Empowering Energy & Resources Lawyers

Leading Practice Mining Acts Review

Submissions on Mining Act Review

Mining Act 1971 and Regulations

Executive Summary

The AMPLA Ltd, the Energy and Resources Law Association (**AMPLA**) is a not-for profit organisation with the purpose of advancing knowledge of the law associated with the resources and energy sector. Our membership includes experienced and highly regarded legal practitioners and law firms whose legal expertise in mining, energy and resources law is repeatedly sought by industry. AMPLA's members, who are experts in their field of law, generously provide their time to disseminate the latest, most critical industry developments to the wider AMPLA membership and to industry.

AMPLA applauds the Department of State Development's (**Department**'s) commitment to leading practice regulation of the mineral resources sector and welcomes the important review of the *Mining Act, 1971*, the *Mines Works Inspection Act, 1920* and the *Opal Mining Act 1995*. We are grateful for the opportunity to participate in this review and pleased to provide our submission containing our comments and discussion on the *Leading Practice Mining Acts Review Mining Act, 1971 and Regulations Discussion Paper* (**Discussion Paper**) and the related discussion questions.

As we are an organisation focused on legal knowledge and expertise, we have confined our comments to those matters within our area of focus. Accordingly, we have used the discussion questions to guide our submissions and in the table below provide answers only to the questions that we consider AMPLA is best able to provide input.

Table of Submissions

	Question	Response	Comment
1.	**CHAPTER 1: EXPLORATION, MINING, QUARRYING, COMMUNITY AND LAND ACCESS**		
1.1	**Using simple, accurate terms and language in the Mining Act so it makes sense to everyone**		
	What terms in the Mining Act and Regulations need clarifying?	AMPLA welcomes a clarification and update to definitions. ***exempt land*** AMPLA considers the definition of "**exempt land**" needs to be amended. The current definition does not adequately protect the purpose and intent of the Act in situations where, for example, the rapid construction of a shed, at certain early points in the process, can have the effect of prohibiting activities. In addition, AMPLA considers that further consideration and increased detail could be included in the Act in relation to defining certain exempt land categories. For example specific detail pertaining to **dams**, **wells**, **cultivated fields** etc. would be useful. **monetary values** An increase in monetary values is also recommended in line with current market values. **exploration** vs **mining** AMPLA understands the Department's concern and communities' confusion surrounding the difference between '**exploration'** and '**mining'** activities/operations/operators/tenements. We support clarification of these	For example, there should be a temporal connection built into the definitions, i.e. that a dam was used as such on the day [2] years before the date in question to avoid redundant features or recent, contrived new builds being used to bring otherwise non-exempt land within the ambit of the exempt land definition. A more contemporary title may be ' Mineral Resources Development Act'

	Question	Response	Comment
		issues and consider that, in addition to more sweeping changes within the Act to address these issues (including separating out the differing activities in specific instances), a change in the name of the Act to incorporate the words “exploration and mining” may be helpful.	
	What are appropriate ‘personal uses’ for extractive minerals?	AMPLA considers that appropriate ‘personal uses’ should be considered in as broad a manner as possible and suggests that the term could be defined by exception so that certain activities such as “selling” or “exchanging” product for profit is not permitted.	
	What opportunities are there to define new terms?	**airborne exploration** One area which is not adequately dealt with is airborne exploration and AMPLA recommends consideration be given to inclusion of provisions relating to this type of exploration. Given airborne exploration has no ground disturbing impact and is by its nature of very short duration, an argument could be made that’s some of the more detailed provisions would only have limited applicability to airborne exploration. **royalty interest** One opportunity is for this to be used as part of a regime to register private royalty interests on the title on mining tenements. See section 3.2 below.	e.g. clarification as to whether Notice of Entry requirements apply to airborne exploration and if so whether on modified terms

	Question	Response	Comment
1.2	**Ensuring you have the information you need at the right time, and that our technical assessment processes are transparent**		
	Should there be, at a minimum, open, free, and online access to the documents listed above, at appropriate times?	AMPLA does not express a view as to whether there should be full, open and free online access to information. However, if such access is to be given then AMPLA makes the following observations: • access to all documents may lead to a reduction in the level and type of information that proponents are prepared to provide to the Department for fear of disclosing commercially sensitive information. As a result, careful thought will need to be given to any provisions which allow full access to information. For example, there will need to be an appropriate disclosure test to assist parties in determining what information is and is not appropriate for public release. • some of the documents listed such as PEPRs and Applications may contain proprietary information from third party advisers, consultants and suppliers. Consideration will need to be given as to what extent consent of those third parties is required prior to lodgement and or disclosure. • although the Act could provide that only certain types of documents and information lodged with the Department would be available for online access, in practice it may be difficult to protect sensitive information from public disclosure due FOI laws. Although certain types of information may not be available online, that does not mean that they could not be the subject of FOI requests. It would then fall on the Department and the operator to show that prejudice would be suffered if the information was disclosed. This may be difficult, costly and time consuming to do so. Therefore care needs to be taken to only require lodgement of information that the operator and the Department would be comfortable with being disclosed under an FOI process. • AMPLA does not propose a disclosure test because any such test would	

