



Land Rehabilitation and Management Youth Act 2018

Youth Act No. 4 of 2018

A Youth Act to ensure that land is rehabilitated and managed sustainably

[Assented to 26 October 2018]



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Contents

Part 1	Preliminary	3
1	Short title	3
2	Commencement	3
3	Main purpose of Youth Act	3
4	Definitions	3
Part 2	Recruitment Regulation	5
5	Recruitment	5
6	Advisory Committee	6
Part 3	Pesticide Regulation	7
7	User Safety	7
8	Engagement	7
9	Education	8
10	Funding	8
11	Licencing	8
12	Alternative Use Scheme	9
Part 4	Land, Waterway and Mine Rehabilitation	9
13	Mining Land Rehabilitation	9
14	Life-of-Mine Rehabilitation Program	9
15	Waterway Rehabilitation	10
16	Land Rehabilitation	11
17	Responsibility	11
Part 5	Government Subsidies	11
18	Financial based incentives	11
19	Physical Milestone incentives for Mining companies	12

20	Disincentives implemented to Mining companies	12
Part 6	Research	12
21	Research Projects	12
22	Government Inquiries	13
23	Subside Review	13

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Youth Act may be cited as the *Land Management and Rehabilitation Youth Act 2018*.

2 Commencement

This Youth Act commences on a day to be fixed by proclamation.

3 Main purpose of Youth Act

The main purpose of this Youth Act is to ensure that land is rehabilitated and managed sustainably.

4 Definitions

In this Youth Act—

advisory committee means the advisory committee established under part 2.

buffer zone means the area designated around a waterway to protect it from any harmful by-products of mining activities.

by-products means any products that are left over from mining activities.

chemical means an artificial prepared compound or substance.

chief executive (resources) means the chief executive of the department in which the *Mineral and Energy Resources (Common Provisions) Act 2014* is administered.

company unable to meet rehabilitation milestones means that the if a mining company has been subjected to an unexpected natural disaster(s) or other unexpected environmental issues that have complicated the company's rehabilitation process, they will not have successfully rehabilitated the surrounding area.

eligible local workers includes people who are recognised by the advisory committee to have existing skills for the rehabilitation project and are identified to be a part of the community in which the project takes place.

employee means someone who is hired on a wage or salary.

[s 4]

environmental scientists means scientists who holistically study physical, biological and information sciences and use their knowledge to protect the environment and human health.

erosion means the gradual wearing away of an environment due to natural or man-made factors which can be increased without the presence of trees and grass.

fit to work means an individual has been approved by a health specialist to be physically and mentally healthy to work.

funding means money provided by someone, for a purpose.

future use means the purpose for which the site will be used after mining has ceased and all rehabilitation is completed.

general practitioner means a doctor based in the community who treats minor or chronic illnesses.

herbicide means a substance that is harmful to plants, used to destroy unwanted vegetation.

Life-of-mine Plan means the document plan which companies are obliged to complete and provide when applying to mine a piece of land, which includes an outline for the rehabilitation of the mine.

local community is the town in which the site in question is in; within a minimum of a fifty-kilometre radius.

members of the public means all member of the general population.

mined land means any land on which any mining operation of any size has been performed.

mining tenure means the legal protection against summary dismissal without just a cause, given by the representative department of natural resources, mines and energy.

pesticide means a substance harmful to pests, used to kill insects and other organism that cause damage to plants or animals.

progressive rehabilitation means the staged restoration of a mine during its life as an active mine.

project means an individual or collaborative task devised to achieve a particular aim.

regular intervals means a time period of no more than 3 months elapsing between medical checks for workers using schedule 5 or above chemicals.

rehabilitation authority means the company, group or organisation undertaking the rehabilitation activity.

rehabilitation means the land has been adjusted to a safe, stable and non-polluting state and is unable to cause further environmental harm and can sustain a post-mining land use.

reskilling is the process of teaching new skills for a new or different job.

safe, stable and non-polluting state means a state in which the environment is not dangerous now and will not be in the future. Adherence to the ‘generally acceptable requirements for a safe, stable and non-polluting mine site,’ as per to the Department of Environment and Heritage Protection’s ‘Rehabilitation requirements for mining projects,’ is compulsory.

