

THE LEGAL IMPACT OF MINE CLOSURES AND ABANDONED MINES

Matthew Smith
Partner

Sparke Helmore Lawyers



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MANAGING LIABILITY

Abandoned Mines

Collective Liability
State Liability
Liabilities of Land Holders

Mine Closures

Mine Safety and Health Legislation
Bonds, Securities & Assurances
Common Law
Civil Liability



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- Last mine owners liquidated
- Extensive environmental impacts
- Ongoing expensive rehabilitation by DNRM



Image: Wikipedia

Mt Morgan
Abandoned Mines Land Program

ABANDONED MINES



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- Subsidence in abandoned colliery
- Damage to homes and properties
- Special State response and legislated guarantee



Collingwood Park State Guarantee
Chapter 12, Mineral Resources Act 1989

ABANDONED MINES



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- **Known swimming hole for local teenagers**
- **Owned by private company**
- **Teenager killed**
- **Trespassers prosecuted**



Disused quarry at Mount Gravatt East

DISUSED QUARRY



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- 30yo hole ignites after bushfire
- Risk minimised, co-operative response inspired legacy boreholes protocol by DNRM



Image: Courier Mail

Borehole Incident, Dalby Industry and Departmental Response

ABANDONED BOREHOLES



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**Safety
Legislation**

**Bonds, Securities
and Financial
Assurances**

Common Law

Civil Liability

MINE CLOSURES



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- **There is an obligation imposed on a person to take reasonable care to ensure that they do not cause another person to suffer harm**

Proximity

**Reasonable
Foreseeability**

Salient Features

Standard of Care

DUTY OF CARE



If a mine is abandoned, the person who was the mine operator (or the holder) for the mine immediately before the abandonment must ensure at the time of abandonment that the abandoned mine is safe and made secure

- ***CMHSA***
- ***MQSHA***
- **Criminal prosecutions with penalties up to \$88,000**

SAFETY LEGISLATION



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- **Civil liability is not affected by a criminal conviction**
- **Costs of actual remedy likely to be far higher than any fine imposed and may be pursued as civil debt**
- **No time limit**

Queensland

If an abandoned mine is not made safe and secure by the operator (or the holder), the Chief Executive may do so and recover the costs: *CMSHA & MQSHA*

Commonwealth

Civil liability for anyone who causes damage to the environment due to contravention of the Act or Regulations, failing to meet a condition, or obtaining approval on false grounds: *EP&BCA*

