

# Fast Facts

## UPDATE - REGIONAL MEETINGS and YOUR SUBMISSIONS

Leading Practice Mining Acts Review

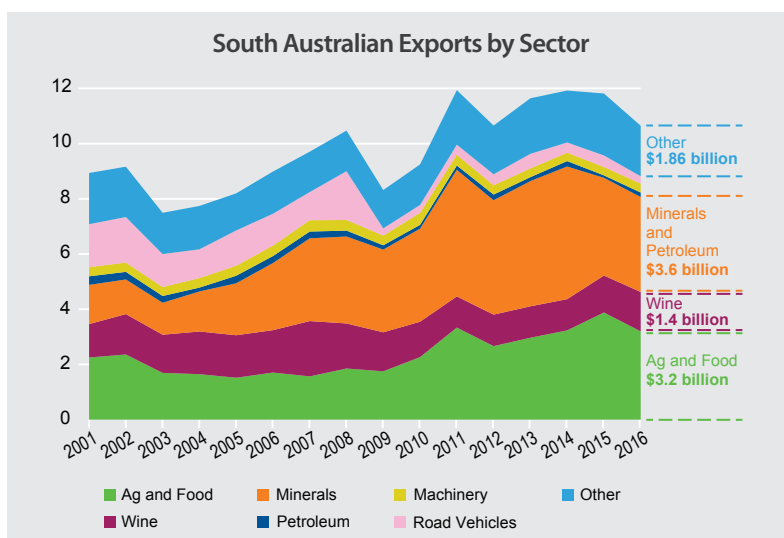
June 2017

In September 2016 the Minister for Mineral Resources and Energy announced the *Leading Practice Mining Acts Review* of the key mineral legislation in South Australia, the *Mining Act 1971*, the *Opal Mining Act 1995* and the *Mines and Works Inspection Act 1920*.

The *Review* comes at an important time of economic transition for South Australia as mining and resource production plays a larger role in supporting and building the South Australian economy and workforce capacity, and providing regional employment as jobs in the more traditional sectors retract as a result of technological advancement (source: ABS Industry Sector of Employment 2006 to 2011, South Australia). Key sectors such as agriculture, mining and construction have collectively driven South Australia forward for over 175 years, and those industries will continue to form a fundamental part of our economy in the future.

The Review has sparked an important discussion about the future of our State, and is an opportunity to make sure that our mining legislation strikes a fair balance between operator, community and landowner interests. Some of the Government's responses to the submissions are outlined in the 20 'Policy Directions' released in June on issues such as transparency, changes to operations, and access to justice and the Mining Register.

“ The Review has sparked an important discussion about the future of our State, and is an opportunity to make sure that our mining legislation strikes a fair balance between operator, community and landowner interests. ”



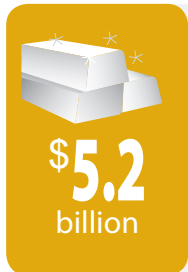
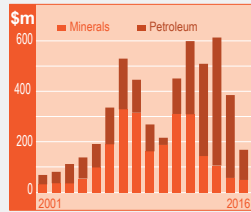
Note: On 1 April 2017 the Mineral Resources Division was transferred from the Department of State Development to the Department of the Premier and Cabinet.

# Fast Facts

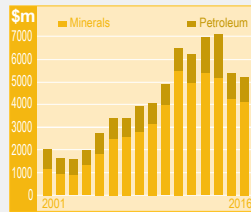
## 2016 Mineral and Petroleum industry indicators



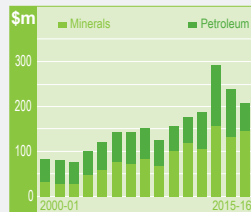
### EXPLORATION



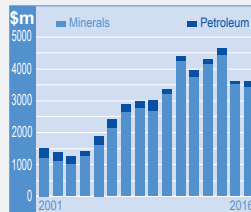
### PRODUCTION



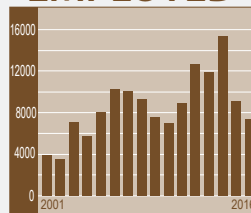
### ROYALTIES



### EXPORTS



### EMPLOYED



We encourage you to read and consider these documents, and contact the Department if you wish to discuss the suggested, or alternative, ways forward. The options for renewal in the 'Policy Directions' series clearly highlight that updating old legislation can improve rights and certainty for all in a balanced way.

The changes that are proposed so far seek to deal with the common issues faced by South Australians and companies so that we can be confident that we can continue to be a world-class mining jurisdiction that promotes prudent environmental management, transparency, and open and honest community engagement.