schedule 5 or above includes schedules 6, 7, 8, 9 and 10 of the scheduling system.

schedule means a national classification system that controls how medicines and poisons are made available to the public.

specialists means a person or team who concentrates primarily on a particular subject.

supervisor means a person who supervises an activity and/or person.

surrounding area means the area immediately around the site in question at a minimum twenty kilometre radius.

sustainable farming practices means the way a farmer utilises his property, in an environmentally minded manner which is beneficial to the land.

syllabus means the subject or subjects in the course of study.

undisturbed land means a piece of land which has not been influenced by mining activities in anyway.

upkeep means the continued maintenance and care of something.

urban means in relation to the characteristic of a town or city.

viable means the ability to work as intended or able to succeed.

volunteer means someone who freely offers to take part in a task.

waterway means any body of water natural or manmade.

Part 2 Recruitment Regulation

5 Recruitment

- (1) The rehabilitation authority must recruit eligible workers from local regions, where the eligibility of local workers is determined by the Advisory Committee, in all new employment contracts unless unable to do so and have been approved by the Advisory Committee

[s 6]

- (2) The total amount of eligible workers must include a minimum of 10% of apprenticeships and re-skilling of local workers, unless unable to do so and have been approved by the Advisory Committee
- (3) Eligible workers from outlying regions may only be considered if the Advisory Committee is satisfied that –
 - (a) The rehabilitation authority used reasonable efforts to advertise for the vacant positions; or
 - (b) No eligible local workers were found of suitability for the vacant positions to be fulfilled; or
 - (c) There was no reasonable manner for employment of local workers.
- (4) The government must establish a re-skill program for mining workers, within 2 years of commencement, that fulfils all of the following requirements—
 - (a) The program must be fully government funded vocational style education for workers on mining projects existing and future; and
 - (b) it must be fully accessible remotely for rural and regional mining workers i.e. online components, educators travelling to remote mining sites; and
 - (c) the study program is to be flexible to suit hours of trade and mining workers seeking to be reskilled; and
 - (d) the program is to be offered to all mining workers currently employed; and
 - (e) the program is to be a mandatory requirement for all future employees on mining projects.

6 Advisory Committee

- (1) The chief executive must establish an advisory committee to give advice—
 - (a) under Part 2, Section 5 to a mining authority on matters regarding local employment contracts; and
 - (b) on other relevant matters
- (2) The advisory committee is to consist of at least five persons appointed by the Minister under which the act is administered.
 - (a) committee is to consist of persons from all following qualifications
 - (i) representative of mining sector
 - (ii) member of the department of Aboriginal and Torres Strait Partnerships
 - (iii) Conservation specialist

- (iv) member of local parliament/political rep.
- (v) mining rehabilitation specialist
- (3) The local political representative is to change dependent on region in which the mine in question is located
- (4) Those appointed under subsection (2) - excluding local political representative under subsection (3) - must complete membership terms of 5 years
- (5) The Minister must appoint 1 of the members of the advisory committee as chairperson.
- (6) A member of the advisory committee is entitled to be paid expenses determined by the relevant minister.

Part 3 Pesticide Regulation

7 User Safety

- (1) To maximize the safety of those who use chemicals, the following guidelines will be set.
 - (a) mandatory use of protective equipment when dealing with chemicals at Schedule 5 and above; and
 - (i) all protective equipment is to be in good working condition; and
 - (ii) all protective equipment is to be provided by the company conducting the project
 - (b) health check-ups to occur before, after and at regular intervals during a project, when using schedule 5 or above chemicals—
 - (i) these check-ups will be conducted by an occupational physician of the person's choosing, with all fees paid by the government
 - (ii) the responsibility of the health check-ups, and financial responsibility of any required treatment, is to fall on the company conducting the project.
 - (c) health checks are to occur before, after and biannually during a project when using chemicals lower than schedule 5

8 Engagement

- (1) A community reference group will meet and host quarterly engagements that allow the encouragement and education of those who use chemicals.

