

Fast Facts

COMPLIANCE in the REGIONS

Leading Practice Mining Acts Review

June 2017

Increased compliance investigations, community engagement and prosecutions

Exploration and mining companies must comply with all conditions of their approval under the *Mining Act 1971*, and engage with landowners and communities throughout the life of a project at appropriate times.

Year-on-year exploration and mining site inspections and investigations continue to increase, and the Department continues to identify improved methods, to efficiently regulate and enforce compliance within the sector (see below).

The Department is attending more community meetings in the regions than ever before to get feedback on future projects, and has established systems to ensure that community feedback and complaints play a key role in prioritising compliance inspections in your area.

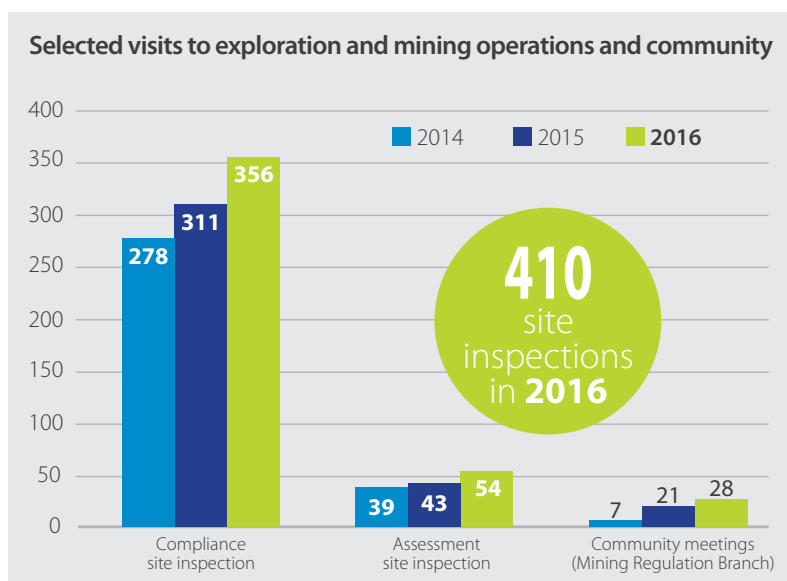
We are always interested in hearing about ways we can improve regulation and the visibility of our compliance efforts. Some of the feedback from the recent *Leading Practice Mining Acts Review* community meetings was that community members were unaware of the number of times local sites were inspected each year by compliance officers (and unaware of the consequences imposed as a result of any breaches identified).

Although inspection numbers by region are reported annually in our *South Australia Mineral Resources Regulation Report* (http://minerals.dpc.sa.gov.au/mining/mining_regulation_in_south_australia/mineral_resources_regulation_reports), that information may not be readily accessible to everyone. Going

“The Department continues to identify improved methods to efficiently regulate and enforce compliance with the sector.... and has diverted significant resources to inform landowners and communities on their rights under the Act.”

forward, we are considering how we can publicise that information in local areas, and ways to make our compliance inspectors more visible (such as ensuring that all vehicles are clearly signed so that you can see when an inspector visits sites in your area).

The current *Mining Act 1971* also does not clearly allow for the publication of compliance directions issued by the Department. We intend to fix this as part of the Review, as part of our move to increase transparency on all fronts through the public release of all compliance reports, PEPRs and compliance directions etc: see *Leading Practice Mining Acts Review Policy Directions Sheet No. 2: Transparency*.



Modern leading practice compliance and enforcement programs

The Department is committed to continuous improvement in its compliance and enforcement programs, and will shortly announce new compliance and enforcement programs that will ensure that we remain among the best mining regulators in the world.

