

29 September 2025

Department of Energy & Mining
Level 4/11 Waymouth Street
ADELAIDE SA 5000

Via email: dem.consultation@sa.gov.au

Submission to the *Statutes Amendment (Energy & Mining) Reforms Bill 2025* Consultation

SACOME welcomes the opportunity to provide this submission to the *Statutes Amendment (Energy & Mining) Reforms Bill 2025* (the Bill) consultation process.

SACOME's comment on the Bill is provided by exception, with a focus on priority matters identified by member companies.

SACOME notes that stakeholders have been provided an extremely short consultation window of one week which has not allowed for proper scrutiny of the Bill. This does not afford industry sufficient time to fully understand the operation of the Bill and creates the risk of unintended consequences resulting from a lack of time to properly analyse its operation.

The Department of Energy & Mining (DEM) has advised that the reason for the one week consultation period is to meet a window for the Bill to be progressed through Cabinet and Parliament prior to the end of the current Parliamentary term; and due to the time-sensitive nature of critical amendments proposed to the term of exploration licences under the Mining Act.

While establishing powers to extend exploration licences beyond the present 18-year limit is broadly supported and is a key reason cited for the brief consultation window, we note that the Bill proposes legislative changes beyond the scope of this specific issue.

We note advice issued by the Department of Prime Minister & Cabinet's Office for Impact Analysis that best-practice consultation should not be 'rushed' or 'burdensome' for stakeholders; and that '*between 30 to 60 days is usually appropriate for effective consultation, with 30 days considered the minimum*'.¹

¹ <https://oia.pmc.gov.au/sites/default/files/2023-08/best-practice-consultation.pdf> at pg. 7

Comment

Comment on relevant clauses of the Bill is provided as follows:

Clause 13: Term and Renewals of Licence & Clause 14: Special Circumstances Extension for Exploration Licences

SACOME members have expressed general support for Special Circumstance Extension powers as set out in the Bill.

We note DEM's advice that applications for a Special Circumstances Extension will not be subject to specific timeframes under the Bill, but are expected to take an estimated 3 months to be processed. We also note DEM's advice that it will continue to publish indicative processing timeframes for operators.

Operators seek greater clarity regarding the timing associated with applying for a Special Circumstances Extension. We note advice that DEM contemplates that operators would be able to apply from 3 months prior to a licence expiration date, allowing the Department to make decision at the 'anniversary of the licence term'.

Noting member comments provided during the consultation window, SACOME submits that provision should be made for operators to apply for a Special Circumstances Extension significantly further in advance than the notional 3 month period advised by DEM to better allow for key considerations such as investor certainty and operational planning.

Further certainty regarding application and processing timeframes is sought by operators.

Clause 14: Change in Control of Tenement Holder

Member comment on this provision is summarised below:

- The 20% threshold is viewed as too low. We submit that this should be substituted with a 50% threshold which better represents operation control of a tenement and which members advise is a more relevant measure.
- While we acknowledge DEM's advice that the 'change in control threshold' applies to the 'registered holder', it is unclear how the Bill applies in circumstances where a tenement holding is shared and no party holds 20% of the total tenement.

- Members have raised concern about additional regulatory red tape stemming from this amendment. While we recognise that the clause is modelled on analogous provisions found in the *Hydrogen & Renewable Energy Act 2023*, members have commented on the significantly higher number of mineral exploration licences in South Australia compared to petroleum or hydrogen/renewable energy licences.

Members have further expressed concern about the level of resourcing required to administer the proposed mechanisms and submit that DEM limits change in control provisions to production tenements.

- SACOME seeks further clarity regarding how Change of Control provisions to regulatorily complex areas of the state like the Woomera Prohibited Area will operate. We acknowledge the response provided during consultation that DEM has taken this matter on notice and will revert with a response.
- SACOME members have also questioned the necessity of Change of Control amendments, recognising DEM's advice during consultation that the Department is not aware of any prior use of Ministerial discretion to refuse change of control.

We further note advice that the impetus for these amendments was created by the recent takeover offer for Santos made by XRG, ostensibly to afford the South Australian Minister powers to block corporate mergers and acquisitions on a range of 'state/public interest' grounds as set out in the Bill.

We note member comments that the *Corporations Act 2001* and Foreign Investment Review Board are seen as appropriate and effective mechanisms for regulating this type of activity and a clear rationale for the expansion of Ministerial powers requires further articulation before it can be supported.

We acknowledge DEM's advice that further amendments to the Mining Act are intended to be progressed following the 2026 State Election and that DEM intends to reengage with stakeholders in the new Parliamentary term.

SACOME remains committed to working collaboratively with the DEM and the South Australian Government.

Yours sincerely



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Chief Executive Officer (Interim)

South Australian Chamber of Mines & Energy