	Question	Response	Comment
		be based on a policy decision regarding the level of disclosure.	
	Should operators be required to disclose geological information for the benefit of the public at appropriate times (if that information is no longer deemed commercially sensitive)?	Geological information is often valuable and while AMPLA understands the requirement for it to be disclosed to the Department, does not consider this information to be something that should be disclosed to the public. The entity that has spent, sometimes considerable, time and money discovering/formulating/testing geological information may have valuable rights (such as intellectual property rights) derived from creation of that information. An entity may be able to recoup some of the costs associated with the creation of that information which can and often is reflected in the price a purchaser is prepared to pay for tenements/projects. By allowing the disclosure to the public of such information the Department could be hindering commercial activity. AMPLA considers that defining what is no longer commercially sensitive may be problematic. It may be argued that certain geological information is always commercially sensitive as it may inform investigations in other, geologically similar, settings and locations. Disclosure of such information may result in a company losing a competitive advantage it may have over other companies.	
	What other information do you think should be disclosed, and at what times? What restrictions should be placed on disclosure, and should different types of information be restricted in different ways?		

	Question	Response	Comment
1.3	**Making sure everyone understands land access processes and expectations**		
1.3.1	*Entry to land generally*		
	What opportunities are there to improve the entry to land processes?	One area where the entry to land process could be improved is to incorporate Use of Declared Equipment notification into a Notice of Entry. Another opportunity is to provide legislative certainty surrounding the position of an Operator. In particular: ○ where a NOE has been served more than 21 days earlier but the Owner files an objection after the 21 days has expired; or ○ where Owner physically obstructs entry by the Operator	• eliminates the need for 2 notifications which may be confusing to Owners • the lack of clarity in the Act may result in confrontation between Owner and Operator or lengthy and expensive court proceedings (or threat of proceedings)
1.3.2	*Entry on to 'exempt land'*		
	What terms need to be better defined to better clarify what is 'exempt land'?	AMPLA considers the following terms require clarification: • dam; • bore; • cultivated field; and • value of structures.	There needs to be a requirement that those items are currently used as such and have been used for certain period of time before the relevant date for ascertaining whether

	Question	Response	Comment
		We also refer you to our submissions at item 1.1 above.	it is exempt land.
	What opportunities are there to clarify or amend the exempt land provisions in the Mining Act?	**buffer zones** – some mining operations are required to maintain a buffer zone for noise, dust and other purposes. Clarity is required as to whether a buffer zone should be considered part of the mining operations especially where the 'exempt land' is for example an underground bore.	e.g. a noise buffer would seem to have little impact on a bore
1.3.3	*Notices to landowners under the Mining Act*		
	Do you think that landowners should have equivalent rights to commence negotiations with an operator in relation to 'exempt land' by issuing a notice under section 9AA of the Mining Act? If so, at what time should this right arise?	AMPLA does not express a view as to whether landowners should have a right to commence negotiations with respect to exempt land. It is noted however that in practice, the right would be of limited benefit because in order for an operator to meaningfully progress a project which impacted exempt land, the operator would need to approach the landowner and this is likely the first time the landowner would become aware of the proposed activities. The landowner would not be able to conduct meaningful negotiations unless and until it had been informed of the proposed activities. AMPLA considers that the point in time when such a right arises must be clearly ascertainable and unambiguous as to when it arises.	
	Do you agree that it seems reasonable that a landowner's right to commence negotiations should arise at the time the operator has enough information about the scope, location and likely impacts of mining operations?	As with our comments above, AMPLA considers that the point in time when such a right arises must be clearly ascertainable and unambiguous as to when it arises.	
	What opportunities do you see to streamline the notice of declared equipment process, and the other notification processes?	One way which may assist with the streamlining of such processes is for the relevant form to include tick box type options for example, in a Notice of Entry to advise of intended use of declared equipment.	This will save on having to serve an additional form on a landowner which

	Question	Response	Comment
			often adds to confusion.
	In light of the fact that no landowner, pastoralist or native title holder has ever exercised their rights under the Mining Act to object to the use of declared equipment, are notices of declared equipment still relevant?	AMPLA considers that the proposition contained within this question is not entirely correct. AMPLA understands that objections to use of declared equipment were lodged in relation to opal mining on the Lambina Pastoral property. The objections resulted in the formation of an association of opal miners which put up bonds for the benefit of the landowner. However, if a Notice of Entry is also required to specify whether declared equipment will be used, then there would no longer be a need for separate Notice and objection to that particular notice of use of declared equipment.	
	What information do landowners want to receive from explorers and operators, and at what point in time during the exploration or production stage should that be provided?	Any release of proponent's information to a landowner needs to be undertaken on a confidential basis and AMPLA considers there would need to be very particular rules around such a release. There should be a right for a proponent to insist on a confidentiality undertaking being entered into or incorporate a statutory obligation of confidentiality.	Obligations of confidentiality would have the usual carve outs for information already in public domain, disclosure to advisers and disclosure required by law.
1.3.4	*Fast and fair court processes and access to justice*	AMPLA understands that when the exempt land question was first transferred from the Warden's Court to the Environment, Resources and Development Court (**ERD Court**) by the July 2011 amendments, from a land owner's point of view, there were some feelings of relief. There are a range of views amongst AMPLA members as to whether the ERD Court or the Wardens Court should deal with exempt land questions. One consideration in relation to this issue is the very important proprietary	

