purpose of identifying a land use is to strengthen accountability for progressive rehabilitation towards the proposed final land form(s), not to require licensees to deliver that use. Therefore, while land use *can* be ‘innovative’, it is not a required part of the minimum standard set by the proposed Regulations. |
| 1.5 – Information required in work plans—rehabilitation plans | Proposed Regulation 43(b): ‘safe, stable and sustainable’ may require an exception to account for heritage protection legislation. | **No change**  As a matter of government policy, a rehabilitated land form must be safe, stable and sustainable. If a conflict arises between a licensee’s proposed rehabilitation plan and other legislative requirements, this will be addressed on a case by cases basis with the relevant government authorities. |
| 1.6 – Information required in work plans—rehabilitation plans | Proposed Regulation 43(d): completion criteria should reflect the activities on a domain-by-domain basis, in the context of the overall objectives. Clarify that actions needed to achieve objectives must be defined, and that completion criteria reflect the outcomes from these actions. | **No change**  Numerous approaches can be used in the rehabilitation plan, to enable a flexible regulatory framework suitable for different sites. A single objective may have multiple criteria, or a collective of objectives may share criteria. The proposed Regulation allows for such flexibility as criteria apply over the life of the rehabilitation plan. A Ministerial Guideline could be issued to provide clarification. |
| 1.7 – Information required in work plans—rehabilitation plans | Proposed Regulation 43(e): progressive rehabilitation schedules based on timing limit the flexibility of operations. | **Supported**  The word ‘timing’ will be removed, with the word ‘schedule’ to remain.  Significant industry feedback indicated that a ‘timing schedule’ for progressive rehabilitation may constrain operations. While the phrase ‘timing schedule’ had an intended broad application, such as stages and sequences rather than prescriptive dates, scheduling specifications could be deferred to a Ministerial Guideline. |
| 1.8 – Information required in work plans—rehabilitation plans | Proposed Regulation 43(f): the information requirement for ongoing monitoring/maintenance risks posed by the proposed final rehabilitated land form(s) should be limited to a specified severity. | **No change**  Information about likely ongoing land management risks provides government with a more holistic understanding of rehabilitation in the context of achieving a safe, stable and sustainable land form. Narrowing the proposed Regulation may unduly restrict the ability to gather requisite information. Proportionality of risk and clarity about the level of severity could be set out in a Ministerial Guideline. |
| 1.9 – Information required in work plans—rehabilitation plans | Singular aspects to be specified as plural, such a land form(s) and land use(s). | **Supported, no change required**  Under the principles of statutory interpretation, other than where the contrary intention appears, words drafted in the singular include the plural. |
| 1.10 – General | Transitional period for the commencement of the rehabilitation plan requirements. | **Supported**  The commencement of the new rehabilitation plan and associated reporting requirements will be delayed for 12 months after commencement of the proposed Regulations. This should provide industry with a reasonable opportunity to undertake activities to comply with the new regulatory framework. For this time the relevant provisions of the *Mineral Resources (Sustainable Development) (Mineral Industries) Interim Regulations 2018* will apply. |
| 1.11 – General | Specific requests beyond the scope of reform to the Regulations and requests inconsistent with the MRSDA, for example weed control, ongoing monitoring and maintenance, or specified rehabilitated land forms or uses. | **No change**  Requests for additional ad-hoc requirements that are beyond the scope of the Regulations or are otherwise inconsistent with the enabling provisions of the MRSDA are unable to be accommodated. |
| 1. ***Work plans*** | | |
| 2.1 – Information required in work plans | Both exploration and further mining works should consider the necessity for rural farming properties to have access to water from underground aquifers and these must be protected at all costs with no work or investigation allowed to impact on these crucial sources of water for livestock. | **No change**  The MRSDA requires work plans to identify and then eliminate or minimise the risks that the work may pose to the environment or land (section 40(3)(b) and (c)). This includes any impact on water sources such as underground aquifers.  Works also need to comply with a range of other Acts including, but not limited to, the *Water Act 1989*, the *Environment Protection Act 2017*, and the *Catchment and Land Protection Act 1994*. The proposed Regulations support the general obligation to avoid adverse impacts on water supply through requirements for work plans to identify 'sensitive receptors' that may be impacted by exploration or mining (Regulations 41(a) and 42(a)) and a risk management plan that specifies what the licensee will do to eliminate or minimise those risks (Regulation 45). |
