Mineral Resources (Sustainable Development) Amendment (Latrobe Valley Mine Rehabilitation Commissioner) Act 2017
No. 22 of 2017

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Mineral Resources (Sustainable Development) Amendment (Latrobe Valley Mine Rehabilitation Commissioner) Act 2017†

No. 22 of 2017

[Assented to 30 May 2017]

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purpose

The main purpose of this Act is to amend the Mineral Resources (Sustainable Development) Act 1990—
Part 1—Preliminary

(a) to establish the office of the Latrobe Valley Mine Rehabilitation Commissioner and to provide for the functions, powers and duties of the office; and

(b) to provide for the development, publication and review of a strategy for the rehabilitation of coal mine land in the Latrobe Valley region; and

(c) to provide for on the publication of the strategy for the additional functions and powers of the Latrobe Valley Mine Rehabilitation Commissioner in relation to the strategy; and

(d) to make further provision in relation to the consultation requirements for the variation of work plans in relation to work carried out on coal mine land.

2 Commencement

(1) Subject to subsection (3), this Act (other than Part 3) comes into operation on a day or days to be proclaimed.

(2) Part 3 comes into operation on 1 July 2020.

(3) If a provision of this Act (other than Part 3) does not come into operation before 1 July 2017, it comes into operation on that day.

3 Principal Act

In this Act, the Mineral Resources (Sustainable Development) Act 1990 is called the Principal Act.
Part 2—Latrobe Valley Mine Rehabilitation Commissioner amendments

4 Definitions

In section 4(1) of the Principal Act insert the following definitions—

"coal mine land means the land covered by any of the following licences (whether or not those licences are in force)—

(a) mining licence No. 5003;
(b) mining licence No. 5004;
(c) mining licence No. 5189;
(d) mining licence No. 5216;
(e) mining licence No. 5304;

Commissioner means the Latrobe Valley Mine Rehabilitation Commissioner appointed under section 84AF;

Latrobe Valley region means the region constituted by the municipal districts of the Latrobe City Council, Baw Baw Shire Council and Wellington Shire Council;

regional rehabilitation strategy means the strategy prepared under section 84AZM;".
5 New Parts 7A and 7B inserted

After Part 7 of the Principal Act insert—

"Part 7A—Latrobe Valley Mine Rehabilitation Commissioner

Division 1—Preliminary

84AA Definitions

In this Part—

annual report means a report prepared under section 84AZH;

authorised officer means a person authorised under section 84AU;

framework means the framework published under section 84AZD;

Latrobe Valley licensee means the holder or the former holder of—

(a) the mining licence No. 5003; or
(b) the mining licence No. 5004; or
(c) the mining licence No. 5189; or
(d) the mining licence No. 5216; or
(e) the mining licence No. 5304;

public sector body has the meaning given by section 84AB;

public sector employee means a person employed in the Department under Part 3 of the Public Administration Act 2004;

referral investigation means an investigation commenced by the referral of a matter under section 84AQ;
referral report means a report published under section 84AZG;

regulatory framework has the meaning given by section 84AC;

rehabilitation planning activity means an activity carried out by a public sector body or a Latrobe Valley licensee to plan in relation to the rehabilitation of coal mine land including—

(a) the preparation of a research plan; or

(b) the carrying out of research; or

(c) the carrying out of a technical investigation; or

(d) the carrying out of a rehabilitation trial; or

(e) the preparation of a rehabilitation plan or activity to assist the preparation of the regional rehabilitation strategy.

84AB Meaning of public sector body

For the purposes of this Part, a public sector body is one of the following entities—

(a) the Department Head of the Department of Economic Development, Jobs, Transport and Resources;

(b) the Department Head of the Department of Environment, Land, Water and Planning;

(c) the Environment Protection Authority under the Environment Protection Act 1970;
(d) the Victorian WorkCover Authority under the Workplace Injury Rehabilitation and Compensation Act 2013;

(e) a responsible authority within the meaning of the Planning and Environment Act 1987 that performs functions under that Act in the Latrobe Valley region;

(f) an Authority within the meaning of the Water Act 1989 that performs functions under that Act in the Latrobe Valley region;

(g) the Aboriginal Heritage Council under the Aboriginal Heritage Act 2006;

(h) the Victorian Rail Track under the Transport Integration Act 2010;

(i) the V/Line Corporation under the Transport Integration Act 2010;

(j) the Roads Corporation under the Transport Integration Act 2010;

(k) a public sector body (within the meaning of the Public Administration Act 2004) that is prescribed.