	Question	Response	Comment
		rights that are enjoyed by landowners. Such rights are often valuable (in an economic sense) and, of course, should not be taken away or otherwise interfered with, without extensive legal consideration such as is undertaken by a court of law such as the ERD Court. On the other hand it is considered that the Warden's Court is cheaper and more efficient than the ERD Court in considering these issues. In AMPLA's view there needs to be a quick, simple and cost effective process available to deal with exempt land issues. This needs to be balanced with giving appropriately in depth consideration to the sometimes very valuable rights that are enjoyed on both sides (mining and land owner), before those rights are interfered with or stymied in any way. AMPLA considers that the issues may need to be subject to reviewed jurisdictional limits (either by way of a dollar value or by way of specified activities) so that valuable propriety rights are given due consideration in the ERD Court while minor exploration activities could be dealt with via the Warden's Court (always maintaining the right to appeal). On balance AMPLA considers that the ERD Court is the appropriate Court to deal with questions in relation to valuable proprietary rights concerning exempt land and that where minor exploration work is proposed, the Warden's Court may be the more appropriate forum. Therefore, and taking into account the earlier suggestion to introduce distinct concepts of **'exploration'** and **'mining'** (see item 1.1 above) exempt land questions at exploration stage could be dealt with by the Wardens Court and questions at the mining stage or involve more than $100,000 could go to the ERD Court.	i.e. same monetary jurisdictional split as

	Question	Response	Comment
			Magistrates Court vs District Court
	Do you agree that access to the court process to object to a notice of entry should be retained, so that landowners have a right to object to operations that will have substantial impacts?	Yes, see note above.	
	Do you agree that an appropriate time for a landowner to issue proceedings is at a time when the operator has enough information on the proposed operations?	The time difference between the 21 days' Notice of Entry and the 3 months in which to commence proceedings requires further consideration. While it may take a landowner some considerable time to get proper legal advice and formulate an objection to such an extent as is suitable for filing in court, the 3 months is problematic for Operators as it creates uncertainty. Consideration should be given to whether a landowner should be required to serve a simple notice of objection within say 30 days of receipt of Notice of Entry – so as to put the Operator on notice of potential formal court objection.	There could be a prescribed form of Objection to simplify the process and make it easier and cheaper for a landowner to commence the objection process.
	What other opportunities do you see to provide fast and fair access to justice for all?	The notice of objection process noted above could be supplemented with a requirement for compulsory mediation before formal proceedings can be commenced. AMPLA is open to the idea that the mediation be conducted by a Mining Ombudsman or as part of the court process in a similar fashion to Planning appeals.	
1.3.5	*Ensuring that aboriginal communities are engaged and well informed*		
	What opportunities are there to work together to design and build a better system for land		

	Question	Response	Comment
	access to benefit everyone?		
	Do we need better access to information and tools to make sure everyone has the best opportunity to understand the South Australian native title process and learn more about mining and exploration? How would you like to access information?	As the Discussion Paper and the Opal Mining Act 1995 and Regulations discussion paper note, South Australia has an alternative native title scheme which is contained in Part 9B of the Mining Act and Part 7 of the Opal Mining Act. The alternative scheme has been approved by the Commonwealth Attorney-General under s 43 of the *Native Title Act 1993 (Cth)* (**NT Act**) and operates in lieu of the Commonwealth's "right to negotiate" regime contained in Subdivision P of the NT Act. AMPLA understands the Department is not considering wholesale amendments to Part 9B of the Mining Act or Part 7 of the Opal Mining Act given, in particular, the possibility such amendments may result in the South Australian alternative scheme needing to be re-approved under s 43 of the NT Act. Nevertheless, AMPLA makes the following submissions on the native title related provisions of the Mining Acts. ***Opal mining agreements*** The discussion paper on the Opal Mining Act contains the only proposed native title related amendment. Specifically, the Review Team is seeking views on amending ss 49 and 50 of the Opal Mining Act to make it clear that an Indigenous Land Use Agreement (**ILUA**) entered into pursuant to the NT Act may confer a right to carry out mining operations. The amendment would be similar to s 63F (1)(c) and s63H (ab) of the Mining Act. AMPLA supports an amendment of this kind. At present, any ILUA which authorises mining operations under the Opal Mining Act may, in addition to being registered under the NT Act itself, also need to comply with and be registered under Part 7 of the Opal Mining Act. In AMPLA's view, negotiation and registration of an agreement under Part 7 of the Opal Mining Act should not be necessary where an ILUA is registered under the NT Act and accordingly suggests an amendment to the wording in the Opal	

	Question	Response	Comment
		Mining Act to accommodate this. ***Impact of <u>McGlade</u> decision on agreement making under State's alternative scheme*** By virtue of s 63F of the Mining Act, an exploration authority will not (subject to some exceptions) confer a right to conduct mining operations on native title land unless authorised by an agreement with the "native title parties" or a determination under Part 9B of the Mining Act. Further, by virtue of s 63H of the Mining Act, a production tenement may not (subject to some exceptions) be granted or registered over native title land unless the mining operations to be carried out under the tenement are authorised by an agreement with the "native title parties" or a determination under Part 9B. Similar provisions operate in relation to the equivalent scheme in Part 7 of the Opal Mining Act. AMPLA is concerned the Full Federal Court decision in *McGlade v Native Title Registrar* [2017] FCAFC 10 (***McGlade***) (which was handed down after the Discussion Papers were published) may have implications for the validity of agreements reached under Part 9B of the Mining act and Part 7 of the Opal Mining Act. There is no intention here to comment on that decision in detail, but the relevant issue arising from that case was the Court's determination that several agreements under consideration were not ILUAs under the NT Act because one or more of the individual persons that formed part of the "registered native title claimant" for the native title groups involved had not signed the agreements. This was because they had either decided not to do so (despite the majority of individuals making up the registered native title claimants electing to do so, and the fact that the native title claim group had authorised the agreements), or were unable to sign because they were deceased at the time the agreements were executed. In response to this decision, the Native Title Amendment (Indigenous Land Use Agreements) Bill 2017 was introduced into Federal Parliament in February 2017. A key	

