



# PROTECTING THE ENVIRONMENT



## ENVIRONMENTAL PROTECTION UNDER THE CURRENT MINING ACT

Amendments to the *Mining Act 1971* in 2011 moved South Australia to an outcomes based regulatory system. Modern regulatory practice is focused on explorers and operators achieving certain environmental outcomes, and not prescribing particular activities that need to occur to achieve those outcomes. Outcomes are determined during project assessment by the Regulator (and through community consultation) for leases and Programs for Environment Protection and Rehabilitation (PEPR) and are not prescribed in the Act. An example of an outcome is: "Any extraction or use of groundwater (in accordance with any licence) must not adversely affect third party users or dependent ecosystems." Compliance action can be taken against explorers or operators who do not meet an environmental outcome or condition.

The assessment bilateral agreement under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* between the South Australian and Commonwealth Governments is a clear demonstration that the environmental assessment processes under the Mining Act satisfies the strict requirements of the EPBC Act.

## WHAT YOU SAID

Your submissions called for increased oversight and rehabilitation of exploration and mine sites to reduce the risk of mine sites being abandoned.

## FUTURE DIRECTIONS BEING CONSIDERED

We have recently updated our compliance and enforcement tracking and monitoring database systems to ensure that we can better track, account for and monitor activity undertaken within the State. The Department will shortly announce new compliance and enforcement programs that will further extend our capacity to track and record compliance and the achievement of outcomes, and new initiatives focused on registering and remediating former mine sites.

There is also an opportunity through the Review to make incremental changes to evidentiary and offence provisions to ensure efficient compliance action can be taken where it is needed. The Review Team will also propose amendments that provide for clear emergency powers to act decisively with companies when large scale emergency situations arise.

We intend to include compliance directions, and notification about actions taken in response to compliance directions, on the Register. The above initiatives, will not only provide companies and the community with greater information at appropriate times, but will establish South Australia as a leading practice transparency jurisdiction, with a legislative scheme compliant with various international standards such as the *Extractive Industry Transparency Initiative (EITI) global standards*, the *International Council on Mining and Minerals Principles*, the *Equator Principles*, and the *UN Principles of Responsible Investment*.

These changes, along with our improved financial assurance model, will ensure the protection of our natural environment into the future.

**For further information** in relation to these proposed amendments, see *Policy Directions 2: Transparency*, *Policy Directions 5: Compliance*, and *Policy Directions 17: Financial Assurance*.

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