84AC Meaning of regulatory framework

For the purposes of this Part, the regulatory framework is—

(a) the provisions of this Act or any regulations made under this Act or any instrument made under this Act that apply to the rehabilitation of and the activities carried out on coal mine land; and
(b) an approval, authority or permission
given, granted or issued under another
Act relating to activities—
   (i) carried out on coal mine land; and
   (ii) to which a rehabilitation plan
applies.

Division 2—Appointment, terms
and conditions

84AD Latrobe Valley Mine Rehabilitation
Commissioner

There is to be a Latrobe Valley Mine
Rehabilitation Commissioner.

84AE Objectives of the Commissioner

The objectives of the Commissioner are—

(a) to provide assurance to the Victorian
community that public sector bodies
and the Latrobe Valley licensees are—
   (i) planning for the rehabilitation of
coal mine land; and
   (ii) implementing the regional
rehabilitation strategy; and

(b) to promote the participation of the
community and stakeholders from
the Latrobe Valley region in the
development and implementation of
the regional rehabilitation strategy; and

(c) to promote the effective and consistent
rehabilitation of coal mine land in
accordance with the regional
rehabilitation strategy.
84AF Appointment
(1) Subject to subsection (2), the Governor in Council, on the recommendation of the Minister, by instrument, may appoint a person as Commissioner.

(2) A person is eligible for appointment as Commissioner if the person has expertise relating to the rehabilitation of mines.

84AG Remuneration
The Commissioner is entitled to the remuneration and allowances determined from time to time by the Governor in Council.

84AH Terms and conditions of appointment
(1) The Commissioner—
   (a) holds office for the period, not exceeding 5 years, specified in the instrument of appointment; and
   (b) is appointed on a full-time or part-time basis, as specified in the instrument of appointment; and
   (c) is eligible to be reappointed; and
   (d) holds office on the terms and conditions determined by the Governor in Council.

(2) The Public Administration Act 2004 (other than Part 3 of that Act) applies to the Commissioner in respect of that office.

84AI Acting appointment
(1) The Governor in Council, on the recommendation of the Minister, by instrument, may appoint a person to act as the Commissioner—
(a) during a vacancy in the office of the Commissioner; or
(b) during any period when—
   (i) the Commissioner is absent; or
   (ii) the Commissioner is for any other reason unable to perform the duties of the office.

(2) An appointment under subsection (1) is for the period, not exceeding 6 months, that is specified in the instrument of appointment.

(3) A person appointed under subsection (1) is entitled to be paid the same remuneration and allowances as the Commissioner.

(4) A person appointed under subsection (1) holds office on the terms and conditions determined by the Governor in Council.

(5) The Public Administration Act 2004 (other than Part 3 of that Act) applies to a person acting as the Commissioner in respect of that office.

(6) While a person is acting as the Commissioner, the person has all the powers and may perform any of the functions of the Commissioner.

(7) The Governor in Council may revoke an appointment under subsection (1) at any time.

84AJ Vacancy and resignation
The Commissioner ceases to hold office if the Commissioner—

(a) resigns by notice given to the Minister; or
Part 2—Latrobe Valley Mine Rehabilitation Commissioner amendments

(b) is removed from office under section 84AK.

84AK Removal from office

The Governor in Council, on the recommendation of the Minister, at any time may remove or suspend the Commissioner on any of the following grounds—

(a) misconduct;
(b) neglect of duty;
(c) inability to perform the functions and powers of the Commissioner;
(d) any other ground on which the Governor in Council is satisfied that the Commissioner should not be the Commissioner.

