



LANDOWNER ADVICE AND ASSISTANCE



CURRENT LANDOWNER ADVICE AND ASSISTANCE

The *Mining Act 1971* does not require the Department to provide advice to landowners and community members on their rights and obligations relating to possible projects. However, the Department views this a primary function, and proactively provides advice and assistance through the Mineral Resources Division via phone and email, and direct meetings. Currently, the Department receives approximately 700 advice requests from community members per year through its mineral tenement, compliance and policy branches. The Department is also currently reviewing all of its information sheets and brochures written for landowners to make sure that they are clear and useful.

Section 9AA(14) also provides for up to \$500 for landowners for the reasonable costs of obtaining legal advice in relation to exempt land matters. In the *Discussion Paper*, we outlined that this amount should be increased to an appropriate amount, and indexed to remain at a sufficient level moving forward.

WHAT YOU SAID

Your submissions outlined that funds available for landowner legal advice under the Act should be increased to an appropriate level. Some of the submissions advocated for the establishment of an independent Ombudsman, or another organisation that could provide independent advice and assistance to landowners on exploration and mining matters. Several landowners indicated that there needed to be more certainty around what the appropriate tenement grant processes were.

FUTURE DIRECTIONS BEING CONSIDERED

The Review Team will be recommending amendments that increase the provision of legal fees to appropriate levels so that landowners can obtain sufficient legal advice on exempt land.

We will also continue to offer free assistance and advice via phone, email and direct meetings for landowners who need further information or clarity around their rights and obligations. Clearer, more relevant, guidelines for landowners and community members are currently in development and will compliment our 'Understanding Mineral Exploration' booklet, the MG4 Guidelines for Landowners, and our Landowner FAQs.

In addition to continuing to provide direct advice to the community, we intend to meet with key organisations such as the agricultural and industry representative bodies, and legal advice groups in the coming months to identify how we could establish and resource an independent advice and/or advocacy service alongside the new Act for all South Australians from 2017/2018. There are many options for possible advice and advocacy services. For example, an independent helpline and advocacy service for landowners could be funded and established within a key landowner representative group, which could be either staffed by a legal officer/officers, or non-legal officers who have access to good legal advice services. Depending on the model, those officers could be based in key regional centres, and could be empowered to directly engage with the Department to advocate for landowners, and seek to resolve or mediate contentious matters both within, and outside of, relevant court processes. Establishing this service for South Australians would provide key help, assistance and 'voice' for landowners - on top of that provided by the Department.

If you have any ideas or comments on how an appropriate advisory and advocacy body could be established, and what organisations could or should house the service, the Review Team looks forward to hearing from you in the coming months.

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