	Question	Response	Comment
		objective of the Bill is to retrospectively validate ILUAs that had not been signed by all individuals that make up the relevant registered native title claimant. The Bill also allows for future ILUAs to be entered and registered without requiring execution of every individual that is part of the registered native title claimant. AMPLA supports the Bill and made a submission to The Legal and Constitutional Affairs Legislation Committee to that effect. (AMPLA's full submission can be found at http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/NativeTitleILU2017/Submissions.) However, in its submission, AMPLA noted that although the *McGlade* decision does not say agreements negotiated under the "right to negotiate" scheme in the NT Act would be invalid if a member of the registered native title claimant is deceased, one can see how such an argument might arise in the future. In view of this concern, AMPLA urged amendments be made to the Bill to: • confirm the validity of existing right to negotiate agreements that may not have been signed by all individuals that make up the registered native title claimant (due to the fact that one or more of such individuals are deceased); and • clarify that for future right to negotiate agreements, if one or more members of the registered native title claimant is deceased, it is sufficient that all living persons that make up the registered native title claimant sign a right to negotiate agreement. Similarly, although the *McGlade* decision does not say that agreements negotiated under Part 9B of the Mining Act or Part 7 of the Opal Mining Act would be invalid if a member of the registered native title claimant is deceased, one can see how such an argument might arise in the future. It	

	Question	Response	Comment
		is believed that many such agreements would exist, and actions would have been undertaken (such as the carrying out of mining operations, the grant of production tenements and the payment of benefits to native title parties) in reliance upon such agreement by governments, industry and native title parties. AMPLA is aware the South Australian Government shares this concern and we draw the Review Team's attention to the submission the South Australian Attorney-General, The Hon John Rau MP, made to the Legal and Constitutional Affairs Legislation Committee (a copy of this submissions can also be found using the link above). This issue has not been addressed in the Bill before Federal Parliament and AMPLA appreciates that, given the agreements concerned take effect under an alternative scheme approved under the NT Act, this is not an issue that is likely to be able to be resolved through the introduction of South Australian legislation alone. However, AMPLA urges the Department to fully consider all options, and to work with the Commonwealth as necessary to ensure: • the validity of existing agreement under Part 9B of the Mining Act and Part 7 of the Opal Mining Act that may not have been signed by all individuals that make up the registered native title claimant (due to the fact that one or more of such individuals are deceased); and • to clarify that for future agreements of this kind, if one or more members of the registered native title claimant is deceased, it is sufficient that all living persons that make up the registered native title claimant sign an agreement.	

	Question	Response	Comment
1.4	**Ensuring that payments and fees are recovered**		
	Do you agree that payments due to the South Australian government, for the benefit of the community, should have priority over other obligations?		
	What other opportunities do you see to ensure that explorer and operators pay outstanding amounts when due?	If it was decided to provide some form of priority to the SA Government, then it is suggested that a form of statutory charge in a similar vein to what occurs in relation to land tax, would be an appropriate mechanism.	
1.5	**Ensuring that the community is informed of any changes**		
	What changes to approved mining operations should give rise to a statutory right for a landowner to be notified?	AMPLA does not wish to make a submission in relation to this issue but does note that should there be a statutory right of notification then there should be an appropriate, clearly identifiable threshold before notification is required. In other spheres, changes of 5-10% are considered material. This could be applied as a threshold here.	e.g. change results in an increase in noise, dust or some other factor such as height of waste dump, of more than 5%
	What changes to approved mining operations should give rise to a statutory right for a landowner to be consulted on the proposed change?	As indicated above AMPLA considers 10% or more to be an appropriate level but notes there must be clarity around how that 10% is defined and determined.	
	What type of information should landowners and the community receive during any change of operation process?	Sufficient information as reasonably required in order to make an informed assessment as to the impact of the proposed change. It is envisaged that the type and level of detail will vary depending on the nature and scope of the project and the nature of the changes.	

