



## **Community guide:**

# **Low impact and advanced exploration activities in South Australia**

## **Response**

**Submission to Department of Premier and  
Cabinet**

**01 December 2017**

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# 1. Overview

As part of the *Stronger Partners, Stronger Futures* process the Department of Premier and Cabinet (DPC) produced a draft *Community guide: low impact and advanced exploration activities in South Australia*. The stated purpose is to 'detail low impact and advanced exploration activities in South Australia', for 'explorers, landowners and Native Title Groups in understanding each other's businesses'.

The intended purpose of the Guide is stated as: to explain the Mining Act in 'layman's terms', and provide information on:

- exploration
- notice of entry
- Native title
- PEPRs
- compliance
- Aboriginal heritage
- protected areas
- different exploration techniques

SACOME is grateful for the opportunity to provide feedback on the draft Guide.

*The South Australian Chamber of Mines and Energy (SACOME) is the peak industry association for companies with business interests in the resources industry in South Australia, including those with business, vocational or professional interests in minerals exploration, mining and processing, oil and gas exploration, extraction and processing, power generation, transmission and distribution, logistics, transport, infrastructure, and those with clients in these sectors.*

## 2. Executive Summary

SACOME concurs that the Draft Community Guide will be a useful community resource to assist community understanding of low impact and advanced exploration activities in South Australia.

However, the document would benefit from overall structural, content, language simplification revisions, and South Australian pictorial examples with relevant descriptions, to ensure that the intended community will benefit from a user-friendly, easy to understand Guide that meets their needs. In particular, the cited Queensland Guide has been well-received by members, and can help to inform future iterations of the South Australian Guide:

SACOME's comments are summarised as follows:

- The concept of a pictorial guide is useful but would benefit from SA examples that are representative of actual activity with simple explanations of mitigations pictured.
- The structure, design and layout would benefit from consistency of language, greater use of plain English and consistent form of audience address.
- Inclusion of Key Terms or Glossary at the beginning of the document.
- Inclusion of a reference to *Aboriginal Heritage Act, 2017* amendments (environmental impact), as applicable, as summarised in Department for State Development Aboriginal Affairs and Reconciliation stakeholder engagement sessions regarding inclusivity, recognition of native title and the introduction of Recognised Aboriginal Representative Bodies (RARBs).
- Explanatory flow charts and tables would be beneficial.
- Hyperlinking of applicable Acts, Regulations, forms and issues papers.
- Inclusion of missing definitions such as types of mining across the mining lifecycle, to assist with knowledge transfer of the industry.
- Inclusion of references to existing documents and guides from other jurisdictions, for example Queensland 2016 Land Access Guide.
- Addition of a *Frequently Asked Questions* (FAQ) section that anticipates common community concerns.

### **3. Detailed Response**

To be read in conjunction with the second attachment containing specific recommended tracked changes: *Draft community guide\_low impact and advanced exploration (002) – Word*.

#### **3.1. Recommended publications for reference: style and format**

- 3.1.1. The Guide would benefit from a similar format and presentation to 'Understanding Mineral Exploration' or 'Fast Facts, The Way Forward: Feedback on Review, Recommendations and the *Statutes Amendment (Leading Practice in Mining) Bill 2017*' by Department Premier and Cabinet (DPC).
  
- 3.1.2. Recommend that this Guide and title be similar to Queensland's [A guide to land access in Queensland For the exploration and development of Queensland's mineral and energy resources on private land, September 2016](#), compiled by Land and Mines Policy, Department of Natural Resources and Mines. It is well received and used in Queensland, where companies issue this Guide to landowners when sending out a notice of activity.

#### **3.2. Structure and layout**

- 3.2.1 Overall the Guide would benefit from careful and consistent drafting, structure and layout, and additional pertinent information: helping the specified community to understand low impact and advanced exploration.
  
- 3.2.2. Organise the sections for audience process perspective, by stage of activity, beginning with a summary, key terms, a land access code, through to definitions of restricted land, notification requirements (preliminary), negotiated agreement (advanced), statutory negotiation process, access to private land and key contacts, as applicable. This will help the reader by anticipating any concerns in logical sequence.
  
- 3.2.3. Consider using questions as section headings, such as: *What is restricted land? Or when is restricted land created?* as applicable.
  
- 3.2.4. Remove or simplify footnotes: the low impact definition should not just be a footnote – include in the body of the Guide, upfront, so that the reader can understand exactly what it is.

