

Consultation feedback and response summary

Suspension of mining operations policy

Source	Topic	Issue/ Feedback	Adopted (Yes/No/NA)	Reason/ Comment
All	General comment	General support for the policy with clarity sought about certain aspects.	Y	Policy and FAQs have been updated to improve clarity.
Various industry stakeholders	Forms	Links to forms required to be submitted should be included in the policy document.	N	Forms associated with the policy will be made available on the MEG website prior to the 1 August 2022 commencement date.
Various industry stakeholders	Fees	Clarification sought about what fees are payable for notifications and applications.	Y	If applicable, fees may to be prescribed in the Regulations – feedback will be sought as part of the consultation on the Regulations.
Various industry stakeholders	Fees	Clarification about what charges are payable for the departmental review when an applicant seeks to extend the suspension after three years and whether a cost cap will be implemented.	Y	The costs associated with review of applications will vary depending on the level of investigation required by the department to ensure that longer term periods of suspension are appropriate. As such, no cost caps are proposed.
Various industry stakeholders	General comment	Comment that the FAQ repeats the policy and is not required and inconsistency between the policy and the FAQ.	Y	The FAQ has been retained and revised to address feedback. This includes removing repetition, ensuring consistency with policy and adding additional FAQs that have been suggested by stakeholders.
An industry stakeholder	Suspension periods	Comment supporting the policy intent and noting that it provides certainty to lease holders.	N/A	Noted.

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An industry stakeholder	Suspension periods	Clarification about the maximum period of time a suspension can be granted for and comment that three years may not be long enough in some instances.	Y	The maximum length of time that the Department will grant a single consent to suspend is three years (which includes any period of up to 12 months under the notification provisions in the policy). Additional extension periods in excess of three years are subject to application and review.
Various industry stakeholders	Application process	Comment suggesting a change from 30 days to 30 business days for a notification.	in part	The policy has been updated to refer to calendar days to provide certainty.
An industry stakeholder	Application process	Comment suggesting a change from 60 days to 1 month for an application.	in part	The 60-day period has been retained but clarified to refer to calendar days to ensure that there is time for the department to review the application and seek additional information.
Various industry stakeholders	Title dealings	Comment that guidance about mine closure during a period of suspension should be included.	Y	The policy and FAQ have been updated to clearly outline how suspensions and mine closure interact.
An industry stakeholder	General comment	Comment that a flow chart showing the process should be included in the policy.	Y	A flow chart has been developed.
An industry stakeholder	Rehabilitation	Comment that guidance on how a lease holder can update their Rehabilitation Security Deposit to account for changes in disturbance should be included in the policy.	Y	The policy and FAQ have been updated to clearly outline how security deposits are dealt with during suspension periods.
An industry stakeholder	Suspension periods	Comment that the process of suspension and extension should be clarified including details about forms, costs, assessment timeframes, extension applications, departmental reviews, extension refusal and mining lease renewal.	Y	The policy and FAQ have been updated.

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An industry stakeholder	Assessment process	Comment that communications from the department should be outlined in the policy including how a lease holder will be notified of the outcome of their application, how they will be advised if their application is refused, the notice period if a suspension is revoked and the appeal process to challenge a revocation.	Y	The policy and FAQ have been updated to clearly outline how lease holders will be notified about the outcome of their notification/ application.
An industry stakeholder	Project status	Comment that the consideration of a mining lease suspension in the context of a wider project and how it will be assessed should be detailed in the policy.	Y	The policy and FAQ have been updated to clarify how a project will be assessed.
An industry stakeholder	Care and maintenance	Comment that the relationship between the industry term 'care and maintenance' and suspension under the Mining Act should be outlined in the policy or FAQ.	Y	The FAQ has been updated to clarify how suspensions relate to 'care and maintenance'. While industry has used the term 'care and maintenance', the term is not included in legislation therefore the policy only refers to suspension of mining operations. Lease holders are responsible for determining whether the change in activities under a mining lease requires suspension under the statutory conditions and policy.
An industry stakeholder	FAQs	Suggested inclusion of a number of new FAQs including immediate suspension, interaction with mining lease expiry dates, renewal processes, extensions, rehabilitation bonds, notices to the lease holder and appeal processes.	Y	The FAQ has been revised to include new questions.
An industry stakeholder	Legislative requirements	Comment that the legislative basis for suspensions of mining operations should be referenced in the policy.	Y	The policy has been updated to clarify the legislative requirements.
An industry stakeholder	General comment	Comment that the continued requirement to rehabilitation should be made clearer in the policy.	Y	The policy clearly indicates that progressive rehabilitation requirements continue alongside any suspension.

