

## Subordinate Legislation Act 1994

### NOTICE OF DECISION

#### **Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2019**

I, Jaclyn Symes, Minister responsible for administering the **Mineral Resources (Sustainable Development) Act 1990** (“the Act”), give notice under section 12 of the **Subordinate Legislation Act 1994** (“SLA”) that further to public consultation on a Regulatory Impact Statement (RIS), I have decided to recommend the making of the **Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2019** (“proposed Regulations”) to replace the **Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2010** (“the current regulations”).

The RIS was open to public consultation from 20 September 2019 to 21 October 2019, and 13 submissions were received. After consideration of these submissions in accordance with section 11 of the SLA, I have recommended that the proposed Regulations remain in the same form as the consultation draft, except for some minor and technical amendments. The proposed Regulations improve on the current Regulations by clarifying the information required, can be applied in proportion to the nature of work under specific extractive industry authorities and will provide potential benefits to the community and the State.

The responses to submissions are as follows:

1. Proposals to change the Act – Industry body submissions sought to change key requirements of the Act e.g. introducing a two-track discounted bond system. Response: the government will consider issues with the Act raised by the extractives industries in future work on the resources regulatory framework.
2. Rehabilitation – Some submissions opposed proposed changes to the current regulations to strengthen rehabilitation requirements by requiring plans for proposed land use and land form for affected land in the work plan. Some submissions proposed that rehabilitation requirements for quarries should not be as stringent as mines. Response: the proposed Regulations can be applied in proportion to the nature of work under specific extractive industry authorities.
3. Work plans – Some submissions criticised the concept of risk-based work plans, which were introduced in 2015 via the Act itself and so cannot be altered in the regulations.
4. Reporting – Some submissions suggested that gathering more information in the Annual report regarding stone, including the most recent stone resource estimate, could potentially cause confusion as a stone estimate is already required in the work plan. Response: the collection of recent reserve data is important for planning and compliance purposes.

Government, community and industry all benefit from access to data to inform decision-making on infrastructure, transport, logistics, construction, etc.

Jaclyn Symes MP

**Minister for Resources**