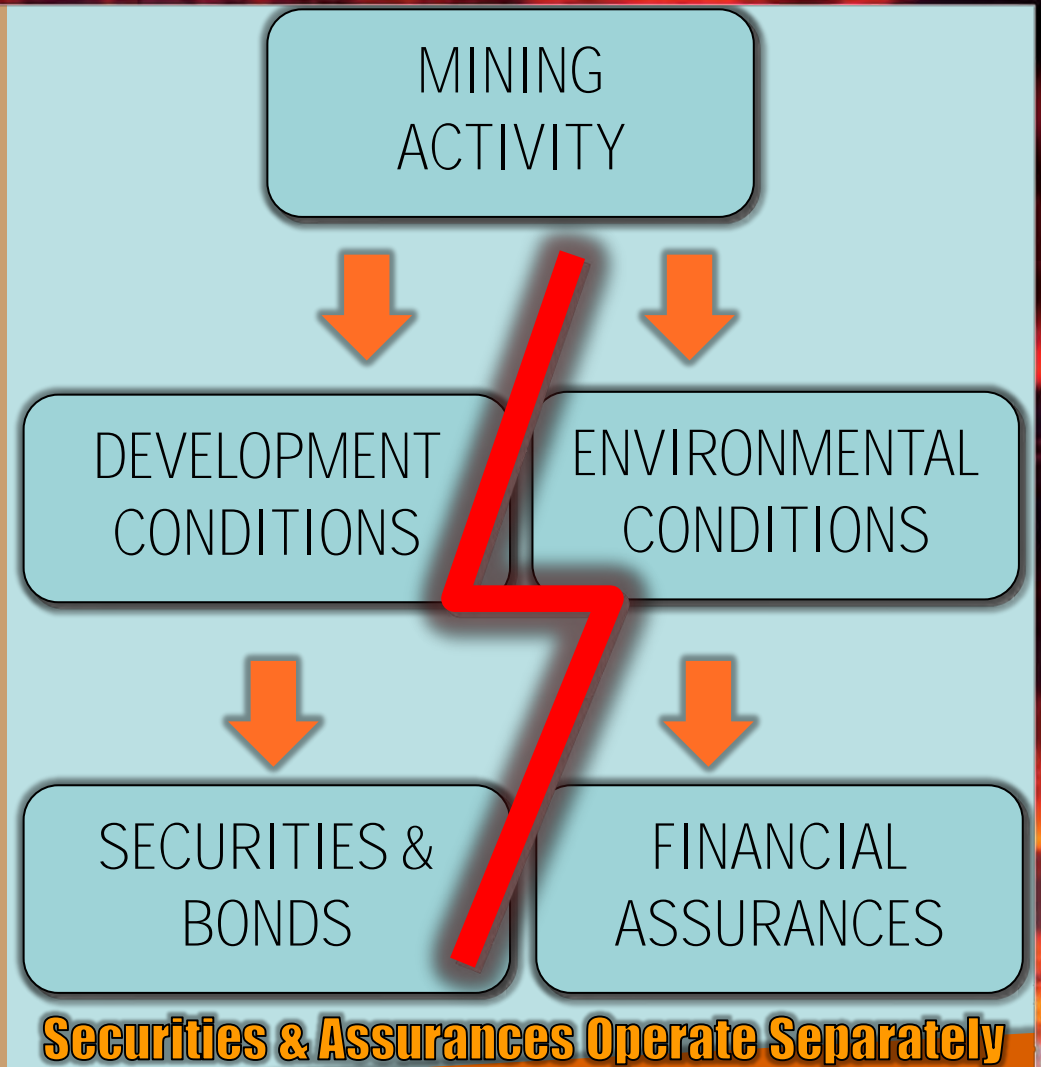
CIVIL LIABILITY



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LEGAL OBLIGATIONS

- Environmental Conditions tied to separate environmental remediation conditions
- Development Conditions relating to improvements, plant rents and other financial liabilities

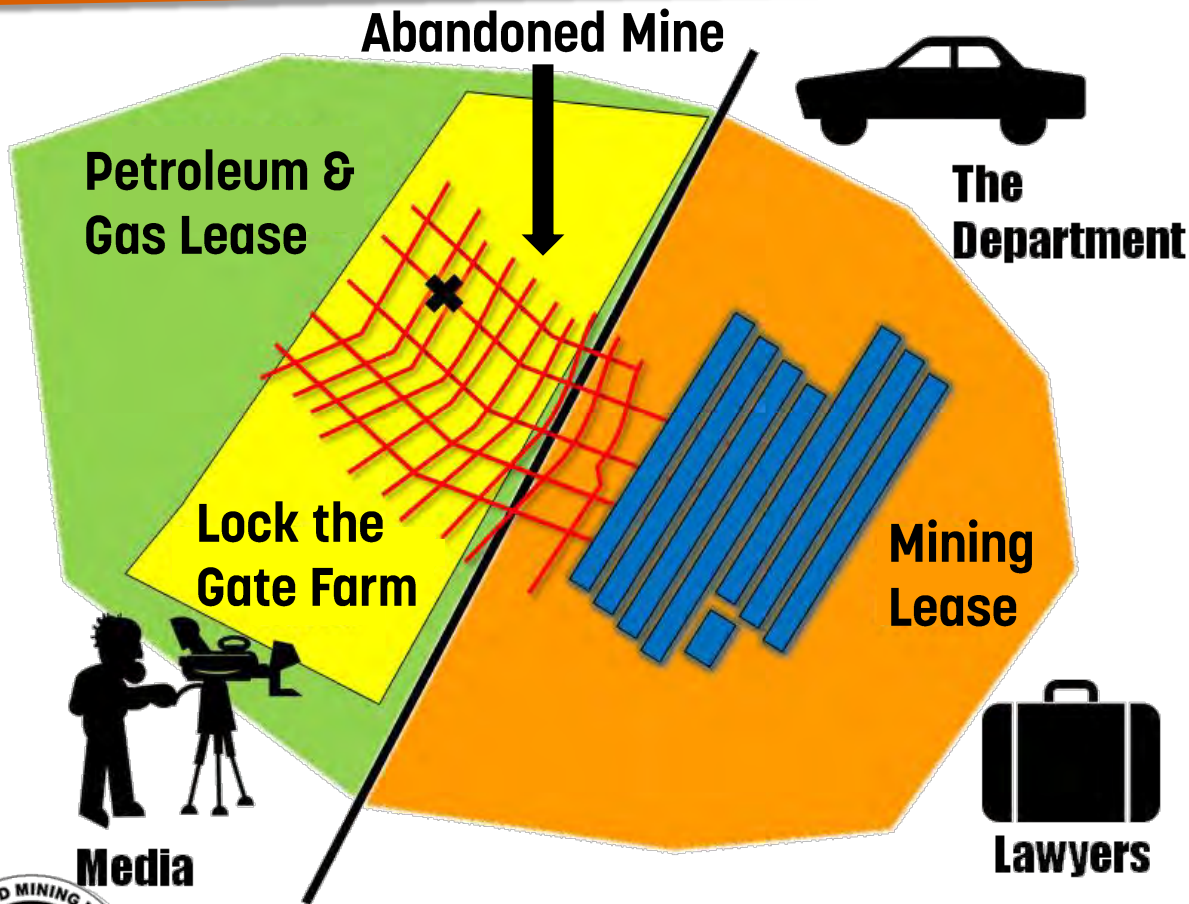


MINE CLOSURE

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NOW AND INTO THE FUTURE



- Multiple safety regimes
- Intersecting & competing interests
- Shared resources and land



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Image: DNRM

Mount Oxide Rehab Project

QUESTIONS?



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SPARKE HELMORE



Matthew Smith

Partner

t: +61 7 3016 5027

e: matthew.smith@sparke.com.au



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