We still want to hear from you, and we encourage any further submissions or requests to meet to talk through how we can move forward with balanced legislative improvements via [DPC.miningactreview@sa.gov.au](mailto:DPC.miningactreview@sa.gov.au) or on 08 8463 3317.

Further statistics on the extensive feedback received throughout the *Review* are outlined below.

## The Review Team

The Leading Practice Mining Acts Review is being undertaken by the Review Team located within the policy and legislative area of the Mineral Resources Division. The Review Team has, and will continue to, comprehensively consult with the regulation teams, co-regulators, peak industry bodies (in all relevant sectors) and other relevant agencies throughout the course of the Review.

The Review Team is comprised of various legal, environmental, native title, heritage, community engagement, tenement, and policy experts who have full access to the regulation teams, and who have decades of government and industry experience in the practical operation of the Mining Act. The regulation and compliance teams within the Department are staffed with specialist teams of highly qualified environmental scientists and officers, geologists, investigators, mining engineers, environmental engineers and hydrologists.

<sup>†</sup>Data available by financial year only; <sup>#</sup>Feb 2017 ABS figure; graph shows 4 quarter annual average.

“ Other jurisdictions have taken a keen interest in the Review, and the Department continues to co-ordinate comprehensive cross-jurisdictional forums, discussions and working groups on key issues. ”

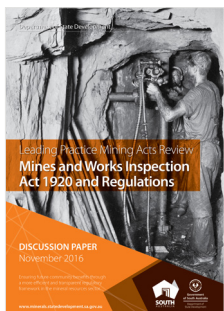
The Review Team is also working in collaboration with leading national and international academics, experts and expert bodies throughout the Review (see below).

The Department is best placed to undertake the Review because Department officers are in constant contact with landowners and industry participants on a daily basis, and are acutely aware of the issues created by the outdated legislation. External reviews in other jurisdictions have also led to time and cost overruns, with some failing to secure the passing of legislation.

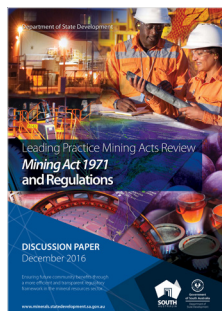
The consultation process around the Review to date has been the most comprehensive undertaken in decades, which is evident from the volume of well-considered and detailed submissions received from you.

## The release of the Discussion Papers

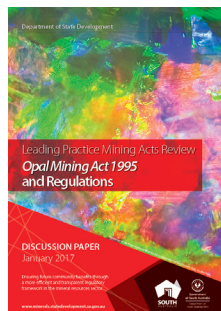
In November 2016 to January 2017 the Executive Director of Mineral Resources released three discussion papers, each dealing with *Mining Act 1971*, the *Opal Mining Act 1995* and the *Mines and Works Inspection Act 1920*.



16 November 2016



23 December 2016



17 January 2017

The main Paper on the *Mining Act 1971* set out 115 questions to the public in three chapters focused on 'Community and Land Access', 'Sustainable Futures' and a 'Competitive Regulatory Environment'.

The key focuses of the *Mining Act 1971* paper included identifying ways to make South Australia a more competitive jurisdiction without compromising on our robust environmental processes, and identifying ways to ensure that landowners and operators have certainty about projects through clear timeframes, proper consultation, clear court processes, and timely access to key documentation.

Initial submissions on the Discussion Papers remained open until 24 February 2017, with extensions being sought and granted until 31 March 2017, in recognition of important discussions with grain producers and representatives about allowing additional time to accommodate for the harvest season.

## Regional and metropolitan engagement across SA

Following the release of the Discussion Papers, the Review Team undertook one of the most expansive face-to-face Government engagement initiatives on legislative change in decades.

From November to date, Department and Review Team members have met with over 500 individuals, 60 organisations (some on numerous occasions) and held over 20 community meetings and information sessions. These meetings included attending 4 meetings held by the Grains Producers South Australia to discuss producer concerns about the future of mining and farming.

Ensuring future community benefits through a more efficient and



**20<sup>+</sup>**

**Community** meetings  
and **information** sessions  
including  
**4 GPSA** meetings



**DISTRIBUTION**

**1000<sup>+</sup>**

**Discussion papers**

**1000**

**Mining regulation  
materials**

(policies, compliance reports etc)



**DIRECT  
ENGAGEMENT**

**500<sup>+</sup>**

**Individuals**

**60**

**Groups + Organisations**

(October to March 2017)

“ The key focuses [include] identifying ways to make South Australia a more competitive jurisdiction without compromising on our rigid environmental processes, and identifying ways to ensure that landowners and operators have certainty about projects through clear timeframes, proper consultation, clear court processes, and timely access to key documentation. ”

## transparent regulatory framework in the mineral resources sector



The Department will continue to work with the *Panel* to ensure that any proposed amendments are consistent with the highest international codes, guidelines, principles, and approaches adopted in leading jurisdictions.