### **3.3. Audience and language**

- 3.3.1. Adopt a consistent point of view, style and language for the articulated audience of the Guide (explorers, landowners and Native Title Groups): not just one group, as the Guide jumps from addressing various groups separately in both as 'you' and 'it/the'. The Guide seems aimed more towards native title groups in the first sections, and then changes approach, which breaks up the flow and appears disconnected.
- 3.3.2. Simplify language into plain English for community understanding (see in-text comments)
- see pp 5&6 tracked changes for examples

### **3.4. Key terms/definitions**

- 3.4.1. Key terms/definitions (glossary) need to be up front at the start of the Guide, not hidden at the back on the last page, such as the Queensland example cited above.
- 3.4.2. Where legal terms or complex words and phrases from the Acts are used, either allocate meanings or simplify throughout the document.
- 3.4.3. Be clear when to distinguish where law is being quoted or explanations are being provided.

### **3.5. Corrections and clarifications**

- 3.5.1. Clarify that an exploration company can commence exploration, if it is consistent with the conditions stipulated in the generic PEPR for low impact exploration. Note particularly, that proponents only need to adopt the generic PEPR, and no additional documentation is required to be submitted to DSD for approval prior to conducting low impact exploration activities with the scope of the generic PEPR. (p 5.3). This should also be made clearer on page 5, section 6 See also accompany Draft Guide with tracked changes for specific input.

### **3.6. Pictorial Table and Photos**

- 3.6.1. It is important to show the correct photos with detailed descriptions in the pictorial diary:
- The pictorial table needs to show current practice of exploration activities, for example there is an EM survey picture that shows hole being dug during when standard practice today is to not dig holes.

- Where there are before and after photos of drilling (i.e. rehabilitation has occurred) they need to be labelled, or include an explanation.

### 3.7. Gaps and useful additions

- 3.7.1. Create 'how to' flow charts or diagrams as applicable to minimise lengthy explanations: for example as per pp 5 & 15 of the Queensland Land Access Guide linked above for: preliminary and advanced activities flowcharts.
- 3.7.2. Hyperlink to cited Acts, regulations, issues papers. Applicable forms, application processes and documents, for ease of reader understanding, access and use.
- 3.7.3. It's crucial that a similar definition to the low impact definition be added for advanced activities.
- 3.7.4. The advanced exploration project definition is very poorly explained in the current glossary. Suggest using a similar definition to the following from the cited: A Guide to land access in Queensland, p. 2.  
*Advanced activity means an authorised activity for the resource authority that is not a preliminary activity.*  
*Examples include:* • Levelling of drilling pads and digging sumps • Bulk sampling • Open trenching or costeaning with an excavator • Vegetation clear-felling • Constructing an exploration camp, concrete pad, sewage, water treatment facility or fuel dump • Geophysical surveying with physical clearing • Carrying out a seismic survey using explosives • Constructing a track or access road • Changing a fence line
- 3.7.5. List References at Section 13 at end of the Guide.
- 3.7.6. List 'rights and obligations' in tabulated form for community and for explorers: for example pp 5&6 of the Queensland Guide as per below:

<b>Rights and Obligations</b>	
<b>For resource companies</b>	<b>For landholders</b>
• Be respectful of landholder rights and actively engage landholders in good faith	• Be respectful of resource company rights
• Consult or use reasonable endeavours to consult with landholders about access, planned authorised activities and compensation	• Engage with resource companies in good faith to negotiate agreements regarding access, land use and compensation
• Ensure timely responses to landholder enquiries	• Do not obstruct a resource company from entering or crossing their land to carry out authorised activities, if all legal obligations have been met.
• Provide regular operational updates to landholders that are aligned with the level of activity	
• Avoid unreasonable interference with the landholder's use of their property	
• Meet all legal obligations, including the mandatory conditions of the Land Access Code.	

- 3.7.7. Add a 'Frequently Asked Questions (FAQ)' section.
- 3.7.8. Add definitions of a mineral resource, what is a stand-alone mine, what is a satellite mine, what is a mine life cycle, pre-feasibility stage and a bankable feasibility stage.
- 3.7.9. These are terms the community may not be familiar with and may assume what the definition is erroneously.
- 3.7.10. Include reference to Aboriginal Heritage Act 2017 amendments as summarised in Department for State Development Aboriginal Affairs and Reconciliation stakeholder engagement sessions: regarding inclusivity, recognition of native title and the introduction of Recognised Aboriginal Representative Bodies (RARBs).
- 3.7.11. Pre-test the Guide prior to release with intended community via focus groups or similar to ensure the intent is achieved.

## 4. Conclusion

The Draft Community Guide will be a useful community resource to assist community understanding of low impact and advanced exploration activities in South Australia. It would benefit from overall structural, content, language simplification revisions, and South Australian pictorial examples with relevant descriptions, to ensure that the intended community will benefit from user-friendly, easy to understand Guide that meets their needs. The cited Queensland Guide has been well-received by the resources sector and can inform future iterations of the South Australian Guide.

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