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SOIL SURVEY AND LAND USE SPECIALISTS

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The following is our official submission to the SA Mining Review. Please acknowledge receipt of this document.

Ken Wetherby, retired Professional Soil Scientist (CPSS). Studied Soils and Geology in the USA (B AgSci University of Idaho 1966) and Australia (M AgSci, Soils/Geology/Land Use), University of Adelaide Waite Campus 1975. My wife and I own and live on a small property 10km out of Cleve on Eyre Peninsula SA which is included in exploration lease (EL 4693-Wildhorse Plain).

Over the last five or six years I have consulted with a number of landowners regarding issues relating to soils/geology and contamination from mineral exploration and mine sites. These consultations were at no charge to the client other than some 'out of pocket' expenses. As a result of this work I have formed definite opinions/suggestions regarding the Mining Act 1971.

1. Exempt land.

Obviously "Exempt Land" as defined in the Act was put there for good reason and is generally adequate, however road reserves should be included. The problem concerns the waiver issue where a landowner/neighbour must defend the mining companies applications to over-ride the exempt land status essentially at their expense. Clearly this defense should be done by an independent regulator with all costs to be borne by the mining company/explorer/pro prospector. In addition, the PEPR document should be supplied to the landowner when the Notice of Entry is served. **An even better solution would be to state in the Act that exempt is just that...exempt from mineral exploration or mining activities.**

2. Rehabilitation of exploration and mining activities including contamination related to mine sites.

First, I have observed/investigated instances where exploration/mining activities have not been carried out properly or resulted in off-site contamination. In one case my investigations clearly demonstrated that exploration sites had not been correctly rehabilitated. Representatives of the responsible government agency were shown the improperly rehabilitated sites and agreed with the results but no action was taken. This should have been referred to an 'Independent Regulator' and the exploration company prosecuted.

The issue of invasive (open cut) mine site is a long-term issue. First, the mining companies are under no obligation to fill in the 'open cut' once the mining is complete. For the long term existence of the Australian landscape this should be mandatory. Just travel from Wiluna to Campalda in Western Australia and see the mess the mining companies have left behind. Mining companies should be levied a substantial bond for every tonne of ore removed. If the site is filled in and re-vegetated after the mine is closed the bond is returned to the company. In cases where the mining company goes bankrupt, or ceases to operate, the State fills in and rehabilitates the mine site using the bond money.

I have also been involved with cases where dust from a mine site has adversely affected or destroyed native vegetation and/or contaminated rainwater tanks. Again, the relevant government agency does not pursue the case, it is left to the landowner at his expense. Again, this is where an independent regulator is required. 1) To investigate the complaints and 2) prosecute the case at the mining company's expense.

3. Independent Regulator

An Independent Regulator needs to be established to ensure that exploration and mining activities are carried out according to the Act or agreed conditions. The regulator needs to have the power to prosecute and fine explorers/miners who fail to meet these conditions. The independent regulator would investigate complaints and fine companies/contractors who fail to carry out the activities as prescribed in the Act or exploration/mining agreements.

At present it is up to the landowner to investigate and pursue the explorer/contractor/mining company in court – at their own expense. Again, the investigation and prosecution would be the responsibility of the Independent Regulator with all costs borne by the explorer/contractor or mining company. The South Australian Police should have the authority to enforce mining act infringements on site. At present they cannot enforce such things as illegal activities by exploration companies/contractors who trespass, damage water lines, rip through farm machinery tracks, cut through fences and disregard shutting gates.

Signed by Ken and Carole Wetherby
Cleve, South Australia