

## **Sustainability and Carbon Neutrality in Mining Bill 2022**

A Bill for an Act to restrict the effects of mining in state forests and public land. This Bill is devised to eliminate the threat of mines disrupting the existing ecosystems and environments as mines play a major factor in global warming. This Bill is the next step in protecting the Australian land and cultures. Around roughly 1184km<sup>2</sup> of land area in Australian (excluding generators, waste supply, buffers and waste land) is needed for mines to prosper, meaning 1184km<sup>2</sup> of Australian land that includes Indigenous and Torres Strait Islander heritage and a positive ecosystem, is susceptible to the negative effects of mining, inducing loss of biodiversity, soil erosion, and contamination of surface water, groundwater and soil.

The Bill establishes a rehabilitation plan and an independent and unbiased board, named “The Sustainable Mining Board”. The rehabilitation plan would ensure that land disruption due to mines is minimized as much as possible and mines that inhibit rehabilitation of land are faced with a large punishment. The ‘Sustainable Mining Board’ would observe and facilitate the implementation of licenses and lease approvals on the basis of environmental impacts. To ensure mines holding standing licenses/leases are acting in accordance with the following acts, “The Sustainable Mining Board” would regularly observe and monitor their actions.

**A Bill for an Act relating to Sustainability and Carbon Neutrality in Mining to be enacted  
by the YMCA Victoria Youth Parliament;**

**PART I—Preliminary**

**Clause 1 Purpose**

The main purposes of this Act are—

- (a) To establish an independent Government body capable of monitoring and observing both existing and newly developed mines, as well as overseeing and authorizing the approval of mining leases and licenses to set the standards for sustainable industrial extracting operations;
- (b) To protect the existing environment from established and newly developed mines, through the encouragement and enforcement of sustainable practices;
- (c) To ensure that mines are sustainable for both employees, mine operators, and the environment.

**Clause 2 Commencement**

This Bill shall commence upon receiving assent from the Youth Governor of Victoria.

**Clause 3 Definitions**

In this Bill—

- (a) **Board** means the “Sustainable Mining Board” as outlined in Clause 4;
- (b) **Mine(s)/mining** means any land on which the extraction of minerals is taking place under a license;
- (c) **Lease/license** means the necessary accreditation to extract minerals on land owned by the licensee;
- (d) **Direct mining/drilling** means direct mining/drilling is the act of changing the geological landscape or ecosystem in the pursuit of extracting minerals from the earth’s crust;
- (e) **Rehabilitation plan** means a set list of criteria and guidelines (outlined in Clause 7 & 8), that a mine must meet in order to fully rehabilitate the land;
- (f) **Environment** means the flora, fauna, ecological and geographic composition/land formation of all land within a 50 kilometre radius of the mine site (including the mine site itself);
- (g) **Repairable damage** means damage to the Environment that can be reversed or counteracted with reasonable actions;
- (h) **Irreparable damage** means damage to the environment that cannot be reversed or counteracted with reasonable means, resulting in the death or collapse of flora and fauna species and ecosystems;
- (i) **Instant revocation** means the instant removal of a licensee’s mining lease or license, and their subsequent right to mine at the site in question, at the order of the ‘Sustainable Mining Board’;
- (j) **Extractive industrial operations** means the act of mining;
- (k) **Environmental/ecological composition** means any and all aspects, organisms and life forms that play an integral role in the composition of the environment;

- (l) **Re-education** means the act of a redundant mine worker acquiring new skills to pursue another career pathway;
- (m) **Reserved funds** means all revenue that is made up of funds sourced from mines, on account of the ‘Sustainable Mine Board’ (not including donations);
- (n) **Newly developed mines** means mines that are awaiting approval of a license/lease, or have been in operation for no longer than 5 years;
- (o) **Carbon neutral** means a state of net-zero carbon dioxide emissions.

## **PART II—Establishment**

### **Clause 4 Establishment of the Sustainable Mining Board**

- 4.1 The independent Board established shall be known as the “Sustainable Mining Board”. The Board shall;
  - (a) Be independent;
  - (b) Be unbiased;
  - (c) Observe and facilitate the implementation of licenses and lease approvals based on environmental impacts;
  - (d) Regularly monitor all mines that currently hold standing licenses/leases to ensure adherence of outlined conditions.
- 4.2 The Board shall have the power to;
  - (a) Enter any mine, including all its components and land at any point;
  - (b) Observe and monitor mines;
    - (i) Announced and;
    - (ii) Unannounced.
- 4.3 The Board shall have the power to;
  - (a) Enter a potential mining site prior to the approval of a mine;
  - (b) Enter any pre-existing mine sites under the company/corporation banner that is seeking a new approval to observe and help in the Board’s judgment of the pending approval.
- 4.4 The Board shall have the power to;
  - (a) Shut down any and all operations, both temporarily and permanently if;
    - (i) The Board has sufficient means of deeming the mine site in breach of the rehabilitation criteria, as outlined in Clause 8.
- 4.5 The Board shall publish bi-monthly reports in a publicly accessible and free format that includes;
  - (a) Any and all mines currently under investigation, and why;
  - (b) Up-to-date financial reports, including both investiture, expenditure, revenue raised, and donations at the current Government financial standards;
  - (c) Any and all mines that are currently under the rehabilitation jurisdiction of the Board, due to the Board’s instant revocation of a license in lieu of a breach of rehabilitation criteria.
- 4.6 The Board shall have a branch dedicated to Public Relations that shall;
  - (a) Operate within standard business hours Monday – Friday;
  - (b) Answer phone calls regarding, but not limited to;

- (i) Questions from mine officials;
- (ii) Questions from the public.