[s 9]

- (a) The community reference group of 5 to 10 members, appointed by the chief executive officer will include—
 - (i) Volunteers, members of the public living in both urban and rural areas who have received formal education about the usage of chemicals; and
 - (ii) Qualified environmental scientists in areas of the environment and schedule 5 and over chemical usage
- (b) The team will host engagements in predominantly rural areas
- (c) The team will promote engagements via social media, and will also produce materials to send to rural communities

9 Education

- (1) A team of specialists will construct the syllabus for the engagements.
- (2) Qualified environmental scientists will be employed to assist in deciphering the syllabus.
- (3) This will be taught by a team of specialists.

10 Funding

- (1) Funding for various schemes are to be sourced from the Department of Environment and Heritage Protection
 - (a) These schemes that will be funded include—
 - (i) Funding for employees, as mentioned above; and
 - (ii) Funding for research, to develop an education syllabus that is used for the engagements.

11 Licencing

- (1) If someone has previous offences with chemical use, they cannot obtain another license, unless supervised in the act.
 - (a) the supervisor will meet the following criteria —
 - (i) understand comprehensively the requirements of the licence
 - (ii) have no previous criminal offences, chemical or otherwise, themselves
 - (iii) have no close personal or familial relationship to the person attempting to obtain the licence
- (2) To apply for supervision, the user must have -
 - (a) fulfilled all required tasks given as a result of their conviction i.e. paid any relevant fine, performed any required jail time/community service

- (b) committed no other criminal offences in the time between first chemical offence and application
- (c) have committed no other unrelated criminal offences in the past
- (3) If requirements of subsection (2) are not met the applicant will be refused a supervised licence by the relevant department

12 Alternative Use Scheme

- (1) A list will provide alternative chemicals to use based on their Schedule.
- (2) the list will include alternative pesticide and herbicide use for chemicals schedule 5 and above, as decided upon by the Department of Environment and Heritage Protection

Part 4 Land, Waterway and Mine Rehabilitation

13 Mining Land Rehabilitation

- (1) As determined by the Chief executive officer, upon reviewing the companies 'Life-of-Mine plan', all mined land must be rehabilitated unless it is:
 - (a) currently being mined; or
 - (b) is being used for operating mining infrastructure; or
 - (c) overlays a mineral reserve that has been assessed to be economically viable for extraction within ten years; or
 - (d) Confirmed by the department that rehabilitating the area pose a greater environmental risk then not rehabilitating.
- (2) Land is considered to have been rehabilitated when it can be demonstrated to be:
 - (a) in a safe, stable and non-polluting state; and
 - (b) unable to cause further unreasonable environmental harm; and
 - (c) would be able to sustain a post-mining land use.

14 Life-of-Mine Rehabilitation Program

- (1) Mining companies, government owned and otherwise, must additionally submit a life-of-mine plan for rehabilitation when applying for mining tenure.
- (2) All existing mines must transition to have a life-of- mine plan within the next five years of the commencement of the Bill.

[s 15]

- (3) A Life-of-mine Plan must consist of all of the following —
- (a) suitable future land uses for the land after mining rehabilitation, with consultation of community views and desires;
 - (b) The benefits of the mine for the surrounding community whilst in operation and once rehabilitated;
 - (c) A timeline which includes the planned amount of time the mine will be in operation and the planned amount of time it will take to rehabilitate the site;
 - (d) The size of the buffer zone as recommended by the expert appointed by advisory committee;
 - (e) If the site will be handed over to another party as part of its transition into its future use;
 - (f) A clear end goal for rehabilitation so it can be determined when rehabilitation is finished.
 - (g) The chief executive officer will review the ‘Life-of-Mine’ plan to determine the following—
 - (i) Whether the mine will be progressively rehabilitated; or
 - (ii) Rehabilitated once mining has ceased; and
 - (iii) The milestones suitable for the rehabilitation of the land; and
 - (iv) If the contents contained in the ‘Life-of-Mine’ plan are satisfactory and can be approved by the chief executive officer, for mining operations to begin.
 - (h) If a ‘Life-of-Mine’ plan is unsatisfactory, all mining operations will be prohibited until a satisfactory ‘Life-of-Mine’ plan can be submitted and agreed upon.