Division 3—Functions and powers

84AL Functions and powers of the Commissioner

(1) The Commissioner has the following functions—

(a) to develop and maintain a framework for the monitoring and evaluation of rehabilitation planning activities;
(b) to carry out strategic audits of public sector bodies and Latrobe Valley licensees in relation to rehabilitation planning activities;
(c) to monitor and evaluate rehabilitation planning activities in accordance with the framework;
(d) to review any research plan in relation to the rehabilitation of coal mine land prepared by a Latrobe Valley licensee and make recommendations, if any, following a review to the relevant Latrobe Valley licensee;

(e) to coordinate rehabilitation planning activities;

(f) to engage with the following groups and persons in relation to the rehabilitation of coal mine land—
   (i) the Victorian community;
   (ii) other stakeholders;
   (iii) public sector bodies;
   (iv) the Latrobe Valley licensees;

(g) to conduct and support meetings between the following groups and persons in relation to rehabilitation planning activities that promote communication and the resolution of issues—
   (i) the Victorian community;
   (ii) other stakeholders;
   (iii) public sector bodies;
   (iv) the Latrobe Valley licensees;

(h) to provide advice and recommendations to the Minister in relation to—
   (i) the possible changes to the regulatory framework; and
   (ii) the outcomes of any engagement by the Commissioner with the Victorian community or stakeholders; and
(iii) the planning for the monitoring, and completion, of the rehabilitation of coal mine land; and

(iv) the planning for the monitoring and maintenance of coal mine land that has been rehabilitated; and

(v) the regional rehabilitation strategy; and

(vi) the rehabilitation plans of the Latrobe Valley licensees;

(i) to provide information and education to the Victorian community about—

(ii) the planning for the rehabilitation of coal mine land; and

(ii) the regional rehabilitation strategy;

(j) to carry out investigations on the referral of the Minister under Division 4;

(k) to provide advice, reports and recommendations to the Minister on matters referred to the Commissioner under Division 4;

(l) to provide advice, recommendations and reports to the Minister on the exercise of the Commissioner's functions;

(m) other functions conferred on the Commissioner under this Act.

(2) The Commissioner has all the powers that are necessary or convenient to perform the Commissioner's functions under this Part.
Part 2—Latrobe Valley Mine Rehabilitation Commissioner amendments

84AM Commissioner to have regard to objective, regional rehabilitation strategy and regulatory framework

In performing a function or exercising a power under this Part the Commissioner must have regard to—

(a) the objective of the Commissioner; and
(b) the regional rehabilitation strategy; and
(c) the regulatory framework.

84AN Staff to be provided

The Department Head must ensure that the Commissioner is provided with any public sector employees that are necessary to assist the Commissioner in performing the Commissioner's functions.

84AO Assistance to be provided by the Department Head

The Department Head must ensure that the Commissioner is provided with any assistance in connection with the performance of the Commissioner's functions that the Commissioner reasonably requires.

84AP Assistance to be provided by a public sector body and a Latrobe Valley licensee

A public sector body and a Latrobe Valley licensee must ensure that the Commissioner is provided with any assistance in connection with the reasonable performance of the Commissioner's functions that the Commissioner reasonably requires.
Division 4—Investigations by the Commissioner

84AQ Minister may refer a matter for investigation to the Commissioner

(1) The Minister, by notice published in the Government Gazette, may refer to the Commissioner for investigation a matter that relates to—

(a) the rehabilitation of coal mine land; or

(b) the regional rehabilitation strategy; or

(c) a rehabilitation planning activity.

(2) A notice under subsection (1) must set out—

(a) the terms of reference of the investigation of the matter; and

(b) the reporting requirements that will apply, including when a report is to be given to the Minister and whether or not it is to be published.

84AR Power of entry and inspection without consent

(1) This section applies if—

(a) a matter has been referred to the Commissioner under this Division; and

(b) the Commissioner believes on reasonable grounds that it is necessary for the Commissioner or an authorised officer to enter coal mine land or any land adjacent to coal mine land for the purposes of investigating the referred matter.
(2) The Commissioner or an authorised officer may enter, without consent, coal mine land or any land adjacent to coal mine land but only between the hours of 9 a.m. and 5 p.m.

(3) The Commissioner or the authorised officer must not, under this section, enter any part of coal mine land or any land adjacent to coal mine land that is residential premises.