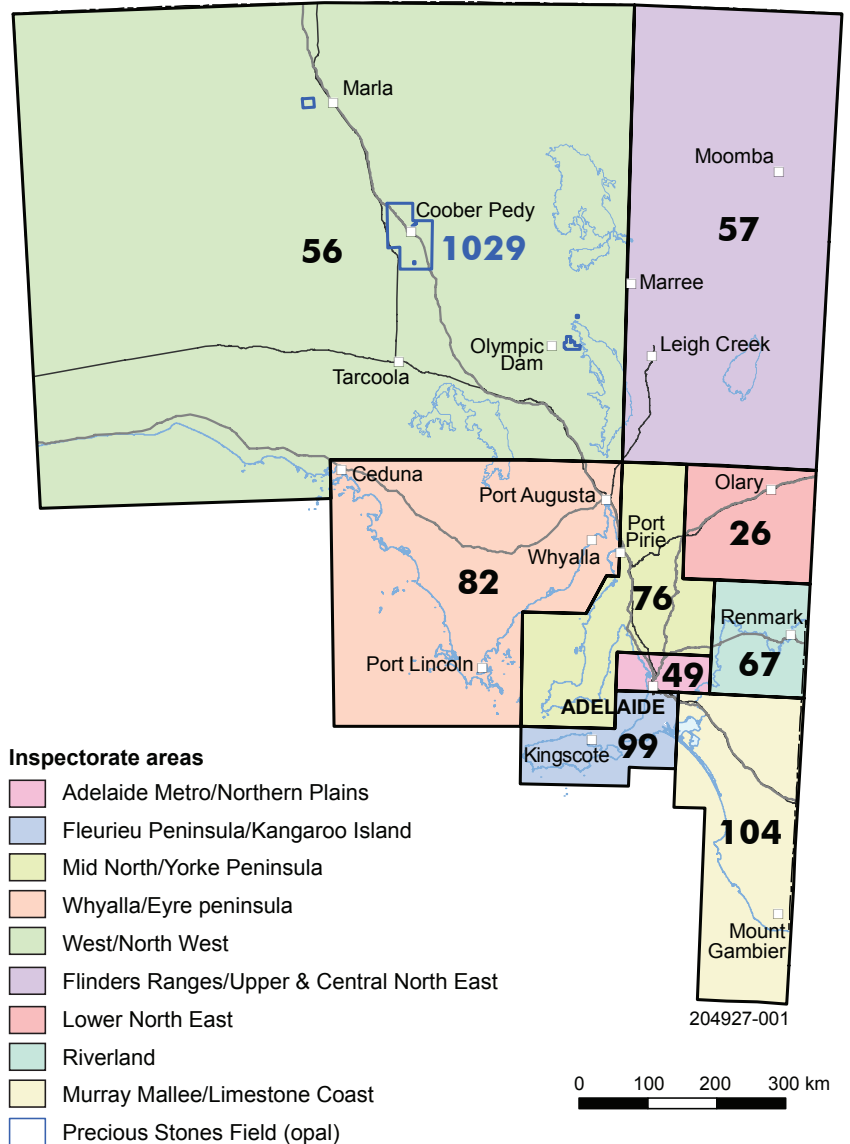
For example, the Department is currently developing the new air quality guidelines which align with, or exceed, requirements in the international leading practice mining jurisdictions.

We have also recently updated our compliance tracking and monitoring database systems to ensure that we can better track, account for and monitor activity undertaken within the State using the information gathered from our compliance inspections.

Looking forward, these systems will be integrated into map based systems so that they can interface with our emerging low-cost, hi-technology methods of tracking land disturbance and program development across key mining regions in South Australia using satellite imagery and/or UAV (Unmanned Aerial Vehicle) technology. These tools will be employed in addition to our increasingly frequent site inspections, and will greatly assist in gathering evidence for prosecutions under the *Mining Act 1971*. They may also be employed to identify small historical or colonial workings in remote areas, so that those sites can be better logged and managed.

Announcements about these programs will be made in the coming months. Further information on legislative changes that will increase compliance and strengthen enforcement powers can be found in the *Leading Practice Mining Acts Review Policy Direction Sheet No. 5: Compliance*.

Number of exploration, mining and opal mining inspections by region 2016



transparent regulatory framework in the mineral resources sector

Compliance issues raised in submissions to the *Leading Practice Mining Acts Review*

A number of submissions to the *Review* (http://minerals.dpc.sa.gov.au/mining/leading_practice_mining_acts_review) contained compliance allegations relating to a small number of sites. The Review Team collated all of those allegations and our compliance managers and officers undertook a historical review of all allegations raised. Every allegation outlined in the *Review* submissions that could be linked to an identified site either is, or has been, the subject of an investigation. Proven allegations are, or have been, the subject of compliance actions.

For example, the Department has already allocated significant resources to address compliance issues raised in the public submissions regarding exploration activities on the Yorke and Eyre Peninsulas. This has included face to face meetings with the company and complainants, attending public meetings and field days, conducting site inspections, corresponding with various parties via phone, email and letters, and issuing compliance directions.