2.	**CHAPTER 2: SUSTAINABLE FUTURES**		
2.1	**Protecting South Australia's environment for the future**		
	How can we make the PEPR development and assessment process, and transparency after approval, better for the community, the environment, landowners, explorers and operators?	AMPLA considers implementing outcome-based conditioning on approvals would make the PEPR development and assessment process better for those involved. This would allow a mining company to determine its preferred path to the identified outcome while giving visibility and certainty of outcome to all stakeholders.	
2.1.1	*The scope of preventative measures*		
	Do you think that the Minister should be able to place conditions on PEPRs so that explorers or miners cannot commence activities until after a particular point in time (e.g. until the payment of a bond or the satisfaction of a compliance direction)?	AMPLA notes that this is a common approach in other jurisdictions. If such powers were to be considered, AMPLA would wish to consult with its members on any particular proposals and would like the opportunity to further put submissions.	
	Should the Department be able to prohibit or delay the expiry of a tenement until an explorer or operator has complied with all outstanding obligations?	AMPLA considers that the Department could prohibit or delay the expiry of a tenement until an explorer or operator has complied with all outstanding obligations. This is an approach adopted in other jurisdictions. One potential consequence of this approach evidenced in some other jurisdictions is the possible arrestment of, and/or loss of opportunity for, continued mining and/or rehabilitation by other mining proponents. Flexibility in the ultimate approach proposed is encouraged. If this approach were to be adopted by the Department, AMPLA would wish to consult with its members on any particular proposals and would like the opportunity to further put submissions.	
	Should the Department adopt a more streamlined surrender and/ or expiry process whereby the Department and the community	Yes, AMPLA is generally supportive of streamlined processes.	

	can be assured that all outstanding liabilities are complied with prior to surrender or expiry?		
	Should the process be open for public comment prior to acceptance of the surrender or expiry date to ensure all outstanding liabilities are brought to the attention of the Department and the community? What other preventative tools do you think should be introduced to ensure damage to the environment can be prevented?	AMPLA notes that there is increasing pressure in other jurisdictions for the process to be open for public comment prior to acceptance of the surrender or expiry date. Alternatively, AMPLA considers the issue of outstanding liabilities could be left to the regulator and the regulated.	
2.1.2	*The scope of compulsive tools*		
	Do you see benefits in enhancing the Departments compulsive tools by: − Increasing penalties; − Preventing renewals, transfers, cancellations surrenders and transfers until environmental obligations have been complied with; and − Imposing personal liability for directors for company non-compliance.	AMPLA considers there may be a place for the enhancement of compulsive tools available in the Act, so long as they were reasonable. If such enhancements were to be considered, AMPLA would wish to consult with its members on any particular proposals and would like the opportunity to further put submissions.	
	What other compulsive tools do you think should be introduced to ensure explorers and operators comply with their environmental obligations?		
2.2	**Ensuring greater government and industry environmental accountability and transparency**		
	Do you see benefit in publishing relevant government, explorer and operator documents (where appropriate) online to increase	Please refer to our response at 1.2.	

	government and industry transparency and accountability?		
	What other documents in addition to the abovementioned list should be publicly disclosed to improve industry accountability?		
	Do you agree that the Department can increase the accountability of explorer and operators by: − Ensuring the timely payment of rents; − Prohibiting tenement renewals, cancellations, surrenders or transfers until all outstanding obligations are performed?	AMPLA considers there may be a place for increasing the accountability of explorer and operators, so long as they were reasonable measures. If such increased accountability measures were considered, AMPLA would wish to consult with its members on any particular proposals and would like the opportunity to put forward further submissions.	
	What other opportunities are there to increase Government and industry accountability?		
2.3	**Enforcing leading practice mine closure planning, and progressive rehabilitation to achieve sustainable mine completion outcomes**		
	Do you think the current tools and the proposed changes to regulatory tools in paragraphs 2.1.1 and 2.1.2 will be sufficient to ensure leading practice mine closure and progressive rehabilitation (including the progressive rehabilitation of exploration operations)?	AMPLA considers the current tools and proposed changes to regulatory tools may be appropriate to ensuring leading practice mine closure and progressive rehabilitation. However, AMPLA notes that there is a distinction between technical matters and regulatory matters. In AMPLA's view, any regulations with respect to mine closures and progressive rehabilitation will need to be clear, certain and outcome-based. If the proposed changes were to be considered, AMPLA would wish to consult with its members on any particular proposals and would like the opportunity to put forward further submissions.	

	What changes can be made to our financial assurance model to further encourage or guarantee appropriate mine closure practices and/or rehabilitation outcomes?	AMPLA considers flexible financial assurance and surety arrangements may further encourage appropriate mine closure practices and/or rehabilitation outcomes. AMPLA consider that recent changes in Western Australia and reforms currently being considered in Queensland may be useful. For example, in Queensland, reforms to the financial assurance model are currently being considered. These reforms include a 'tailored solution' which assesses resource companies individually based on their financial risk and uses a range of financial assurance arrangements that appropriately match the risk. See QTC report: https://s3.treasury.qld.gov.au/files/financial-assurance-framework-reform-discussion-paper.pdf	
	What other mechanisms should the Department consider to promote or mandate leading practice mine closure and progressive rehabilitation behaviours?	As noted above, recent changes in Western Australia and reforms currently being considered in Queensland may be useful. For example, AMPLA notes that the Queensland government has recently proposed a new framework for mining rehabilitation which includes introducing life-of-mine plans for site-specific mines, regular monitoring, assessment and reporting, enforceable requirements for progressive rehabilitation, clear completion and signoff requirements, performance based incentives and good quality data for policy and regulatory implementation. See Queensland 'Better Mine Rehabilitation for Qld' at https://s3.treasury.qld.gov.au/files/better-mine-rehabilitation-in-qld-discussion-paper.pdf	
	What powers or mechanisms should the Department adopt to ensure that administrators and liquidators or explorers and operators could not transfer assets where it would be unsafe to do so, or would result in environmental harm or a breach of outcomes?	Please see above comments and documents for examples. Please also see response at 2.7.	