### Cross-jurisdictional engagement on key issues

The Department continues to engage directly with Commonwealth and State mining, environmental, agricultural, industry and legal departments, to discuss key issues and processes to ensure that we identify nation-leading legislative solutions for South Australia.

Other jurisdictions have taken a keen interest in the *Review*, and the Department continues to co-ordinate comprehensive cross-jurisdictional forums, discussions and working groups on key issues such as tenement management, financial assurance, compliance and enforcement, and environmental rehabilitation.

A most recent example of this was the *South Australian Intergovernmental Forum on Financial Assurance* held on 17 March 2017 in Adelaide. Over 50 State, Commonwealth and Territory representatives from mining, environmental, planning and treasury agencies attended the conference to consider and discuss unified, robust approaches forward for Australia in the area of financial assurance. 'Financial Assurance' is the legislative system of bonds, levies and insurance that protects the community from taking on any risks of an operation.

The Review Team distributed key *Review* information directly to hundreds of people, organisations and parties on several occasions in the initial consultation phase, and distributed over 1,000 Discussion Papers, and thousands of other policy, guideline, compliance and information materials.

### Engagement with key academic experts in mining, environmental and safety legislation

The Department has engaged leading academics to provide benchmarking and options papers, and advice, on key legislative provisions and policies. These members of the *Leading Practice Academic Advisory Panel* are recognised legal, commercial, environmental, public safety and agreement-making experts, and members of national and international research centres and associations.



# Fast Facts



Keith Cunningham, Saskatchewan Ministry of Economy addressing the Forum on managing post-closure environmental liabilities and institutional control programs

South Australia is taking the opportunity to lead future-focused discussions on all key issues as part of the Review, so that there can be greater consistency in legislation and the sector across Australia going forward.

## The public submissions: what we heard

During the six month initial consultation phase that ended on 31 March 2017, the Review Team received over 130 submissions (consisting of over 1,000 pages of text), over 700 emails, and collected feedback from over a hundred internal and external meetings.

The public submissions outline the views of individuals, landowners, exploration and mining companies, environmental and community bodies, consultants, expert bodies, law firms, economic development bodies and Parliamentarians.

Those submissions are being released for public consideration in accordance with the notification in the Discussion Papers that all written submissions would be transparently published (subject to particular requests). Personal details such as addresses and contact details have been redacted from submissions.

The bulk of the submissions related solely to the *Mining Act 1971*; five submissions related to the *Opal Mining Act 1995* and twelve to the *Mines and Works Inspection Act 1920* (the proposed changes to those Acts are not as comprehensive as the proposals for the *Mining Act*).

The key issues raised in submissions were as follows:

- Access/'exempt land' issues
- The importance of mining to the development of South Australia and the importance of being a competitive jurisdiction
- Issues related to Mining Leases and Programs for Environment Protection and Rehabilitation (PEPR)
- Rehabilitation and environmental matters
- Access to information and transparency
- The importance of an independent regulator/Ombudsman
- Clear policies on leases and licenses
- Landowner compensation
- Financial Assurance (Bonds/royalties/penalties/EARF)

“ The Review Team is also working in collaboration with leading national and international academics, experts and expert bodies throughout the Review. ”

## Quotes from key public submissions

**Primary Producers SA:** ‘PPSA see the Review as an opportunity to bring the legislation in to line with community expectations of the conduct of all business. Transparency, proper consultation and good compliance are entitlements of our communities, and need to be reflected by the Mining Act. We have met with SACOME to discuss some of these issues and agree on many points. Social license is important to us all, and good legislation is vital to ensure good operations and compliance give the community confidence. ... Good legislation is important to ensuring that mining issues do not divide local communities through poor process and consultation.’