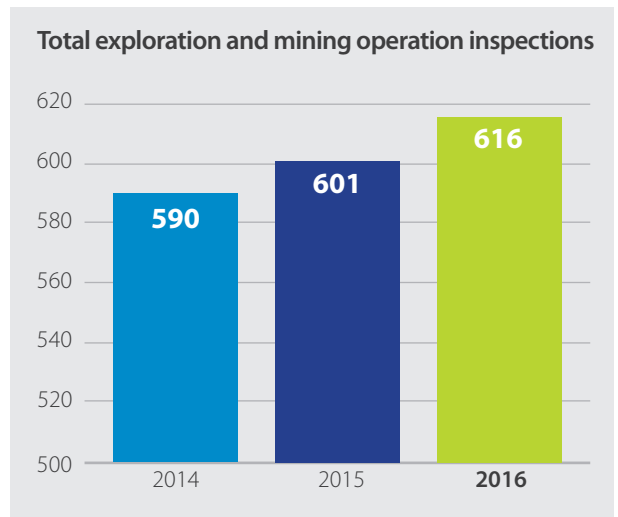
Some allegations in the submissions related to poor engagement and consultation behaviours by exploration companies. The Government expects that all companies will ensure that its employees and contractors openly and honestly consult with landowners and communities at all appropriate times. This is reflected in lease conditions that require comprehensive community consultation plans for large operations.

The Department continues to release guidance materials and policies around good engagement practices, and continues to seek to educate industry officers on the importance of courteous and respectful contact with all communities.

No company should send out a representative who does not understand how a landowner is likely to react or feel about a company seeking to undertake activities on their land.

The Department has also allocated significant resources to inform landowners and communities on their rights under the Act, and continues to look for ways that relevant information can be distributed to landowners more effectively.

Further improvements proposed to ensure that landowners can get fast, quick advice about their rights under the *Mining Act 1971* are outlined in the *Leading Practice Mining Acts Review Policy Direction Sheet No. 3: Landowner advice and assistance*.



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Community complaints and compliance enforcement in the mining sector

Landowners are encouraged to report any complaints about the company's performance to the company in the first instance. If the company's response is not satisfactory, or if there are further concerns, landowners should contact the Regulator as soon as possible

When an alleged noncompliance is reported by a community member or identified by an inspection of the site the Department undertakes investigations to determine what level of compliance and enforcement action is necessary.

When deciding the appropriate level of enforcement to take in response to a verified allegation, the Department is focused on swift actions to fix any issue and ensuring that similar situations don't arise in the future. When determining the appropriate actions, the Department considers a number of factors, including: the nature and extent of environmental harm, any rehabilitation requirements, the public interest, voluntary actions undertaken to mitigate the harm by the company, the company's previous compliance history, and the degree of wilfulness or negligence (was the act premeditated or deliberate).

The Department continues to train its compliance and enforcement teams in best practice engagement, evidence gathering, conflict resolution and environmental monitoring technology so that any issues that arise can be dealt with in a timely manner, and any prosecution action taken by the Department against an operator is successful.

Further information and relevant contacts

Detailed information on our compliance and enforcement processes is available in the Department's Mining Act compliance and enforcement in South Australia handbook, available from the Minerals website (http://minerals.dpc.sa.gov.au/mining/mining_regulation_in_South_Australia). The most recent compliance and enforcement statistics for 2016 can be found in the South Australia Mineral Resources Regulation Report (http://minerals.dpc.sa.gov.au/mining/mining_regulation_in_south_australia/mineral_resources_regulation_reports).

Further information on increased compliance, enforcement, landowner assistance and transparency proposals is outlined in the Leading Practice Mining Acts Review Policy Directions Sheets:

- No. 2: Transparency
- No. 3: Landowner advice and assistance
- No. 4: Notification to landowners
- No. 5: Compliance
- No. 14: Access to justice and the Wardens Court

Complaint response times relating to producing operators

80%

of all **complaints & enquiries** are **acknowledged** within



100%

of all **complaints & enquiries** are **investigated & actioned** within



Further written submissions or meeting requests relating to the *Review* or compliance issues can be made via DSD.miningactreview@sa.gov.au.

If you would like to report a specific compliance issue relating to exploration or mining operations being undertaken in South Australia you can contact the exploration and regulation compliance teams on 08 8463 3000.