(4) On entering the land under this section, the Commissioner or the authorised officer may do all or any of the following—

(a) inspect the land;

(b) take and keep samples (without payment) of any thing found on the land, if the Commissioner or the authorised officer believes on reasonable grounds that the thing is relevant to the referral investigation;

(c) make any still or moving image or audio-visual recording that the Commissioner or the authorised officer believes on reasonable grounds is relevant to the referral investigation;

(d) take measurements of any thing on the land.

(5) The Commissioner or the authorised officer must not enter any land under this section unless, before that entry, the Commissioner or the authorised officer—

(a) has produced the Commissioner's identification or the authorised officer's identity card to the occupier or the apparent occupier for inspection; and
Part 2—Latrobe Valley Mine Rehabilitation Commissioner amendments

(b) has taken all reasonable steps to notify the occupier or the apparent occupier of the land of the entry.

(6) If the Commissioner or the authorised officer exercises a power of entry under this section without the occupier or the apparent occupier being present the Commissioner or the authorised officer must, on leaving the land, leave a notice setting out—

(a) the time of entry; and

(b) the purpose of entry; and

(c) a description of things done while on the land; and

(d) the time of departure; and

(e) the contact details of the Commissioner or the authorised officer.

84AS Occupier or apparent occupier of land must assist Commissioner or authorised officer to enter

The occupier, or apparent occupier for the time being, of land which the Commissioner or the authorised officer wants to enter under section 84AR must not, without reasonable excuse, refuse or fail to provide such assistance as the Commissioner or the authorised officer may reasonably require to enter the land.

Penalty: In the case of a corporation, 300 penalty units;

In any other case, 60 penalty units.
Occupier or apparent occupier of land must assist Commissioner or authorised officer to inspect

The occupier, or apparent occupier for the time being, of land which the Commissioner or the authorised officer wants to inspect under section 84AR must not, without reasonable excuse, refuse or fail to provide such assistance as the Commissioner or the authorised officer may reasonably require to inspect the land.

Penalty: In the case of a corporation, 300 penalty units;
In any other case, 60 penalty units.

Authorised officers under this Division

(1) The Department Head, by instrument, may authorise the following persons to be authorised officers for the purposes of all or any specified provisions of this Division applying to an authorised officer—

(a) a public sector employee who assists the Commissioner under section 84AN;
(b) an inspector.

(2) The Department Head may determine the terms and conditions of authorisation of any authorised officer.

(3) The terms and conditions of authorisation of an authorised officer may—

(a) contain general directions as to how the authorised officer's powers may be exercised; or
(b) direct that the exercise of the authorised officer's powers be limited to a specified referral investigation.

(4) The Department Head, in writing, may vary or revoke the authorisation of an authorised officer at any time.

84AV Authorised officer's identity cards

(1) The Department Head must issue an identity card to each authorised officer containing a photograph of the authorised officer and the authorised officer's signature.

(2) Subsection (1) does not apply in respect of an authorised officer who is an inspector.

Note
See section 92 for the issue of an identity card to an authorised officer who is an inspector.

(3) If a person to whom an identity card has been issued under subsection (1) ceases to be an authorised officer, the person must return the identity card to the Department Head as soon as practicable.

Division 5—Giving of documents or other things

84AW Giving of documents or other things to the Commissioner by Latrobe Valley licensees

(1) For the purposes of a referral investigation, the Commissioner, by written notice given to a Latrobe Valley licensee, may require the licensee to give to the Commissioner a document or other thing specified in the notice that is held by the Latrobe Valley licensee.
(2) A notice under subsection (1) must specify the time within and manner with which the document or other thing must be given to the Commissioner.

(3) A Latrobe Valley licensee given a notice under subsection (1) must not, without reasonable excuse, refuse or fail to comply with the notice.

Penalty: In the case of a corporation, 300 penalty units; in any other case, 60 penalty units.

(4) A Latrobe Valley licensee must not in purported compliance with a notice under subsection (1) give to the Commissioner a document or information that the licensee knows is false or misleading in a material particular.

Penalty: In the case of a corporation, 300 penalty units; in any other case, 60 penalty units.

