



## **Australian Government**

Australian Government response to the  
Senate Environment and Communications References report:

Rehabilitation of mining and resources projects and power station  
ash dams as it relates to Commonwealth responsibilities

May 2024

## Response

### Recommendation 1

The Australian Greens recommend that the Commonwealth Government coordinate and provide funding towards a complete national inventory of current and abandoned mine sites in Australia, including consistent national information about mines in the final closure phase and sites in care and maintenance.

### Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

### Recommendation 2

The Australian Greens recommend that the Commonwealth Government develop a national policy on final landforms for mine site rehabilitation, covering issues including the use of open pit voids, out of pit waste dumps and above ground tailings storage facilities, to ensure that the public's expectations are met in regards to minimising the long-term impacts of mining.

### Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

### Recommendation 3

The Australian Greens recommend that the national policy on final landforms include a requirement that all final pit voids must be filled unless a safe, non-polluting alternative which has the support of local residents is identified.

### Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

### Recommendation 4

The Australian Greens recommend that the Commonwealth Government design enforceable national progressive rehabilitation targets for mining operations, aimed at maximising the area of rehabilitation during a mine's operational life.

### Response

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 5**

The Australian Greens recommend that the Commonwealth Government introduce national regulations to mandate the submission of stand-alone closure plans as part of the mining lease approval process for all mining projects in Australia, in accordance with International Council on Mining and Metals and local industry mine closure planning guidance.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 6**

The Australian Greens recommend that the Commonwealth Government develop enforceable national standards that limit the ability of mining companies to place sites into perpetual 'care and maintenance' to avoid rehabilitation obligations.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 7**

The Australian Greens recommend that the Commonwealth provide additional funding for scientific research into initiatives seeking to improve the characterisation of mine waste materials and identify possible treatment options and future use for these materials.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 8**

The Australian Greens recommend that the regulatory standard in place at the Ranger uranium mine, requiring mine tailings to be isolated from the environment for a minimum of 10,000 years, be applied to all other current and any future uranium mining operations in Australia.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 9**

The Australian Greens recommend that the Commonwealth provide funding for research into further strategies and tools for the restoration of native ecosystems and the reintroduction of threatened plants and animals at mine sites in Australia.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 10**

The Australian Greens recommend that the Commonwealth Government lead the establishment of a National Abandoned Mines Commission. The commission is to be a multi-stakeholder advisory panel with an operating model based on Canada's National Orphaned/Abandoned Mine Initiative.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 11**

The Australian Greens recommend that the newly established National Abandoned Mines Commission be immediately tasked to:

- undertake a national review to establish the full extent of liabilities across Australian jurisdictions resulting from abandoned mines; and
- identify a set of national priority abandoned mine sites that require the most urgent attention and funding for remediation activities.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 12**

The Australian Greens recommend that the Commonwealth Government commit to provide funding to assist states and territories in remediating the most urgent national priority sites identified by the National Abandoned Mines Commission.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 13**

The Australian Greens recommend that the Commonwealth Accounting Standards be amended to ensure that liabilities arising from abandoned mines are reflected in state and territory government accounts.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 14**

The Australian Greens recommend that the Commonwealth Government work with state and territory governments to ensure that the environmental consequences of abandoned mines are responsibly managed, including through the setting of clear environmental standards and thresholds which, if breached, would require immediate remedial action be taken by the relevant jurisdictions.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 15**

The Australian Greens recommend that the Commonwealth Government conduct a review of the potential value of alternate uses for existing abandoned mine sites (for example, as renewable energy generation sites), and what regulatory and practical measures can be taken by all levels of government to promote these alternate uses.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 16**

The Australian Greens recommend that national standards be introduced to require mining operators to provide financial assurance through bonds that are: based on high-quality evidence; set at the full cost of rehabilitation for the site; and verified by open and transparent means, including independent audit.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 17**

The Australian Greens recommend that the Commonwealth Government take a leading role in ensuring the full implementation of the National Principles for Managing Rehabilitation Financial Risks recently developed by the COAG Energy Council's Resources and Engagement Working Group.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 18**

The Australian Greens recommend that the Commonwealth Government review the adequacy of existing regulatory mechanisms utilised by state and territory governments to ensure that companies purchasing existing mine sites have the financial and technical capacity to deliver their site rehabilitation responsibilities.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 19**

The Australian Greens recommend that the Corporations Act 2001 (Cth) and Commonwealth Accounting Standards, as necessary, be amended to ensure that mining companies account for and report on mine closure liabilities on a site by site basis. Site-specific information should be included in annual financial statements and as an individual line item in company balance sheets.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 20**

The Australian Greens recommend that the Commonwealth Government include Traditional Owners as equal partners along with the Northern Territory Government in any future partnership agreements made in relation to the Rum Jungle former mine site.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 21**

The Australian Greens recommend that the Commonwealth Government work constructively with the Northern Territory Government to resolve the dispute currently ongoing between the Northern Territory Mines Department and the Rum Jungle Traditional Owner Liaison Committee.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 22**