15 Waterway Rehabilitation

- (1) If there is a waterway within or backing onto the mine site, a buffer of land must be constructed to reduce any negative effects the mine may have on the waterway. The buffer must include—
 - (a) undisturbed land as established in the life-of-mine-plan; and
 - (b) native trees and grasses to reduce erosion; and
 - (c) monthly testing as decided in the Life-of-mine Plan throughout the life of the mine and the rehabilitation process to monitor the potential risks the waterway is being exposed to.
- (2) Baseline testing of the waterway must be conducted to monitor future impacts and changes in waterway conditions

16 Land Rehabilitation

- (1) If there is any part of the mined land which is not suitable for rehabilitation the company must—
 - (a) return the land to a safe, stable and non-polluting state; and
 - (b) inform the surrounding community of the issue and any risks which may be involved.

17 Responsibility

- (1) Companies are responsible for the continued upkeep of rehabilitated sites which may include but is not restricted to
 - (a) the upkeep of infrastructure such as buildings, dams or roads which have been built during the lifetime of the mine; and
 - (b) the upkeep of any flora which has been planted during the what
- (2) Companies cannot be exempt from the continued upkeep of the site and cannot forfeit this responsibility unless—
 - (a) the end goal of rehabilitation as written in the life-of-mine plan is reached
 - (b) the responsibility of the land is taken on by another party such as in the case where it is sold to a developer to transition the site into its future use.

Part 5 Government Subsidies

18 Financial based incentives

- (1) Mining companies are to pay financial assurance to the government at the beginning of a mining project to be used in assistance of rehabilitation purposes down the timeline of the mine
 - (a) increments of the money pooled will be given to companies for training, resources, equipment costs if they are meeting their rehabilitation milestones as per the Life-of-Mine plan
 - (b) if companies are found to miss their milestones increments of the money pooled will be taken as a fine by the government and added to a larger pool
 - (c) this pool is to be used by the government to aid for rehabilitation purposes and training/education surrounding safe and productive mining practices

[s 19]

19 Physical Milestone incentives for Mining companies

- (1) Milestones will be available for Mining companies currently or Undergoing rehabilitation to ensure rehabilitation processes are continuously advancing and improving the sustainability of the community. Milestones include:
- (a) Independent/dependent audits from a Government officials who approved the mining plan will be conducted 3 – 5 years to ensure the rehabilitation process is running smoothly.
 - (b) Financial assistance that will be dependent on the size and functionality of the mining company.

20 Disincentives implemented to Mining companies

- (1) If the milestones stated above are not met—
- (a) Return of financial assurance will be ceased if rehabilitation milestones are not met.
 - (b) A 20% financial fine of the profits of the mines or the lowest cost of \$20 million per year will be given to mining companies who are not meeting the regulations and requirements of the mining rehabilitation process.
 - (c) The mining company or individual directors of mines will become ineligible for mining tenure due to acquiring a negative rehabilitation history

Part 6 Research

21 Research Projects

- (1) Government is to sponsor 15 research projects, with each being funded 10%, with a minimum of two from each category below
- (a) the harm caused by chemicals within pesticides and appropriate usage thereof;
 - (b) the use of alternatives for harmful and potentially harmful chemicals that are used in pesticides;
 - (c) the most effective and beneficial ways to rehabilitate land that is no longer considered viable;
 - (d) the viability of land;
 - (e) research into potential solutions to the ‘final void’ that exists even after rehabilitation of mines;
 - (f) and projects deemed sufficiently related to the above categories by the relevant ministers.

22 Government Inquiries

- (1) An inquiry for each type of mine and which method of rehabilitation would benefit that land and the surrounding area the most
 - (a) conducted by the department of environment and heritage protection along with the department of agriculture and fisheries.
- (2) An inquiry to observe the benefits of each method of rehabilitation in relation to each type of environment i.e. beach, forest, desert, waterway, etc., this will be conducted by the Department of Environment and Heritage Protection.
- (3) An inquiry is to be made into the reskilling of workers, this is to be conducted by the department of education.
 - (a) factors that will be considered are the benefit to the worker and their family, the benefit to the local community and whether there has been an economic benefit.
 - (b) Inquiry conducted every 5 years.
- (4) An inquiry is to be made into the forms of rehabilitation and the processes that have been used to rehabilitate the site.
 - (a) factors to be considered are: the benefit to the environment, the benefit to the local community and the total economic benefit
 - (b) conducted every 5 years.

23 Subside Review

- (1) A yearly review of the subsidies and their prices and a judgement made on whether they are believed to being effective.