84AX Giving of documents or other things to the Commissioner by public sector bodies

(1) For the purposes of a referral investigation the Commissioner, by written notice given to a public sector body, may require the public sector body to give to the Commissioner any document or other thing specified in the notice that is held by the public sector body.

(2) A notice under subsection (1) must specify the time and manner within which the document or other thing must be given to the Commissioner.
(3) A public sector body must comply with a notice under subsection (1).

**84AY Confidentiality of document or other thing given under a notice**

(1) A document or thing given under section 84AW or 84AX to the Commissioner is not admissible in evidence in any hearing or proceeding in a court or a tribunal.

(2) This section does not apply to a proceeding for an offence against section 84AW(3) or (4).

**Division 6—Information gathering by the Commissioner**

**84AZ Definition**

In this Division—

*non-investigatory function* means a function of the Commissioner under this Part other than a function under Division 4.

**84AZA Notice requiring documents or information from public sector body**

(1) The Commissioner, by written notice given to a public sector body, may require the body to give to the Commissioner a document or information the Commissioner requires for the purpose of performing a non-investigatory function.

(2) A notice under subsection (1) must specify—

(a) the document or information that is required to be given to the Commissioner; and
Part 2—Latrobe Valley Mine Rehabilitation Commissioner amendments

(b) the time within and manner with which the document or information must be given to the Commissioner.

84AZB Notice requiring documents or information from Latrobe Valley licensee

(1) The Commissioner, by written notice given to a Latrobe Valley licensee, may require the licensee to give to the Commissioner a document or information the Commissioner requires for the purpose of performing a non-investigatory function.

(2) A notice under subsection (1) must specify—

(a) the document or information that is required to be given to the Commissioner; and

(b) the time within and manner with which the document or information must be given to the Commissioner.

(3) A Latrobe Valley licensee given a notice under subsection (1) must not, without reasonable excuse, refuse or fail to comply with the notice.

Penalty: In the case of a corporation, 100 penalty units; In any other case, 20 penalty units.

Division 7—Framework for monitoring rehabilitation planning activities

84AZC Commissioner must prepare framework

(1) The Commissioner must prepare a document that sets out a framework for the monitoring and evaluation of rehabilitation planning activities.
(2) Without limiting subsection (1), the framework must provide for—

(a) the outcomes to be achieved including measures to be undertaken to achieve the outcomes and the effectiveness of those measures; and

(b) the carrying out of strategic audits of public sector bodies and Latrobe Valley licensees in relation to the implementation of rehabilitation planning activities.

(3) The Commissioner must prepare the framework in consultation with—

(a) community members and stakeholders of the Latrobe Valley region; and

(b) public sector bodies; and

(c) the Latrobe Valley licensees.

84AZD Making the framework

The Commissioner must cause the framework to be published on an Internet site maintained by the Department as soon as practicable after the framework is made.

84AZE Amendment of framework

The Commissioner may amend the framework at any time.

84AZF Making an amendment to the framework

(1) The Commissioner must cause to be published on an Internet site maintained by the Department the framework, as amended under section 84AZE.
(2) As soon as practicable after the amended framework is published under subsection (1), the Commissioner must publish a notice stating the date of the publication of the amended framework under subsection (1) in the Government Gazette.

**Division 8—Reports and reviews of the Commissioner**

**84AZG Report of referral investigation**

(1) The Commissioner must cause to be published on an Internet site maintained by the Department a report on a referral investigation after giving the report to the Minister.

(2) Subsection (1) does not apply if the notice making the referral under section 84AQ(2) specifies that the report must not be published.

**84AZH Annual report of Commissioner**

(1) The Commissioner by 30 September in each year must make a report on the performance of the Commissioner's functions and the exercise of the Commissioner's powers under this Part during the financial year ending on the immediately preceding 30 June.

(2) The first report under subsection (1) must relate to the period commencing on the date of commencement of this section and ending on 30 June the following year.

(3) The Commissioner must give a report made under subsection (1) to the Minister.
(4) The Minister must cause a report given to the Minister under subsection (3) to be laid before each House of Parliament within 6 sitting days after the Minister receives the report.