### Cement Concretes and Aggregates Australia

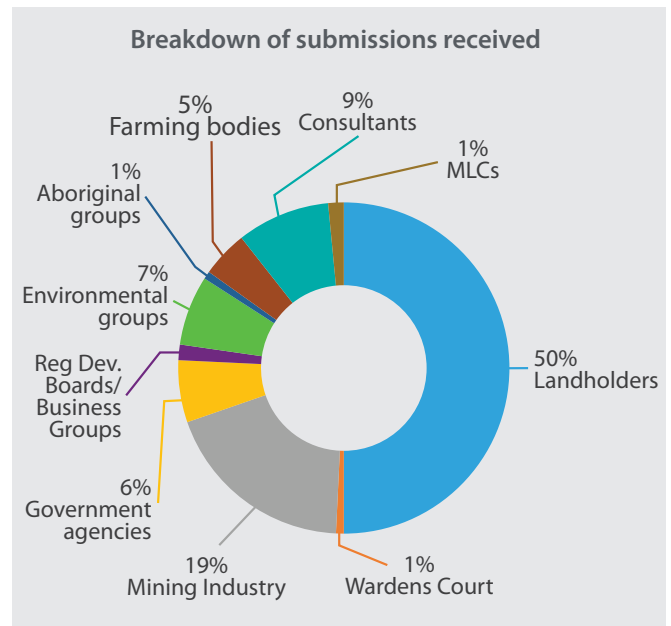
(lead extractive industry body): ‘There is no doubt this Leading Practice Mining Acts Review process is the most comprehensive in the history of the legislation.’

### Eyre Peninsula Mineral & Energy Community Development Taskforce:

‘The Taskforce congratulates your Department in undertaking the review. Improved effectiveness and efficiencies will support the continued growth of an important South Australian industry.’

### Minerals and Energy Advisory Council:

‘... the Review provides an ideal opportunity to reset the regulatory framework in South Australia in a manner that maximises the State’s national and international competitiveness. ...’ ‘MEAC broadly supports the proposals in the Discussion Paper regarding transparency and the benefits of a streamlined rigorous and competitive regulatory system.’



**Jonathon Kroll** (community member): *Beyond mining supporting the sustainability of the township (on a macro scale), I have friends that own or work for small businesses that ... are supported by the primary employers of the region. Small companies that support families by employing locally and also supporting the local region by way of sponsorship and/or generous donations. None of which would be possible without the mining industry as a significant contributor to the local community. The mining framework has evolved significantly over the years, and the ethics, developmental model and supportive structure of some of the primary mining service providers/employers (that I have personally worked with) have enabled many local residents to become leaders for their families and the local community.*

### Mark and Kathy Turnbull (landowners):

‘We would like to congratulate you on this discussion paper... Many of the points our lawyer discussed with us, have been discussed in this paper and we are pleased to see it is being extensively reviewed.’

**Nature Foundation SA:** ‘We are encouraged by the diversity and depth of submissions to date, as this is sure to result in a wide-ranging, deep and useful conversation.’

**Valerie Briese** (landowner): ‘Please consider our environment and let the Australian farmers to continue to produce food to feed our country.’

**Chris Penfold** (landowner): *'I would firstly like to applaud the initiative to undertake this review and to seek input from the community'... We must recognise that many people have very strong ties to their land, its flora and fauna....*

**Lynton, Alex and Craig Wakefield** (landowners): *'We feel that mining should not be carried out in areas of Agricultural Production.'*

**Kathleen Lamshed** (landowner): *'No mining in prime agricultural land'*

**KW Grundy** (landowner): *'If there was no mining we would not have electricity to a power point in our home because there would be no copper wires to transfer the power.....'* *'However in conducting the mining there needs to be consideration for the people and near environments in the process.....'* *'Finally when mining ceases there is the need for rehabilitation and continued protection of the environment.'*

**Anonymous** (by request) (landowner): *'We are farmers who have lived in a proposed Mining Lease for the past 5 years. We welcome this review of the Mining Act.'*

**Ken Pobke** (landowner): *'The Act needs a single independent neutral body that grants mining approval when all conditions have been agreed to and signed off.'*

**Clay and Mineral Sales Pty Ltd:** *'The Mining Act Review document prepared by DSD is very comprehensive and raises many issues. We believe the current Mining Act has been good but needs updating to allow more flexibility of operations.'*

**Conservation Council SA and Wilderness Society SA:** *'The Conservation Council SA and the Wilderness Society SA welcome this Review as an opportunity to update and strengthen South Australia's mining regulatory regime.'*

## Comments and submissions from Government agencies

State Government agencies also provided advice on matters relating to land access, native title, community engagement, rehabilitation, consistency with other legislation, licensing, transparency, financial assurances and health and safety matters.

The Department continues to work closely with these agencies, and will release some comprehensive materials on internal State government collaboration shortly.

“ We would like to congratulate you on this discussion paper... Many of the points our lawyer discussed with us, have been discussed in this paper and we are pleased to see it is being extensively reviewed. ”

## Further consultation period and contact details

The Department is now entering into an intensive consultation phase, and welcomes your feedback and suggestions over the coming months as we head into the legislation drafting phase.

Please either forward your submissions to us via [DPC.miningactreview@sa.gov.au](mailto:DPC.miningactreview@sa.gov.au), or (08) 8463 3317 or email the Review Team to book an appointment or arrange for us to come and speak with your organisation about the proposed changes (or any further relevant matters).