| 2.2 Information required in work plans – community consultation | Some submissions expressed concern about lack of community consultation on development of work plans and sought for consultation requirements to be added to the proposed Regulations. | **No change**  Consultation requirements are contained in section 39A of the MRSDA, so licensees have an obligation under the Act to consult with communities on the development of work plans consistent with this section. The MRSDA requires licensees to consult with the community throughout the period of the licence by sharing information about any activities authorised by the licence that may affect the community and giving members of the community a reasonable opportunity to express their views about those activities. |
| 2.3 - Information required in work plans—mining work | Multiple management plans will be required as accompanying documents for each Work Plan (initial and variations thereafter) e.g., risk, ground control, community engagement, fire (where appropriate), rehabilitation. These should be standalone documents that are referenced as such in the Work Plan. There should be a mechanism in the Regulations that permits these documents to be used as a basis for Regulation without the need to embed all relevant parts of these documents directly in the Work Plan as is presently required. | **Support in principle, no change**  The processes for varying work plans are set by Part 3 of the MRSDA. The Regulation making powers do not provide a power to require separate, stand-alone management plans as accompanying documents for work plans, or a separate process for updating them. |
| 2.4 - Information required in work plans—risk management plan | Concerns with the proposal that risk management plan information requirements in Regulation 45 could be met for particular hazards by incorporating the relevant parts of a Code of Practice made under Part 8A of the MRSDA.  Two submissions supported the Code of Practice stating it has the potential to be a very practical and useful document that will assist small scale miners improve their work practices, culture and compliance.  Other submissions supported the development of a Code of Practice but sought for it to be voluntary or a guideline. These submissions suggested that Regulation 45(2) needs to state that the Code is not definitive and that a licence holder may need to include information beyond the Code of Practice in relation to assessing, monitoring and controlling hazards.  Another submission gave conditional support to the Code of Practice but identified the need to ensure that risks not covered by the Code of Practice are still being adequately considered and captured in a case-specific risk management plan.  Four submissions did not support the Code of Practice out of concern it might set reduced risk management standards or expectations on proponents. These submitters considered it unacceptable for an industry be allowed to have a proportionate response to risks, risks must be eliminated or the proposal is not viable. Clearer legislation is required but needs to increase the level of scrutiny under which the mining sector operates. Risk based approaches are flawed as they are determined by whomever determines the risk.  The majority of mineral and extractive industry submissions did not support the use of the Code of Practice in Regulations. Key concerns:   * A Code of Practice would increase uncertainty and complexity, especially in relation to recently issued Department Guidelines on *Preparation of Work Plans and Work Plan Variations*[[1]](#footnote-2)which is still being implemented and evaluated. * Risk management plan requirements are too prescriptive and a Code of Practice could increase regulatory burden. * Development of standardised approaches is difficult given diversity of operations and site-specific variables in Victoria. | **Supported in Part**  Proposed Regulations 45(2) and (3) were deleted to remove reference to a Code of Practice for Risk Management Plans.  Overall, submissions indicated limited support for the proposed Code of Practice, uncertainty about its status and likely impact on risk management in the sector and confusion regarding its relationship to recently released Departmental guidelines. The intended effect of draft Regulation 45(2) was that complying with the risk management plan by reference to the Code of Practice should be voluntary, but this was unclear to submitters. |
| 1. ***Licence applications*** | | |
| 3.1 – Survey requirements | All submissions commenting on survey requirements for mining and retention licence applications raised concerns with the proposed Regulations.  One submission was largely supportive of removing the mandatory survey requirements but was critical of the uncertainty as to when surveys would be required. Five submissions on surveys were largely critical of the proposed Regulations. Concerns were raised about the effect of removing mandatory survey requirements on reliable indisputable boundary information and a transparent and accountable process. Some submissions supported mandatory survey requirements, but not at the licence application stage. | **Supported**  The mandatory survey requirements in the *Mineral Resources (Sustainable Development) (Mineral Industries) Interim Regulations 2018* for mining and retention licence applications will remain. |
