

POST/EMAIL SUBMISSION DETAILS		
Date Received	08/03/2017	
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Organisation	Prospectors and Miners Association of Victoria	
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Privacy Options	I am making this submission on behalf of an organisation , and understand that it may be published and will include the name of the organisation unless otherwise requested	
Privacy Statement Correct?	Yes	
Privacy Collection Notice Read?	Yes	
Submission Type	Industry peak body	
Previous engagement in review?	Info session 2015	Yes
	Workshop 2015/16	Yes
	Targetted consultation	
	SRG	Yes
	Written submission to CP?	Yes
	Other? Describe	
Will changes improve function of regs?		
Reasons	I think that the the system will not assist the way in which the regulations work	
Implementation issue with proposed changes?	Yes	
Reasons	Both the current and proposed system provide serious obstacles to the development of the small scale mining industry and do not reallu address the issue of preserving and extending the amount of Native Vegetation in this state	
Guidelines – guidance or clarification needed?	Yes	
Details	Yes, Please refer to our submission	
Terms to include in guidelines glossary?	Unsure	
Details		
Subscribe to e-newsletter?	Yes. Please send information updates to my email address	
Other comments		
Written submission provided?	Yes – attached	

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Submission to the Review of Native Vegetation Clearance Regulations

Native Vegetation and Small-scale Miners

The Prospectors and Miners Association of Victoria has been representing and protecting the interests of smaller-scale miners and prospectors since our inception in 1980.

The PMAV understands and supports the need for environmental sustainability and the concept of “no net loss” in relation to the clearing of native vegetation for mining purposes.

However the current regime of native vegetation management is costly, overly complicated, slow and bureaucratic. Moreover its attempts to manage the clearance of native vegetation through the application of one set of rules disadvantages a number of industries; including the small-mining industry. It is fair to say that the current system of native vegetation management and the associated off-sets are the single biggest disincentive to investment in the small-mining sector.

**It is also fair to observe that not one new tree, shrub or blade of grass is planted
as a direct result of the current off-set arrangements.**

The current regulations have created an artificial and unsustainable market based system that is more about giving money to bush brokers and consultants than it is about protecting and increasing the amount of native vegetation.

However, it is not the intention of the PMAV to explain the negative effects on other rural industries, nor to attempt to reform the overall system. We will confine our comments to the effect of the native vegetation offsets on the small-mining sector.

The mining industry, unlike most others, has a number of unique aspects which should encourage the regulators to treat it quite differently to most industries.

Attempts by a series of State governments to create a bio-diversity policy where “one size fits all” does not work for the small-mining sector. This was highlighted to the Government when the committee that was overseeing the current changes to the bio-diversity rules was set up. A request made to the Minister to have the small-mining sector represented on this committee was rejected. We are now in a situation where this sector is to be further disadvantaged and yet we were denied any chance of representation on the committee that oversaw the development of these policies.

As indicated above, the attempt to manage biodiversity through a rigid and universal system right across the State and in all sectors creates winners and losers. In this instance, the small mining sector is clearly a loser and it is the intention of the Association to seek reforms to the current system and oppose the changes that are currently proposed.

The PMAV stands alone in its aim to create a workable, affordable and fair system for miners which actually improves the extent and quality of native vegetation. Something the current system does not even attempt to do.

It is the view of the PMAV that a suitable regime should be established for the small mining industry that recognises its unique aspects and ask for active consideration of the following points to achieve change.

1. Mining is a temporary land use and miners are required to rehabilitate and replant mine sites. **This alone should satisfy any requirement under the Native Vegetation Regulations.** The performance of the miner is guaranteed by the bond held by the State government which cannot be released until the land is appropriately replanted and rehabilitated.
2. However, if this rehabilitation does not fully sustain the native vegetation requirement for a particular site, a new option should be added for a miner to purchase offsets by making a direct cash payment to a local Landcare, or similar, group. This payment must be based on a predetermined and affordable formula. Any money changing hands is to go towards vegetation planting projects with a demonstrable and visible result.
3. That the current exemption, which allows for one hectare of native vegetation to be cleared on Exploration Licences without offsets, be extended to Prospecting and Mining Licences.
4. Recognition that mining is a temporary land use and that land is always rehabilitated both structurally and with vegetation during and upon completion of operations. A miner must replant vegetation including trees and grasses yet there is no credit for this in native vegetation offset calculations. This is unfair as it is one of the rare occasions where native vegetation is actually planted as part of the Regulations.
5. There also needs to be an offset credit for overall environmental structural improvement to the land that has resulted from the rehabilitation of the site. Improvements such as restoration of waterways, filling of excavations or shafts, re-contouring of the land to prevent erosion and the creation of stable land forms.
6. Settlement for the clearing of native vegetation on Prospecting and Mining Licences should be finalised after the completion of the operations on the licence (including the rehabilitation). A bond is held by Government to ensure this rehabilitation. The bond can be held until native vegetation offsets are complete. By not requiring the settlement until after the project is finalised, there is a strong incentive for the miner to only remove any vegetation that is absolutely necessary. The current settlement “upfront” creates a situation where more vegetation is removed than is necessary as the miner must nominate what may need to be removed before operations occur. In a situation of not knowing, the miner will have to nominate a maximum amount of clearing that will take place simply to cover any eventuality that may, or may not, occur on site.
7. Restoration of nearby, degraded Crown land by the licensee should be offered as an option of providing off-sets.
8. Vegetation growing on artificial environments or substrates should be exempt from off-sets. Vegetation growing on tailings heaps, dam banks or other man-made structures are examples of this.
9. The current determination that using an area under the canopy of a tree on mine sites for activities such as parking or storage is liable to offsets, cannot be justified and should be abolished.
10. Clearance of any regrowth on a licence should be permitted to take place without offsets.

Supporting Arguments

The following points illustrate why the current and proposed bio-diversity regulations are wholly unsuitable when applied to the small-mining sector:

1. By and large, mining is a temporary land use. The miner has short-term access to the land for mining and then rehabilitates the land. Rehabilitation is at least to an equal, or usually to a higher, standard than the land condition prior to mining. This rehabilitation includes restoring the soil profile to pre-gold rush conditions, contouring to a stable land form and re-planting locally indigenous species of trees, shrubs and grasses.
2. Small-scale alluvial mining operations in Victoria generally occur on land which is highly degraded as a result of the legacy of the nineteenth century gold rushes. It is not only an improvement to the bio-diversity that takes

