



TRANSPARENCY



TRANSPARENCY UNDER THE CURRENT MINING ACT

Mining operators must keep records and information in accordance with their lease and licence conditions and the *Mining Act 1971 (SA)*. This information includes surveys, operational records, geological samples, royalty and production returns etc. It is mandatory to provide some of this information to the Department or the Minister for Mineral Resources and Energy at particular times during exploration or production phases. The current set of disclosure obligations under the Act and Regulations are outdated and limit the ability of the Department to release important information at appropriate times about mining projects to the community in accordance with current community standards.

WHAT YOU SAID

Your submissions recommended increasing community access to information so that landowners and communities would have further information at an appropriate time. You need that information so that you can properly consider any proposed operations. A particular theme in your submissions was around ensuring that there was no barrier to disclosing Programs for Environment Protection & Rehabilitation (PEPRs; the 'operation approval' for an exploration or mining project) at an appropriate time, so that there were clear opportunities to provide feedback.

FUTURE DIRECTIONS BEING CONSIDERED

The Review Team is considering recommending a new disclosure section under Part 2A of the Act (near the Register provisions) that will allow for the better retention and disclosure of records and samples under the Act, and clearer powers around requests for information such as expert reports. Consistent with modern Commonwealth and State legislative obligations and State policies, information obtained under the new provisions will be able to be disclosed to the public provided that the release of information would not breach a law, and the information did not relate to an incomplete proposal, negotiation, suppositional or indefinite matter, internal management information or a trade secret. Companies must have certainty that market sensitive information will not be disclosed.

The proposed amendments could also allow future companies greater access to geological and survey data of previous tenement holders so that they make the best decisions about where to invest their time and capital.

Amending the Act to allow for this greater level of transparency and disclosure 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 the *Extractive Industry Transparency Initiative (EITI)* global standards, the *Equator Principles*, the *UN Principles of Responsible Investment*, *OECD Guidelines*, the *COAG transparency principles and guidelines*, the *Open Government Partnership Initiative*, *International Council on Mining and Minerals Principles*, and the *International Finance Corporation Sustainability Framework*.

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