MD KI JS & NJ Turnbull
[redacted]

Executive Director,
Mineral Resource Division
Department of State Development
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Re: Submission on the Discussion Paper – Mining Act 1971

Background Information:

- Our farming operation has had more experience than most other farming operations, as the major mining site for the Whyalla Steelworks is on our property.
- 37 Mining Leases and 6 MPL's cover 877ha of our Freehold property. Most of the Mining leases - 460ha are under the 1958 BHP Indenture Act
- Project Magnet 2004 was pushed through very quickly and our concerns and objections could not be addressed in the timelines that were given to us.
- There appeared to be strong evidence of collusion between Arrium/OneSteel and DMITRE in that period. We were continually being stone-walled by both parties as we were seen as a threat to their agenda.
- We were very much on our own and were concerned about the effects of mining on our land and feeling we were getting nowhere until we employed a Lawyer. Through our lawyer, we put DMITRE on Notice which forced a meeting with the DMITRE department heads. We withdrew legal action at that point.
- Robert Brokenshire became involved and a Parliamentary Select Committee met at our property and looked at what was going on.
- After the Select Committees visit, we employed several Rangeland Experts that proved the mining was causing environmental damage and affecting us financially.
- Arrium and ourselves eventually settled our differences and have moved on.
- To Arrium's credit, they have taken up on a lot of our objections and formed public policy which address these issues.
- We have also over the years had many Exploration Licences – Notice of Entries - issued to us. We believe some of the companies were just using shareholder funds to keep their jobs rolling along with no intention of ever being able to bring a mine to fruition. We found with other companies that if we resisted and didn't sign the 'Waiver of Exemption' Form, they would often go to the next property who didn't resist them and offered food vouchers or cartons of beer to keep the landowner happy who then unwittingly signed the Waiver of Exemption.

Our Initial Comments and Suggestions (not necessarily in any order of preference)

- Notice of Entry to be extended from 21 days to 60 days. It is unreasonable for busy farmers / landholders to address Notice of Entry issues in 21 days during busy seasonal work situations eg. seeding, harvest, shearing, lamb marking, crutching, crop spraying etc

- The current system of exploration and mining regulation is flawed. Although they are separate divisions, they are still under the control of the main overarching Government Department. To address this problem of the Government Department being seen as the Promoter and the Regulator, there needs to be an Independent Mining Ombudsmen selected by major stakeholders being: - Primary Producers SA; SA Chamber of Mines; Government Department (relevant); Native Vegetation Council

- The Department needs to monitor what is actually happening by the mining company. Through our experience, we saw first hand how dust monitoring traps were falling over more than they were in the correct position, yet the results of the dust monitoring are still meant to be reliable.

- Exploration shouldn't be able to go on forever – there should be a "Sunset Clause"

- Regardless of change and regulation, the prosperity of future negotiations with landholders, depend upon the enforcement of regulation. Current endeavours will only be as good as the way they are enforced. Regulation will only succeed if the regularity authority is positioned to enable what is required.

Comments Specific to Discussion Points in the Discussion Paper:

Pg 34 - *What information do landowners want to receive from explorers and operators, and at what time during the exploration or production stage should that be provided?*

- The PEPR needs to be available to the Landholder when it is provided to the Department. If there is nothing to hide, it shouldn't be an issue!
- We have found it very difficult to obtain a PEPR. When we have eventually obtained a PEPR from a company, we have found a lot of information to be incorrect, and not properly reported, unbeknown to the Department who is taking the written word in good faith, and approves it.
- All PEPR should be scrutinised by the Regulator – this would happen if the Landowner received a copy at the same time as the Department.
- All sites should be inspected before the PEPR is approved.

Pg 35 – individual landowners cannot get fair information when dealing with large mining companies or exploration companies especially when they are being backed by a pro-active government organisation pro-mining. We have seen if first hand in our community – landowners just want more information, are favoured with gifts from the exploration company, but are too scared to employ a lawyer because of the cost.
The mining industry needs to fund a Mining Ombudsmen who can easily lay down the facts and is easily accessible to landowners.
The thought of going to a court is a threatening procedure for anyone.

Pg 36 – 60 days Notice of Entry

Pg 43 – *there will be no contamination of soil....; no permanent loss of flora...; there will be no public nuisance impacts.....etc.* We have read this in the various Environmental Impact Statements provided to us, but we are very wary of what a mining company writes and what actually happens. It is important that this is policed whether it is a big or small project.

Pg 48 – We agree in particular to the first two Discussion points. As another preventative tool, we suggest a Bond is held until Rehabilitation is completed – to help ensure damage to the environment can be prevented.