The Australian Greens recommend that the Commonwealth Government ensure native title interests are fully recognised and protected in relation to mine rehabilitation and closure, the first step of which should be the undertaking of a comprehensive review of state and territory policies and related legislation.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 23**

The Australian Greens recommend that the National Native Title Tribunal ensure that when a determination is made that a mining lease should be granted on native title land, conditions relating to mine rehabilitation and closure must be imposed as part of that determination.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 24**

The Australian Greens recommend that the Commonwealth Government provide additional support to native title holders and claimants in the process of negotiating native title agreements in relation to major mining projects, in order to ensure that such agreements deal comprehensively with mine closure, rehabilitation, and post-closure issues.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 25**

The Australian Greens recommend that the Commonwealth Government review the adequacy of current closure and rehabilitation plans at the Ranger mine in Kakadu and act to ensure that Commonwealth frameworks and forums accurately and fully reflect the aspirations of the region's Mirrar Traditional Owners.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 26**

The Australian Greens recommend that the Commonwealth Government undertake detailed analysis into the potential for new employment in secondary industries related to mine rehabilitation, and implement measures to support these industries in communities transitioning away from reliance on local mines.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.



**Recommendation 27**

The Australian Greens recommend that the Commonwealth Government work with state and territory governments to facilitate education and training initiatives in order to address skills gaps in the mine closure planning industry.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 28**

The Australian Greens recommend that the Commonwealth Government establish a National Mining Rehabilitation Commission to oversee national regulation, facilitate information sharing and drive best practice in this area.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 29**

To ensure that approved mines have the lowest possible impact on matters of national environmental significance (MNES), the Australian Greens recommend that the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) be amended to mandate that rehabilitation related conditions must be applied to mining projects during consideration under the EPBC Act. This would include the following conditions:

- the proponent must submit a full life of mine and closure plan at the approvals stage which includes rehabilitation strategies designed to specifically protect at risk MNES;
- the proponent must submit a progressive rehabilitation plan including rehabilitation targets designed to enhance the protection of the at risk MNES during the mine's operational life;
- a requirement for an independent assessment of the closure cost estimate of the mine, based on the closure plan that informs the relevant jurisdiction's level of financial assurance with specific reference to protecting the MNES; and
- the approved final landform and land use must:
  - reflect the lowest possible residual impact on the at risk MNES; and
  - mandate that voids are backfilled and out-of-pit waste rock dumps and tailings storage facilities are eliminated where these landforms have a demonstrable residual impact on MNES.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 30**

The Australian Greens recommend that the Commonwealth Government work with state and territory governments to develop national standards governing the management and rehabilitation of power station ash dams, including: requirements for progressive rehabilitation of dam sites prior to closure; and requirements that ash located in storage dams remains available for potential future use as a secondary resource.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 31**

The Australian Greens recommend that the Commonwealth Government work to ensure that all power station operators are required to provide adequate financial assurance to state and territory regulators, in order to guarantee that the full costs of ash dam closure and rehabilitation are covered and will not be passed onto taxpayers.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 32**

The Australian Greens recommend that the Commonwealth Government investigate options to incentivise the use of power station ash dam as a secondary resource (by, for example, providing Research & Development or other grant funding for innovative technologies), and ensure that any regulatory impediments in this area are removed.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 1 (ALP)**

Labor Senators recommend that as a part of the upcoming legislated review of the EPBC Act and/or Labor's commitment to reforming environmental laws, the Commonwealth Government include in the consultation process the proposal to mandate that rehabilitation related conditions, as well as provisions regarding 'care and maintenance', must be applied to mining projects during consideration under the EPBC Act to ensure that approved mines have the lowest possible impact on matters of national environmental significance and to ensure approved mines are not left for extended periods of time in perpetual 'care and maintenance' while not being managed and monitored to avoid rehabilitation obligations.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 1 (Senator Patrick)**

The Commonwealth Government needs to work with state and territory governments to develop national standards governing the management and rehabilitation of power station ash dams. The rules introduced by the United States Environmental Protection Agency in 2015, which have set national requirements for the disposal of 'coal combustion residuals' (see paragraph 9.68 of the main report), would serve as a suitable template.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 2 (Senator Patrick)**

The rehabilitation of dam sites should occur on a "clean as you go" basis, with a requirement that ash located in storage dams remains available for future use as a secondary resource.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 3 (Senator Patrick)**

The Commonwealth Government should ensure that all power station operators are required to provide adequate financial assurance to state and territory regulators, in order to guarantee that the full costs of ash dam closure and rehabilitation are covered and will not be passed onto taxpayers.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 4 (Senator Patrick)**

The Commonwealth Government should incentivise (including the use of grant funding to seed activities) the use of power station ash dam as a secondary resource and ensure that any regulatory impediments in this area are removed. Port Augusta should serve as a first site for any incentive arrangements.

**Response**

NOTED

The Government notes this recommendation. However, given the passage of time since this report was tabled, a substantive Government response is no longer appropriate.