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Submission in response to *Discussion Paper: Mining Act 1971 and Regulations (December 2016)*

First of all, the time allowed for this important mining act review is extremely short for the amount of things that are to be taken into account. This shows in the structure of the discussion paper, itself rushed as it seems information is all over the place. DSD should not be doing this review; it should be a completely independent review. In my opinion this review has been forced by the government to make it easier for mining companies to get up and running quicker without consideration for the agricultural sector to the detriment of agriculture.

As a farmer and land owner of 6 generations I have been directly affected by exploration companies. I have also observed other land owners who have been affected not only their land but their health mentally through stress and worry for example:

- Coming on to their property unannounced taking samples
- Drilling within 400m of a house without permission or any forms presented
- Using so much water that there was not enough for residents or stock in the area.
- Harassing land owners by ringing at all hours, making abusive phone calls repeatedly. On many occasions.
- Threatening court action
- Driving on land after substantial rain getting bogged and destroying farm structures. The land owner was not ever at home while this was happening.
- Dumping drill tailings into town evaporation ponds for 3 years. They were found out and stopped by the local council when a local complained. No action was taken by the regulator
- Land owner was told to just sign this form and we will be out of your hair. This was an opened ended waiver of exemption.
- Leaving drill samples on the side of the road for extended periods and only removed when constantly reminded
- Playing farmer against farmer by saying the other one has signed and he should do the same. When in reality it has not happened.
- Drilling within 400m of 2 dwellings on a Sunday, 7:00 o'clock in the morning. This was reported to the regulator and nothing was done. Then follow by drilling next to a dam used to water stock.
- Coming onto my own property without presenting any written permission or forms. When complaining I received \$2000 reimbursement for the inconvenience, with no paper work given.
- Land severely compacted, reducing yield considerably
- Rubbish left on site
- Mains water left running down the road on several occasions.
- Aerial surveys carried out without correct permission being gained.

- Forms posted out to land owners with instructions to sign forms and send back. This is very misleading.
- No exploration PEPRs were given, sited or even mentioned in any of these situations.
- No compliance reports were given, sited or even mentioned in any of these situations.

These are only the ones that I know about but there are a lot more out there. A lot of these have never been reported because people do not know who to complain to so it goes as far as the company and stops there.

There is a need for a completely independent body or person, Ombudsman, (no government influence), to go to for information about what the exploration / mining companies are allowed to do. This body should also be in charge of the regulation.

Following on from this:

- The section 9AA needs to be removed and make prime agricultural land exempted from exploration and mining.
- Exploration licenses terms need to stay as they are as extending it adds to uncertainty for land owners.
- Only one exploration company per claim it is hard to keep one company under control let alone 2 considering they are running a business.
- Stronger penalties for breaches of the mining act .e.g. large monetary fines to deter breaches
- Self assessment needs to stop and more on site regulation
- When an exploration company first comes on to land they should be accompanied by an independent person who knows the mining act and what is required by the land owner and the exploration company and be able to answer questions from the land owner this should all be documented. Anybody who has never had anything to do with exploration companies does not know a thing and is easily led by the company.
- Completely independent aquifer assessments
- Regulator should be in constant contact on site and overseeing core samples for assessment
- Community Consultative Groups should not be selected by the mining company as they are normally handpicked and extremely bias. The group should be overseen and chaired by DSD. All member of the CCG should be paid for their time.
- Mining companies should have public meetings to let the community know what is going on and not keep it confined to small groups.
- Rehabilitation requirements are virtually nonexistent. There should be no consideration whether a company can afford full rehab, it has to be done.
- The rehab bond should be independently accessed and applied

All of the above shows the mining act is not working well and is extremely weighted in favour of exploration and mining companies with very little consideration for others.

Mining and Farming cannot "Co-exist " on the same parcel of land.