(5) After a report is laid before each House of Parliament under subsection (4), the Commissioner must cause to be published a copy of the report on an Internet site maintained by the Department.

**84AZI Consultation**

Before publishing a referral report or an annual report, the Commissioner must consult with any public sector body or Latrobe Valley licensee in relation to factual information relating to the public sector body or the Latrobe Valley licensee that is to be contained in the published report.

**84AZJ Reports to the Minister**

The Commissioner may report to the Minister on any matter relating to the performance of the Commissioner's functions.

**84AZK Commissioner review of research plans of a Latrobe Valley licensee**

(1) The Commissioner may review a research plan in relation to the rehabilitation of coal mine land prepared by a Latrobe Valley licensee.

(2) The Commissioner on carrying out a review under subsection (1) may make recommendations or provide comments to the Latrobe Valley licensee.
Division 9—Protections for persons acting under this Part

84AZL Protection against self-incrimination

It is a reasonable excuse for a natural person to refuse or fail to give a document or other thing, or do any other thing that the person is required to do under this Part, if the giving of the document or other thing or the doing of that other thing would tend to incriminate the person.

Part 7B—Regional rehabilitation strategy

84AZM Minister must prepare a strategy for the rehabilitation of coal mine land

The Minister by 30 June 2020 must prepare a document that sets out the strategy in relation to the following matters—

(a) the safety, stability and sustainability of coal mine land and any adjacent land;

(b) the planning for the Latrobe Valley region in relation to the rehabilitation of coal mine land and any adjacent land, and the relationship between each mine void;

(c) the development of a plan for the monitoring and evaluation of coal mine land after rehabilitation of that land is complete.
84AZN Publication of regional rehabilitation strategy

(1) The Minister must cause to be published on an Internet site maintained by the Department the regional rehabilitation strategy.

(2) As soon as practicable after the regional rehabilitation strategy is published under subsection (1) the Minister must publish a notice stating the date of that publication in the Government Gazette.

84AZO Review of regional rehabilitation strategy

The Minister must review the regional rehabilitation strategy at least once every 3 years after it is published.

84AZP Amendment of regional rehabilitation strategy

The Minister may amend the regional rehabilitation strategy at any time.

84AZQ Publication of amendment to regional rehabilitation strategy

(1) The Minister must cause to be published on an Internet site maintained by the Department the regional rehabilitation strategy, as amended under section 84AZP.

(2) As soon as practicable after the amended regional rehabilitation strategy is published under subsection (1), the Minister must publish a notice stating the date of the publication of the amended regional rehabilitation strategy under subsection (1) in the Government Gazette.
84AZR  Minister must consult

Before publishing the regional rehabilitation strategy under section 84AZN or an amendment under section 84AZQ, the Minister must consult the Commissioner.".
Part 3—Post regional rehabilitation strategy amendments

6 Definitions

(1) In section 84AA of the Principal Act—

(a) the definition of *framework* is *repealed*;

(b) *insert* the following definition—

"*monitoring framework* means the framework published under section 84AZD;".

(2) In section 84AA of the Principal Act, in the definition of *rehabilitation planning activity*, in paragraph (e), for "to assist the preparation of" *substitute* "), including for the purposes of implementing".

7 Functions and powers of the Commissioner

(1) For section 84AL(1)(a) of the Principal Act *substitute*—

"(a) to monitor and evaluate the implementation of the regional rehabilitation strategy in accordance with the monitoring framework;".

(2) In section 84AL(1)(b) of the Principal Act, for "rehabilitation planning activities" *substitute* "the implementation of rehabilitation planning activities and the regional rehabilitation strategy".

(3) In section 84AL(1)(c) of the Principal Act, for "rehabilitation planning activities in accordance with the framework" *substitute* "implementation and effectiveness of rehabilitation planning activities and the regional rehabilitation strategy in accordance with the monitoring framework".
Part 3—Post regional rehabilitation strategy amendments

(4) In section 84AL(1)(m) of the Principal Act, for "Act." substitute "Act;".