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An industry stakeholder	Title dealings	Comment that there is no information about how a sub-lease will be dealt with under the policy.	N/A	The policy only applies to the head lease. There is no legislative basis to suspend a sub-lease.
An industry stakeholder	Activities associated with mining	Comment that activities associated with mining and the mine site which need to be continued whilst a mining lease is suspended are not described.	N	Lease holders are responsible for determining whether the change in activities under the mining lease requires suspension under the statutory condition and policy.
An industry stakeholder	Restarting mining operations	Comment that there is no specific legislative requirement to commence or recommence mining or recommence if consent has been revoked.	Y	The grant of a mining lease is subject to the objects of the Mining Act. The mining lease conditions also require that operations be conducted in accordance with an Extraction Plan and the Resource Recovery condition. Not taking active steps to extract a resource if approved to do so may be grounds for compliance and enforcement action. Failing to re-commence mining following the expiry of a suspension period would be a breach of the Schedule 1B, clause 7A(1) requirement as the consent is no longer in effect.
An industry stakeholder	Decision maker	Comment that the decision maker should be clearly stated in the policy.	N/A	The decision maker is the Minister or their delegates within the Department.
An industry stakeholder	Mining area	Comment that the meaning of the term Mining Area is not included in the policy. Suggestion that reference be made to the legislation definition.	N/A	The 'mining area' is the area covered by the mining lease as defined in the Act.
An industry stakeholder	Suspension periods	Suggested update to wording regarding suspensions up to 12 months to ensure consistency with the rest of the policy.	Y	The policy has been updated.

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Various industry stakeholders	Notification	Comment that clarity about when notification criteria cannot be met be provided in the policy.	Y	The policy has been updated.
An industry stakeholder	Application process	Suggestion that the required information regarding rehabilitation impacts specifically reference Schedule 8A, clause 5 of the Regulation.	Y	Policy has been amended to clarify the application of the 'Rehabilitation to occur as soon as reasonably practicable after disturbance' clause in the Regulations.
An industry stakeholder	Assessment process	Suggested that 'land access disputes' be replaced with another term due to the complex nature of land access agreements.	Y	The policy has been updated to refer to land access matters instead of disputes.
An industry stakeholder	Assessment process	Comment that guidance be included about what happens in cases where a suspension period may coincide with the lease expiry and renewal process noting that renewals can take extended periods of time to determine.	Y	The FAQ has been updated to clarify that a suspension does not impact the expiry or renewal of a mining lease.
An industry stakeholder	Rehabilitation	Comment that guidance is needed on rehabilitation requirements and how they apply in relation to the suspension of mining operations given that mining operations as defined in the Act includes rehabilitation.	Y	Policy has been amended to clarify the application of the 'Rehabilitation to occur as soon as reasonably practicable after disturbance' clause in the Regulations.
An industry stakeholder	Assessment process	Suggestion that applications that do not meet the requirements also be added as a ground for refusal.	Y	The policy has been updated to include refusal on the grounds that an application does not meet the requirements.
An industry stakeholder	Assessment process	Comment that the policy should address cases where a suspension notification/ application has been lodged prior to or during a renewal process and how the suspension may interact with any new conditions imposed in the renewal.	Y	The FAQ has been updated to clarify that a suspension does not impact the expiry or renewal of a mining lease.

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An industry stakeholder	Suspension greater than 3 years	Comment that suspension periods greater than 3 years should be available in certain cases.	Y	This time frame is considered appropriate in most cases however the option to apply for an additional suspension beyond three years is available.
An industry stakeholder	Assessment process	Comment that some sort of notice advising the lease holder that their notification has been received and accepted is necessary.	Y	The policy has been updated to include notice to lease holders of receipt and written consent.
An industry stakeholder	Rehabilitation	Comment that continued rehabilitation activities during the suspension period should not act to sterilise or degrade a resource.	Y	Rehabilitation is undertaken in line with a Rehabilitation Management Plan and title holders are able to update their plan to take into account changes in disturbance and planned activities.
An industry stakeholder	Assessment process	Comment that the ground for refusal relating to appropriate returns to the state ie. royalties could act to prevent any suspension from being consented to. Suggestion that this be clarified in the policy.	N	In making a decision, all factors will be considered. A suspension will not be refused only on the grounds that royalties will be temporarily halted.
An industry stakeholder	Assessment process	Comment that KPIs (at least < 60 days) for assessing suspension applications should be put in place by the department.	Y	MEG operates in line with service delivery standards which are published on its website.
A community group	Accountability and transparency	Comment that the draft policy and FAQ does not provide enough detail about accountability and transparency.	Y	The existing provisions and proposed amendments to the Mining Act set out the considerations which the decision maker is to make in relation to a range of matters.
A community group	Rehabilitation	Comment that any documents linked to the Mining and Petroleum Legislation Amendment Bill 2022 must detail the process for a decision maker clearly and precisely.	Y	The existing provisions and proposed amendments to the Mining Act set out the considerations which the decision maker is to make in relation to a range of matters.
A community group	General comment	Comment that the draft Mining Regulations must be provided in order to appropriately comment on the Suspension of Mining Operations policy and FAQ.	Y	The amendments to the Mining Regulations are currently in development, and a public consultation period will be undertaken shortly.

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Source	Topic	Issue/ Feedback	Adopted (Yes/No/NA)	Reason/ Comment
A community group	General comment	Comment about aspects of the Mining and Petroleum Legislation Amendment Bill 2022.	Y	Publication of the submissions and responses on the draft Mining and Petroleum Legislation Amendment Bill consultation have been published on the MEG website.

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