Pg 49 – we agree with the paragraph about another possible tool to encourage compliance would be to delay approval of a PEPR.
We agree with all the points under the Discussion section. We believe Environmental Officers within the mining and exploration companies must have recognised tertiary or equivalent qualifications. This included environmental professionals contracted by Miners and Explorers, and including Government Departments. These unqualified people with non-peer reviewed monitoring techniques were the cause of most of our problems.
There needs to be a Chain of Responsibility for every level of decision making within the Mining and Exploration Companies.

We do not like the word MINIMISE or MINIMAL. It is a word used by many exploration and mining companies. The phrase "minimal damage" still means damage and as a Landowner – you want NO damage. The wording should be "least possible damage" – so they are accountable and that they could have done better.

Pg 50 – 2.2 – *Ensuring greater government and industry environmental accountability and transparency.*

- Self assessment does not work in any industry.
- We would like to see periodic / random un-announced inspections.
- Keep the operator honest – chain of responsibility.

Pg 51 – we agree with all the points in the Discussion

Pg 81 – Exploration Licences. We definitely agree that there should be a forfeiture process for Exploration Licences. We have found some Exploration Companies can get arrogant - they play the system, and involve multiple joint partners and when things go wrong, no-one likes to take responsibility and blame each other. They sometimes hang onto their Licence, when they should move on.

Pg 87 & pg 88 – Indenture Acts

- Indenture Acts need to be wound back and new Indenture Acts – not allowed. If a current mining proposal is not affordable, leave it to future generations when it is affordable.

- Indenture Act should not be implemented in the future – they impose too many grey areas in the Mining Act

We would like to congratulate you on this discussion paper.
Our Lawyer who represented us when dealing with Arrium, extensively read and reviewed the Mining Act. He originally commented that many of the issues we were experiencing, could not be happening because the Mining Act would protect us. He soon discovered that what was said on paper, didn't necessarily mean it was happening with us. There appeared to be a breakdown in the regulating side of things. We felt there was a major conflict of interest – the Government cannot be the Promoter of Mining and the Regulator at the same time.

Many of the points the Lawyer discussed with us, have been discussed in this paper and we are pleased to see it is being extensively reviewed.

We would personally have liked to have spent more time going through each part of the discussion paper, but have run out of time. We are hoping they have been covered by other concerned landholders.

We asked our Agricultural Business Consultant – Craig James - Ba Ap. Sc. Nat Res (who has worked with us with many of our issues) to have a quick read of our submission. He subsequently made a page of notes and we have attached them with our submission.

He is happy to have these notes recognised under his name, but his notes do need to be read in conjunction with our submission.

Mark & Kathy Turnbull

[redacted]

From: [redacted]
Date: Thursday, 30 March 2017 9:33 AM
To: [redacted]

Good day Kathy and Bean

As requested I have reviewed the 'Leading Practice Mining Acts Review Discussion Paper' and your responding Notes as requested.

It is remarkable how many of the issues in the document are aligned with our original conclusions.

Your written notes are poignant and cover most things well.

The follow is either new points or possible additions to existing points.

Feel free to add them to your notes our just print this page off and submit it in accompany of your document.

1. The process from first engagement through to operations should be as painless as possible, potentially beneficial to all involved parties. This would require landholder involvement / engagement and industry transparency by all players, government and private, right from the start.
   Our experiences have been quite the opposite resulting in an expensive, arduous process based on mistrust and disrespect.

2. Notice of Entry. The implications / ramifications of the NOE document need to be clearly outlined in a mandatory procedure which includes details concerning the landholders rights and the organisations with whom they can seek further details from. The time from serving the document to time of entry needs to be extended from 21 days to at least 60.
3. At the time

4. The PEPR document is crucial in out lining the mining / exploratory companies operational guidelines on the landholders land. It is therefore crucial that the land holder is intimately involved in its details from conception until approval. In doing so, transparency and a common understanding of all parties responsibilities would be established potentially preventing future conflict. A 'Prevention rather than Cure' approach.

5. Industry standards concerning personnel qualifications and practices pertaining to environmental planning, monitoring and rehabilitation need to be adopted and employed.

6. Enforcement of operational standards need to be employed. Self-regulation monitored by understaffed government organisations with vested interest in the advancement of mining sector is a recipe for failure. Greater on ground assessment of operations needs to be ramped up.
   All the changes under the sun to cater for landholder concerns is one thing but if they cannot be enforced by a neutral authority they would be waste of time.

7. Indentures are old fashion and cannot be navigated in a clear manner if dispute arises. If there is a need for them then there is a identified problem that has not been sufficiently dealt with.

8. All documents relating to the on ground performance of companies should be made to the landholder at all times including inspection audits etc.

Jamesy [redacted]

Craig James Ba Ap. Sc. Nat Res
Advanced Agricultural Services