2.4	**A modern leading practice financial assurance model and the rehabilitation of former mine sites**		
	What type of model do you think will achieve a cost-effective leading practice financial assurance model for South Australia?	Please see response at 2.3.	
	In addition to the examples above, what other financial assurance models do you think will achieve the three criteria outlined in this paragraph?	Please see response at 2.3.	
2.5	**The regulation of private mines**		
	Do you think private mines should be regulated in a similar way to other mining activities under the Mining Act? If so, in which respects?	AMPLA does not have a particular view as to whether private mines should be regulated in a similar way to other mining activities under the Mining Act. However, AMPLA notes that if private mines were to be so regulated, it would necessitate considerable regulatory change which would very likely have an impact on the private mine owners/operators. We would also expect that transitional arrangements, whether gradual or staged, may need to be implemented, as well as potentially grandfathering certain/specific aspects of the existing private mines regulation. AMPLA generally supports and has the view that regulation of all mining activities, whether private mines or otherwise, will need to be clear, certain and outcome-based. If changes to the regulation of private mines were considered, AMPLA would wish to consult with its members on any particular proposals and would like the opportunity to put forward further submissions.	
	Do you agree that there should be an efficient and cost-effective process for revoking inactive	Yes, AMPLA is generally supportive of efficient and cost-effective processes. However, if changes were considered, AMPLA would wish to consult with its	

	private mines?	members on any particular proposals and would like the opportunity to put forward further submissions.	
2.6	**The Extractive Areas Rehabilitation Fund**		
	What ways could the EARF be improved to better protect the environment and facilitate operator's needs?		
	Do you think the EARF has performed as a successful fund of 'last resort' for ensuring adequate rehabilitation of extractive mines in South Australia?		
2.7	**Transfer of ownership and responsibility for mine infrastructure, productive assets and mining landforms to third parties**		
	What opportunities are there to maximise the benefit of permanent infrastructure at the end of mining activities?	AMPLA notes that rehabilitation outcomes could include preserving permanent infrastructure which has a continuing value for the community (eg dams, roads). The PEPR process is a potential opportunity to identify opportunities to maximise the benefit of permanent infrastructure at the end of mining activities by including in the PEPR any permanent infrastructure that will remain, which permanent infrastructure is also consistent with the rehabilitation outcome for that area. If any regulatory changes are proposed on this issue, AMPLA would wish to consult with its members on any particular proposals and would like the opportunity to put forward further submissions.	
	What ways could Mining Act assessment processes and other assessment processes under other Acts such as the Development Act 1993 be improved?		

	How can maintenance and monitoring of post-surrender assets and infrastructure be better managed?	AMPLA is generally supportive of appropriate measures in the management of sites in care and maintenance and post-surrender. AMPLA consider that expanding the range and nature of sureties may also be useful in responding to this question, and would likely encourage appropriate rehabilitation outcomes. If any regulatory changes are proposed, AMPLA would wish to consult with its members on any particular proposals and would like the opportunity to put forward further submissions.	
	How can the transfer of post-surrender assets and infrastructure be regulated to ensure any rehabilitation (if any) is appropriately addressed?	AMPLA considers that a review of the approvals processes for the sale/transfer of post-surrender assets and infrastructure may be useful in responding this question. As noted above, expanding the range and nature of sureties may also be useful. If any regulatory changes are proposed, AMPLA would wish to consult with its members on any particular proposals and would like the opportunity to put forward further submissions.	

3.	**CHAPTER 3: THE BENEFITS OF A STREAMLINED, RIGOROUS AND COMPETITIVE REGULATORY ENVIRONMENT**		
3.1	**Ensuring our legislation doesn't restrict the adoption of modern, evolving e-commerce and information systems**		
3.1.1	*Moving towards a digital by default e-commerce future*		
	What opportunities are there to create efficiencies in the current application and registry processes by updating digital methods and processes?		
	What digital advances to the Mining Register will improve accessibility and effectiveness?		
	What other opportunities are there to modernise our regulatory services through advances in digital processes?		
3.1.2	*Using modern methods of mapping*		
	Should we move to a graticular block system and, if so, what is the preferred method of transitioning to a graticular block system?	AMPLA makes no submission as to whether grandfathering existing tenements and phasing in graticular blocks over time (such as on renewal), is practically feasible. However if a change is made then it is noted that issues may arise on transition especially where the tenement boundaries straddle a known deposit. This may result in claims for compensation for compulsory acquisition by disgruntled tenement holders. As there is no automatic right to compensation in South Australia, it is nevertheless suggested that consideration be given to include specific provisions in the transitional legislation dealing with right/no right to compensation for loss arising from boundary realignments.	