**Clause 5 Approval of Mining Leases and Licenses**

- 5.1 The approval of a lease and license shall;
  - (a) Be regularly supervised by the Board;
  - (b) Regulate each mine's ability to achieve the Rehabilitation Plan, as outlined in Clause 7;
  - (c) Not encroach or directly affect State Forests in any fashion by way of;
    - (i) Emissions;
    - (ii) By-products or;
    - (iii) Direct mining/drilling.
  - (d) The approval of the lease shall not;
    - (i) Damage or involve the relocation of any endangered species of Australian Animal, and;
    - (ii) Involve the substantial removal of flora & fauna.
- 5.2 All mines shall agree to the Board's criteria for redevelopment and rehabilitation post de-commission.
- 5.3 The Board shall ensure that the Rehabilitation Plan can;
  - (a) Restore the land leased and land of licensee prior to the mine's initiation, including prosperity of;
    - (i) Flora;
    - (ii) Fauna.
- 5.4 The Board shall ensure that the company seeking approval for a mining lease/license shall have sufficient means to achieve the Rehabilitation plan in a timely and logistical fashion, including;
  - (a) Financial support;
  - (b) Workforce personnel.

**Clause 6 Breach of Mining License Approval Condition(s) and/or Breach of Rehabilitation Plan Condition(s)**

- 6.1 All accusations brought forth upon any mine regarding a breach of mining lease/license approval condition(s) or Rehabilitation Plan condition(s) shall be investigated in full by the Board.
- 6.2 All breaches that result in reparable damage to the environment, shall be fined a minimum of 1100 Penalty units.
- 6.3 All breaches that result in irreparable damage to the environment, shall;
  - (a) Incur an instant revocation of the mining lease and license and;
  - (b) Incur further costs of rehabilitation at the mine's financial discretion.

**Clause 7 Rehabilitation Plans**

- 7.1 All Rehabilitation Plans shall be approved by the Board prior to the approval of mining lease/license.
- 7.2 All decisions regarding Rehabilitation Plans shall be at the sole discretion of the Board.
- 7.3 All Rehabilitation Plans shall;

- (a) Be extended to a minimum of 10 years after the conclusion of extractive industrial operations;
  - (b) Be carbon neutral by the end of rehabilitation period, wherein;
    - (i) The designation of carbon neutral is at the sole discretion of the Board following an extensive survey of the site.
- 7.4 The Board shall reserve the right to extend the Rehabilitation period if they deem the Rehabilitation criteria has not been met.
- 7.5 All Rehabilitation plans shall be funded by the lease tenant and they shall work with the Board to institute a Rehabilitation Plan prior to lease.

**Clause 8 Rehabilitation Guidelines**

- 8.1 All Rehabilitation Plans shall ensure that at the termination of the lease/license, a healthy and sustainable ecosystem is in place that is consistent with the following;
- (a) All landform design shall match pre-existing ecosystems to minimize environmental disruption;
  - (b) A compulsory consultation with Traditional Custodians to be held regarding native planting practices and their execution.
- 8.2 Environmental/ecological composition shall match the surrounding region, including;
- (a) Topsoil and revegetation, including plant selection;
  - (b) The re-introduction of local species to encourage increased biodiversity of the rehabilitated area.
- 8.3 All mining leases and/or licenses approved under the Board shall be constantly monitored and supervised to ensure all mines are in accordance with the outlined criteria of the Rehabilitation Plan.
- 8.4 If a mine is found to be in breach of the criteria while under monitoring and supervision of the Board, the penalties outlined in Clause 6 shall apply.

**Clause 9 Re-education and Redundancies**

- 9.1 15% of all revenue raised in lieu of extractive industrial operations shall be transferred to the Board for the purposes of re-education and rehabilitation of mines and their subsequent workers.
- 9.2 The Board shall have the right to use reserved funds to aid or pay in full a redundant worker's re-education.
- 9.3 The investment of the above funds for this specific purpose shall be at the discretion of the Board, under the following conditions:
- (a) The applicant's most recent occupation was at a site of recent extractive industrial operations that has since ceased;
  - (b) The applicant was an employee of a now decommissioned mining site in the last 10 years;
  - (c) The applicant cannot be refused if they were an employee of an active mine for more than 5 years;
  - (d) The applicant shall have the choice of re-education pathways, however;

- (i) Those who choose to re-educate into a field that can further the rehabilitation of now decommissioned and newly developed mines shall take first preference.
- 9.4 Re-education opportunities shall be related to years of service as determined by the Board.
- 9.5 If the operation of the mine came into question through review of the Board or other unforeseen circumstances, all employees of the mine shall be notified of the imminent delay in extractive operation and possible decommission.