| 3.2 – Meaning of competent person | The proposed Regulations remove the clause that notes coal seam gas. One submission suggested that this has the potential to restrict new entrants in future. | **No change**  The *Resources Legislation Amendment (Fracking Ban) Act 2017* introduced a permanent ban on hydraulic fracturing and made it an offence for a person to carry out exploration for, or carry out mining of, coal seam gas on any land. The moratorium applies to onshore conventional petroleum, regulated under the *Petroleum Act 1998*, not coal seam gas, which is now prohibited under the MRSDA. |
| 3.3 – ‘Fit and proper person’ | 'Fit and proper person' and company details should be provided to the Department. Too much power is in the hands of the Secretary and this may cause “conflicts of interest and potential corruption". | **No change**  These matters are already required in the application process. An applicant must demonstrate technical and financial capacity in a licence application (Part 3 of the proposed Regulations). Part 8 of the Regulations, Disclosure of Interests addresses any conflicts of interest of decision makers. |
| 3.4– ‘Fit and proper person | The ‘fit and proper’ requirements are minimal and do not address unprofessional or incompetent operators. | **No change**  The ‘fit and proper’ requirements are set by sections 15 and 16 of the MRSDA. The Regulation making powers do not provide a power to change the matters for consideration for 'fit and proper ' under section 15 of the Act. |
| 3.5 – Additional information requirements—mining licence applications | Proposed Regulation 15(1)(d): revision of the wording ‘brief description of the proposed types of works’ for the licence application is recommended to provide greater clarity on the detail required and whether a yearly breakdown is appropriate. Proposed Regulation 15(1)(d) requires details of the proposed program of work for each year of the licence. This level of refinement is inappropriate for long licence periods. This is due to the imprecise nature of mining and its reliance on real-time data with respect to ore-quality, stability and economic viability. | **No change**  This is a matter that is better left to guidance as the proposed Regulation has to cover a wide variety of applications where yearly breakdowns will be of different utility. The Department Head will consider this issue in developing the mining licence application form and any associated guidance under Regulation 18. |
| 3.6 – Additional information requirements—mining licence applications | Proposed Regulation 15(1)(i) requires details of the applicant’s experience in exploration and mining. Experience in rehabilitation of sites both post exploration and mining should also be requested to confirm the applicant is suitably qualified or has identified an appropriately qualified contractor to provide this expertise. | **Supported**  Requirements for details of an applicant’s experience in rehabilitation will be added to proposed Regulation 15(1)(i) and the equivalent provisions in proposed Regulations 14(h), 16(g) and 17(1)(g)(i). |
| 3.7 – Form of licence application | New application forms to be issued by the Department Head under proposed Regulation 18 would benefit from stakeholder consultation.  The Department Head should provide information on forms and processes to ensure any proposed changes are workable prior to release of the final Regulations. | **Supported**  The Department Head will consult on forms and processes to ensure any proposed changes are workable prior to release of new forms under proposed Regulation 18. |
| 1. ***Reporting requirements*** | | |
| 4.1 – Annual reporting—date requirements | Several submissions sought changes to proposed Regulation 53(6) which sets the reporting dates for exploration and retention licences to retain existing provisions that allow applicants to nominate one of four quarter end reporting dates. They identified that moving annual reporting dates for exploration and retention licences to anniversary dates may adversely impact current approach of joint reporting on associated licences. | **Supported**  Proposed Regulation 53(6) will be amended to enable exploration and retention licensees to select a reporting date from four quarterly dates consistent with proposed Regulations 31(5) and 32(4) of the *Mineral Resources (Sustainable Development) (Mineral Industries) Interim Regulations 2018*. |
| 4.2 – Annual reporting— date requirements | Time for reporting, currently 28 days under proposed Regulation 53(3)(a), should be extended to 6 weeks, 8 weeks or 60 days post reporting date. | **No change**  The Minister has power to extend the period in which a report is submitted on request of the licensee (proposed Regulation 53(5)). |
| 4.3 – Annual reporting—date requirements | Add option for mining licences to nominate either June 30 or December 31 for annual reporting period. | **No change**  Reporting by the Department for mining licences needs to be based on financial years to align with the requirement for an annual royalty return under Regulation 9 otherwise a single licence, could have multiple reporting dates. |