3.2	**A modern, accurate and easy to access Mining Register**		
	What type of dealings or instruments should be on the Mining Register, and which of those should be made publicly available?	AMPLA considers the register should be as fulsome as possible, bearing in mind some of the commercial in confidence issues discussed below. With this in mind AMPLA considers that the register should contain things like mineral claims, leases and licences, transfers of proprietary interests in a tenement, mortgages and caveats. In addition, other dealings or instruments required to be registered under the Mining Act should be included. Similarly, any dealings or instruments not required to be registered under the Mining Act but which the tenement holder may choose to register such as private royalty interests, should be available on a public search of the register. Instruments issued under the Mining Act such as bonds, minimum expenditure amounts and reports should also be placed on the register so that one can ascertain whether the tenement is in good standing. AMPLA's members do not consider compliance directions and rehabilitation directions should be publicly available nor should any similar documentation which may be the current subject of investigation and/or activity. AMPLA considers that it may be acceptable for this information to be included on the register only after a period of time has elapsed (i.e. once the issue has been dealt with) and/or the entity involved no longer has an interest in the tenement. That is to say, there may be a need, from a historical perspective to make that information available. AMPLA considers that any Warden's Court or ERD Court proceedings in relation to the tenement should be noted on the Register. AMPLA's views on the inclusion of the above information in the register is subject always to the ability of the entity holding an interest in the tenement to be able to carve out of any such documentation any information which it considers to be commercial in confidence. Another consideration raised in the Discussion Paper concerns what dealings with tenements should require ministerial consent. Views were requested on limiting ministerial consent to being only required for transfers of proprietary interests. In the context where the register does not guarantee title by registration and presuming what is contemplated is similar to the way the petroleum register works in South Australia, AMPLA is supportive of this approach and welcomes the inclusion on the register of all other instruments or	

		dealings. This is welcomed on the basis that it will enable a thorough investigation of a tenement chain of title to be undertaken if necessary.	
	How can the framework of the Mining Register be updated to best suit the needs of the mineral resources industry and the community?	AMPLA encourages the Department to undertake a full and detailed investigation into improving the register. In AMPLA's views this is a fantastic opportunity for South Australia to implement a leading mining register. There are many excellent and detailed articles which have been written by AMPLA members concerning the reasons for registers, their history, their operation and issues that have arisen in their use. For example, we refer the Department to: 1. Michael Crommelin, *"Petroleum (Submerged Lands) Act: The Nature and Security of Offshore Titles"* (1979) 2(1) AMPLJ 135; 2. Alex Gardner, *"Security of Title"* (1990) AMPLA Yearbook 284; 3. Susan MacCallum, *"Registration of Mining Titles in Western Australia"* Western Australian Law Review 305; and 4. David Simmons, "Problems in creation, transfer and registration of legal and equitable interests in mining and petroleum concessions in South Australia with recommendation for legislative reform" (1982) 4(2) AMPLJ 451. In addition, there are cases which have considered operation of mining registers and the registration of certain instruments on those registers. We encourage the Department to consider as much information as possible in forming its views on any changes to the existing register. The industry has moved on from the original purpose of registration of mining titles, which was to simply record the area of claims taken up as well as to record who their owners were. Having said that, there has at various times been discussion surrounding the fact that registration should form the basis of title, rather than act as a mere record. This discussion is a reference to something akin to the Torrens system of land registration where the land title arises by virtue of registration and the government guarantees title, once registration is achieved. While such a 'guaranteed' system for mining titles would be the ultimate option, AMPLA understands the costs associated with the implementation and ongoing	

		maintenance and integrity of such a system would appear to outweigh its benefits. Nevertheless, the industry requires a register which is accurate and can be relied upon, including as part of a due diligence process to enable the effective sale and purchase of tenements which occur in any healthy mining industry. The Department must be able to ensure the integrity of the register. AMPLA notes concern among its member in relation to the operation of the current register as it pertains to renewals or transfers of titles. AMPLA understands that past information can sometimes be removed from the register upon a transfer of tenement. AMPLA stresses the importance of retention of all information, especially historical information, on the register. Retention of historical information on the register allows interested parties to follow through a chain of title which is particularly important where the government does not 'guarantee' title. Were we to have a system which guarantees title, this would not be necessary. As it stands, the only way one can verify chain of title is by investigation of all of the historical information available on the register.	
	What other opportunities are there to modernise the Mining Register?		
3.2.1	*Providing certainty to businesses through the use of caveats*		
	What type of caveat system will best protect dealings in tenements and promote investment in South Australia?		
	Should the Department determine caveatable interests (either at registration or dispute) or should this be determined by a competent court or another process?	AMPLA considers that a widening of the basis upon which caveats may be registered will better protect parties' legal interests. A right granted contractually is valuable and in the mining industry the holder of that right must be able to protect that right via caveat. Accordingly, caveats should be able to be lodged on the basis of equitable interests and certain contractual rights, rather than being limited to only legal or	

		proprietary interests. The question of whether certain rights are equitable or proprietary in nature or merely contractual is often a vexed legal question and may not reflect the commercial significance to the holder of the right. For example, private royalties and rights to explore for certain minerals may be no more than contractual rights, but their worth to the holder of those rights may well be very significant. It is equally important to the holder of those contractual rights to ensure that any transferee of the tenement takes the tenement subject to those contractual rights. It is considered that the best way to protect those rights (and avoid costly and lengthy debate about whether the right should be categorised as equitable, proprietary or merely contractual) is to allow for those rights to be protected by a caveat. This will allow the caveat holder to ensure that the transferee of the tenement accepts and assumes the obligations under the caveated right. The Department's role should not be to determine the validity of caveatable interests. The Department should register caveats for all applications received (provided they are in approved form) and if there is a dispute about validity this should be decided by a court. The payment of a reasonably significant fee for application/registration of a caveat is one measure which could deter the lodging of vexatious caveat applications. AMPLA considers the current application and review system for caveats under the *Real Property Act 1886 (SA)* works well. Under this system it is the responsibility of the person claiming the caveatable interest to determine its validity.	
	What other opportunities are there to modernise the caveat system?	AMPLA considers the following may provide opportunities to modernise the caveat system: Expressly recognise the ability to register caveats to protect certain contractual rights. This could be achieved in a couple of ways. They are: a) expressly provide that certain, named contractual rights such as private royalties or mineral specific exploratory rights can be the subject of a caveat; or b) allow caveats to be registered by consent of both parties. In other words if the royalty holder and the tenement holder agree in their	

