



COMPLIANCE



COMPLIANCE AND ENFORCEMENT UNDER THE CURRENT MINING ACT

The Act regulates a wide range of activities, from initial exploration through to the extraction of minerals and production into a useable commodity. It also regulates mine rehabilitation once extraction is complete. The Act regulates mines of all sizes, from small extractive or gravel operators, to major metallic, mineral and uranium mines of national and international importance.

There are numerous preventative tools under the Act that can be used to ensure compliance, including powers to: require the lodgement of irrevocable cash bonds and bank guarantees to cover environmental risks; obtain records and conduct investigations; require the production of compliance reports and independent audits; and require the amount of public liability insurance to be held. Alongside the preventative regulatory measures, the Regulator also has compulsive tools available to ensure the protection of our environment, including the powers to amend approval conditions, issue rehabilitation directions and compliance directions, and impose administrative penalties or initiate criminal prosecutions.

These tools are necessary in order to proactively and continually assess an operator's capability to carry out the approved mining operations. We aim for our compliance system and actions to be targeted, proportionate, transparent, consistent, accountable, inclusive, efficient, and aimed at minimising harm. In the *Discussion Paper* we invited your comments on how the system could be improved to better meet these aims.

WHAT YOU SAID

Your submissions called for increased oversight and compliance enforcement of exploration and mine sites to reduce risks to community. You recommended that there should be greater transparency about enforcement action taken against operators, and better ways for community members to know whether an operator is non-compliant.

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. Over the coming months the Department will announce new compliance and enforcement programs that will further extend our capacity to track and record compliance data and outcomes. For further information on this see *Fast Facts: Compliance in the Regions 2016-2017*. The Review Team also intends to suggest amendments that will allow for the publication of compliance directions, and the notification of responses to compliance directions, on the Register. 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 if needed. The Review Team is also considering recommending that the Regulator be given clear powers to act decisively (with companies) in the unlikely event a large scale emergency situation arose.

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