

The Mining Act Review Team
Department of State Development
GPO Box 320
ADELAIDE, SA 5001

24th March 2017

To the Mining Act Review Team,

We wish to comment on Mining Act 1971 and Regulations Discussion Paper December 2016.

The Review Process:

- The Review process should be carried out by an independent person or committee, not by the State Department (DSD) responsible for promoting mining and approving exploration/mine proposals.
- The time frames for this review are unacceptable. It seems the Government wants to rush the process through as quickly as possible, thereby minimising community input.
- The roles of the Minerals section of DSD must be separated. The fact that one agency has responsibility for promoting, approving and regulating all exploration/mining in South Australia results in an inevitable bias in favour of the mining industry.
- Breaches of Govt requirements by exploration/mining companies often go undetected or unpunished because of inadequate monitoring and regulation. There must be rigorous, unannounced on-site Government monitoring of exploration/mining operations, specific penalties (monetary & otherwise) for breaches, and regular reporting by the regulators to the community on each exploration/mining project. A Mining Ombudsman, answerable to Parliament, should be appointed to provide an independent umpire to whom landowners can refer unresolved complaints against a company.
- Community concerns/opposition to a project are generally only given token attention before being dismissed. The Act must formally acknowledge and endorse the concept of *social licence* – ie that to get approval for a project, the company must demonstrate it has broad community support. Absence of a social licence must constitute grounds for rejecting a proposal.
- As part of the assessment process, companies must be required to provide a detailed cost benefit analysis which factors in the real, long-term costs of an operation to the health and well-being of the local community and the environment. The word "jobs" should not be enough to get Government support.
- Companies often obtain extension after extension when deadlines are not met, sometimes resulting in years of delay. (Rex, for example, obtained approval for its Hillside mine in July 2014. As yet, nothing has happened!). The emotional, psychological and financial effects on local residents impacted by these delays are ignored. Definite time limits must be imposed on exploration/mining companies with penalties or mining licence cancellations imposed for failing to meet these limits.
- Mine closure/rehabilitation plans must reflect leading practice standards, rather than the minimalist standards currently accepted by Government. Leaving behind a massive open-pit and huge waste rock dumps is not good enough. If it is uneconomic for a company to backfill the pit and remove the waste rock dumps then the project should not receive Government approval. The leading practice standard – that, at mine closure, the land should be returned as closely as possible to that which existed pre-mining – must be mandatory.

As farmers and landowners;

We do not believe that the Mining Act strikes the right balance between landowners and miners. It allows the farmer to say no to a company entering his land, but allows the company to take the farmer to court at considerable expense and stress to the farmer, therefore bypassing all his rights to his land and income.

- 1) We believe as a large agricultural business that farmer's rights to farm their land should be upheld. If a farmer says no to an exploration or mining company coming onto his land then his right to say no, should be upheld without fear of court processes. Therefore, S9AA of the Mining Act **must be removed**. This section

effectively over-rides the exemption given to agricultural land from exploration/mining by allowing companies to take farmers to court if they refuse to waive that exemption.

- 2) Agriculture is an extremely large and vital contributor to the South Australian economy and will continue to do so well into the future. In contrast, because our mineral resources are finite, mining is a short term venture. Once the minerals are extracted, companies move on, leaving behind a damaged landscape that can never be returned to productive agriculture.
- 3) In line with GPSA's Mining Policy, the remaining 4.3% of agricultural land in this State must be exempt from exploration/mining (with the exception of extractive minerals such as dolomite, sand, gravel etc. which, in contrast to copper, iron and gold mines are relatively benign). This is the only way to provide long-term, guaranteed protection for our key food-producing regions.
- 4) Freeing up access to agricultural land could result in more mines on Yorke Peninsula which, in turn, means more residents could find themselves living close to massive, open cut, heavy metal mines with all the accompanying dust, noise, water and other environmental pollution that these mines often generate.
- 5) The Yorke Peninsula is unique and internationally renowned for its grain quality because of the temperate climate, the rainfall and the accompanying soil structure. Placing a mine here as a "test case" could have devastating, long reaching consequences for the state's food production export and economy.
- 6) Exempting agricultural land from mining will not only protect our clean, green, award-winning food producing areas, but also safeguard our local communities and the environment.

We are merely custodians of the land for our future generations; our role is to make it better and more productive for our children.

We urge you to consider this review carefully and realise that there is more than one billion dollar industry on the line.

Regards,

Peter & Lauren Kakoschke
Aidan, Harry & Charlie Kakoschke

Managing Director
Kephir Pty Ltd

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