(5) After section 84AL(1)(m) of the Principal Act insert—

"(n) to develop and maintain, in consultation with the community, stakeholders, public sector bodies and Latrobe Valley licensees, a framework for—

(i) the monitoring and evaluation of the implementation and effectiveness of rehabilitation planning activities and the regional rehabilitation strategy; and

(ii) the achieving of the outcomes set out in the framework; and

(iii) the carrying out of strategic audits of public sector bodies and Latrobe Valley licensees in relation to the implementation of rehabilitation planning activities and the regional rehabilitation strategy;

(o) to monitor and report, in accordance with the monitoring framework, on—

(i) the implementation by public sector bodies and Latrobe Valley licensees of the regional rehabilitation strategy; and

(ii) the effectiveness of the regional rehabilitation strategy.".
8 Division 7 of Part 7A substituted

For Division 7 of Part 7A of the Principal Act substitute—

"Division 7—Monitoring framework

84AZC Commissioner must prepare monitoring framework

(1) The Commissioner must prepare a document that sets out a framework for the monitoring and evaluation of the implementation and effectiveness of—

(a) rehabilitation planning activities; and

(b) the regional rehabilitation strategy.

(2) Without limiting subsection (1), the monitoring framework must provide for—

(a) the outcomes to be achieved, including measures to be undertaken to achieve the outcomes and the effectiveness of those measures; and

(b) the carrying out of strategic audits of public sector bodies and Latrobe Valley licensees in relation to the implementation of the regional rehabilitation strategy.

(3) The Commissioner must prepare the monitoring framework in consultation with—

(a) community members and stakeholders of the Latrobe Valley region; and

(b) public sector bodies; and

(c) the Latrobe Valley licensees.
84AZD Making the monitoring framework
The Commissioner must cause the monitoring framework to be published on an Internet site maintained by the Department as soon as practicable after the framework is made.

84AZE Amendment of monitoring framework
The Commissioner may amend the monitoring framework at any time.

84AZF Making an amendment to the monitoring framework
(1) The Commissioner must cause to be published on an Internet site maintained by the Department the monitoring framework, as amended under section 84AZE.

(2) As soon as practicable after the amended monitoring framework is published under subsection (1), the Commissioner must publish a notice stating the date of the publication of the amended monitoring framework under subsection (1) in the Government Gazette."
Part 4—Other related amendments

9 Application for variation of work plan

(1) After section 41(4) of the Principal Act insert—

"(4A) In the case of a mining licence, if any part of the land relating to the proposed variation of the work plan is land that forms part of coal mine land, the Department Head must without delay lodge a copy of the application with the Commissioner."

(2) After section 41(6) of the Principal Act insert—

"(7) Within 28 days after the application is lodged with the Commissioner under subsection (4A), or any longer period allowed by the Minister, the Commissioner—

(a) must give comments to the Minister on the following if affected by the proposed variation—

(i) the rehabilitation plan included in the work plan;

(ii) the community engagement plan included in the work plan in respect of rehabilitation;

(iii) in respect of the work plan, the identification of mining hazards on coal mine land in relation to the ending of mining and the rehabilitation of that land;

(iv) in respect of the work plan, the identification and assessment of risk on coal mine land in relation to the ending of mining and the rehabilitation of that land;
Part 4—Other related amendments

(v) in respect of the work plan, the risk management plan for coal mine land in relation to the ending of mining and the rehabilitation of that land; and

(b) may recommend changes to be made to the proposed variation before it is approved or conditions to which an approval should be made subject.

10 Approval of variation of work plan

After section 41AAB(2)(e) of the Principal Act insert—

"(ea) the Commissioner giving the Minister comments under section 41(7);".
Part 5—Repeal of amending Act

11 Repeal of amending Act

This Act is repealed on 1 July 2021.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the Interpretation of Legislation Act 1984).
Endnotes

1 General information


† Minister's second reading speech—

Legislative Assembly: 22 March 2017

Legislative Council: 11 May 2017

The long title for the Bill for this Act was "A Bill for an Act to amend the Mineral Resources (Sustainable Development) Act 1990 to establish the Latrobe Valley Mine Rehabilitation Commissioner, to provide for the making of a regional rehabilitation strategy and for other purposes."