| 4.4 – Annual reporting—date requirements | One submission noted that, the amendments to the rehabilitation reporting requirements are substantive and significantly improve the level of information that DJPR will receive on rehabilitation requirements, which in turn should help DJPR improve its monitoring, oversight and compliance role in relation to rehabilitation. | **No change** |
| 4.5 – Annual reporting—reporting to communities | There is no comment about reporting to local communities - these should be consulted with and reported to, especially with regard to rehabilitation progress and liabilities. | **No change**  Reporting to communities is out of scope of the proposed Regulations, which only relate to reports to the Minister. Information provided in annual reporting to the Minister is used to report to public through Earth Resources Sector Indicators and Annual Statistical Reports.  Under the MRSDA a licensee has a duty to consult with the community throughout the period of the licence and share information about any activities that may affect them. Some licences require the licensee to have an Environmental Review Committee with community representation as a condition of the licence. |
| 4.6 – Additional information requirements for the annual return of expenditure and activities—exploration licences and retention licences | Proposed Regulation 55(1) lists matters on which expenditure will be counted. One submission sought confirmation of which matters claimable as expenditure under the *Mineral Resources (Sustainable Development) (Mineral Industries) Interim Regulations 2018* would be included in the new Regulations. | **Support in principle**  The Department Head will consult on the information required in annual reporting under proposed Regulation 55(1) when developing the reporting form under proposed Regulation 53(2). The transitional provisions mean that these requirements will not apply to annual return of expenditure and activities for the year ending 30 June 2019. |
| 4.7 – Additional information requirements for the annual return of expenditure and activities—mining licences and prospecting licences | The rationale for proposed Regulation 56(1)(f), which requires information on mineral resources and ore reserves in annual reporting, is unclear as it is not discussed in the RIS. | **No change**  The Department Head will consult on the information required in annual reporting under Regulation 56(1) when developing the reporting form under Regulation 53(2). Proposed Regulation 56(1)(f) requires mining and retention licensees to provide the most recent mineral resource and ore reserve estimate for the licence in its annual report. This is not intended to require new estimates to be made for the purpose of reporting but rather to seek such information as has been prepared by the licensee in the course of its business. The transitional provisions mean that these requirements will not apply to annual return of expenditure and activities for the year ending 30 June 2019. |
| 4.8 – Annual rent | Proposed Regulation 29(1) should be amended to remove the requirement to pay rent on the anniversary of the licence and to retain existing provision for annual payment of rent based on 30 June. Where multiple licences are held, moving to anniversary dates will increase administrative burden. | **Supported**  Proposed Regulation 29(1) was amended to retain the existing provision for annual payment of rent based on 30 June, consistent with Regulation 33(2) of the *Mineral Resources (Sustainable Development) (Mineral Industries) Interim Regulations 2018.* |
| 1. ***Advertising requirements*** | | |
| 5.1 – Advertising a licence application | Most submissions on this matter supported the proposed additional flexibility in the advertising requirements.  One submission did not support the proposed changes on the basis that the information advertised contained sufficient detail: publicised specific and detailed information about the proposal location is the only means to ensure the public and impacted stakeholders have access to reliable, indisputable information. | **No change**  The proposed Regulations do require publication of specific and detailed information about the proposed location over which a licence is being sought (see Schedule 1, Items 4 and 6). |
| 5.2 – Advertising a licence application | One submission requested that councils be consulted in relation to any proposed guidelines before they are finalised and consideration of a transition period where the use of alternative media still also requires advertising in at least one newspaper. | **No change**  The Department Head will consult during the development of guidance on alternative methods of advertising under proposed Regulation 22(1)(b). |
| 5.3 – Advertising a licence application | Several submissions supported an option discussed in the RIS under which the Government would provide a central site for advertising licence applications on behalf of all applicants. | **No change**  The requirement for applicants to advertise licence applications is set by the MRSDA. The Regulation making powers do not provide a power to enable advertising in this manner. |
| 1. ***General issues*** | | |
| 6.1 – Biosecurity | Concern that mining proponent access to private property would impact on biosecurity/livestock integrity systems. | **No change**  The MRSDA sets the requirements for land access. Landholders can make compliance with relevant operational standards a condition of consent to access private land and register a compensation agreement under Part 8. |
| 6.2 – Duty of disclosure | The declaration of interests of public officers does not include alliances and influences from mining proponents. Many of the public officers have undertaken extensive work for mining proponents and actively maintain their 'contacts'. | **No change**  All staff in the Department are subject to the requirements for declarations of interest under the *Public Administration Act 2004* and the Victorian Public Service Code of Conduct. The MRSDA contains additional penalties for non-disclosure that apply to any public official involved in the administration of the Act. |
| 6.3 – Infringements | One submission considered that the infringements in the proposed Regulations were too low. | **No change**  Penalty levels have been reviewed and, in some areas, increased. Penalty levels are consistent with the *Infringements Act 2006* and the Attorney-General’s Guidelines to the Infringements Act 2006 and were developed in consultation with the Infringements Systems Oversight Unit in the Department of Justice and Community Safety. |
| * 1. – Infringements | One submission sought clarification of the intent of new infringements; and amendments to proposed Regulations to fix numbering errors and inconsistencies. | **Supported in principle**  The overall intent of the infringements in the Regulations is to provide Earth Resources Regulation with a range of enforcement options consistent with the *Earth Resources Regulation Compliance Strategy 2018 – 2020*. New offences have been created within the Regulations and additional infringements for reporting requirements in the proposed Regulations because compliance with reporting requirements is important to effective enforcement of the MRSDA as a whole.  The proposed Regulations were amended to fix the identified numbering errors and inconsistencies. |
| 6.5 – Community consultation | Several submissions felt the preliminary consultation was too minerals industry-focussed and failed to consult with the broader community. | **Noted**  The preliminary consultation sought feedback on technical aspects of the proposed Regulations. The RIS process itself is the platform to consult with the broader community. |
| 6.6 – Environmental standards | Nowhere in the documents is there any increased requirement for environmental standards. The environmental consequences should be measured against realistic, and world best practice models. | **No change**  The proposed Regulations require risk management plans to specify 'the performance standards to be achieved by either individual measures or some combination of measures' (Regulation 45(1)(b)). This includes environmental standards. |
| 6.7 – Environmental standards | There is nothing in the regulatory requirements that stipulate the mining sector decontaminate (air, soil, water) during mining and post mine closure. | **No change**  The MRSDA and proposed Regulations require the elimination or minimisation of all risks to the environment and public safety that may be caused by the activities of a mine . This includes measures to manage risks of contamination. |
| 1. ***Out of scope matters*** | | |
| 7.1 – Extractive Regulations | Two submissions did not support rehabilitation reforms or the proposed work plan Code of Practice being extended to extractive industries when the *Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2010* are remade. | **Noted**  The *Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2010* are due to sunset on 27 January 2020. The Department will consult on the remaking of these Regulations through a RIS to be issued later this year. |
| 7.2 – Status of mining legislation | Under Victorian law the mining industry is exempt from, or receives privileged treatment under, a wide range of regulatory requirements. Mining should lose its exemption rights and new transparent and consistent policy frameworks should be introduced. | **Noted**  This issue is outside the scope of the proposed Regulations. Note the relationship between the MRSDA and other legislation will be considered under the Mineral Industry Strategy action to develop proposal for modern fit-for purpose resources legislation. |
| 7.3 – Compensation | Commercial recompense should be paid to any landholder affected by exploration and/or mining works at commercial rates for the life of the project. | **Noted**  The MRSDA sets the requirements for land access. Landholders can specify conditions of consent to access private land and register a compensation agreement under Part 8. |

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1. [*Preparation of Work Plans and Work Plan Variations Guideline for Mining Projects*](http://earthresources.vic.gov.au/__data/assets/pdf_file/0010/1767448/Preparation-of-Work-Plans-and-Work-Plan-Variations-Guideline-for-Mining-Projects.pdf) Department of Jobs, Precincts and Regions, January 2019. [↑](#footnote-ref-2)