		relevant agreement that the royalty can be protected by caveat, then the caveat can be registered. Method b) is preferred as it provides more flexibility and avoids of the perils of having to define what contractual rights can be protected by caveat. If the tenement holder is prepared to agree to the relevant contractual right it has granted being protected by caveat, then that should be permitted as it does not create any prejudice but still allows the parties to capture and enhance the commercial value for their respective rights. This will have the added benefit of making it quicker and easier for anyone looking to acquire an interest in the tenement ascertaining what 'encumbrances' may be affecting the tenement.	
3.3	**The benefits of the timely release of information and transparency of process**		
	What information do you think should be made publicly available and at what times?		
	What restrictions should be placed on disclosure and on what type of information?		
3.4	**The benefits of clear and efficient one-window-to-government assessment processes**		
	What opportunities are there to provide further guidance and clarity around the various stages of the assessments process?		
	What other opportunities are there to streamline assessment processes?		

	How can the department improve its relationship with the other States, Territories and Federal Governments to increase efficiencies in assessment processes?		
3.5	**Ensuring that we have a modern, flexible tenement structure**		
	Exploration Licences (ELs)		
3.5.1	*Opportunities to modernise ELs and Exploration Licence Applications (ELAs)*		
	What changes to the tenement structure of exploration licences will promote flexibility and modern exploration methods in South Australia?		
	Would the benefits of flexible shapes and sizes of exploration licences better support and facilitate efficient exploration?		
	What benefits and risks are there to introducing overlapping mineral specific ELs in South Australia?	Overlapping tenements are feasible but create their own specific issues that will require careful consideration if they were to be given legislative effect. These issues include: • priority of access • priority of development (i.e. moving to a production title – will it be judged on first in time or economic benefit?) • responsibility for rehabilitation and contamination. The legislation would have to cater for a wide variety of possibilities with the result that the drafting of the legislation will be difficult and may result in unintended consequences or limitations. It is considered that the need for overlapping tenements would be greatly	

		diminished if as mentioned in section 3.2.1 above, parties could protect mineral specific exploration agreements by registering a caveat. In that way the parties could come to whatever arrangement they liked in terms of priority of access and exploitation and liability allocation. The registered tenement holder would remain ultimately responsible for what occurred on the tenement but presumably would have appropriate indemnities in place for the actions of the other parties. If any changes were proposed, AMPLA would wish to consult with its members on any particular proposals and would like the opportunity to put forward further submissions.	
	Would the ability to sub-divide exploration licences with commercial freedom (subject to ministerial consent) to transfer to a third party increase investment and promote exploration in South Australia?	Yes. AMPLA members' experience is that industry participants have been wanting to be able to subdivide tenements for a considerable period of time. The ability to subdivide may also result in there being less of a need to have overlapping tenements for different minerals. Quite often the desire to subdivide is as a result of certain minerals being confined to a certain part of the tenement, in a large exploration area. Presently AMPLA understands that the Department has been given advice that agreements relating only to part of an area of a tenement cannot be registered. AMPLA does not see any express provision in the Mining Act supporting such as a position. An alternative to subdivision is to allow for the registration of farmin/joint venture agreements over areas which are less than the entire area of the tenement – such as happens now in the petroleum sphere. In the petroleum sphere, especially in the Cooper Basin, there are a number of subblock JOAs that are noted against the register for a single PEL.	
	What other opportunities are there to modernise and streamline the tenement structure in South Australia?	AMPLA members have been aware of several instances where mineral deposits have straddled tenement boundaries (with differing ownership). Notwithstanding that the parties have been prepared to develop the deposit as a single enterprise (but still retain their respective ownership holdings) the Department advised that this could not be done unless there was a single mining lease and therefore common ownership.	

		Given the potential size of some mineral deposits, especially in relation to magnetite, consideration should be given to giving the Minister the discretion to allow multiple MLs with differing ownership structures for single deposit/projects.	
3.5.2	*Opportunities to streamline the EL renewals and subsequent EL grant processes*		
	What opportunities are there to modernise and improve the scope of exploration licences and subsequent exploration licences in South Australia?		
3.5.3	*Opportunities to improve the Department's administration of competitive processes for Exploration Release Areas (ERAs)*		
	Would the flexibility to share or amalgamate ERA areas with adjacent applications or exploration licences benefit explorers?		
	What opportunities are there to clarify and improve the ERA process?		
3.5.4	*The EL renewals process in specially protected areas*		
	Do you agree that repeated consultation between Ministers during the renewal process may not be necessary?		
3.5.5	*Terms of ELs*		
	What EL terms and regulatory mechanisms will ensure adequate time to explore and	AMPLA is not aware of any issues with the existing term of an EL. AMPLA considers that significant expenditure conditions would be likely to	

	identify mineral deposits in South Australia, without leading to 'land banking'?	successfully deter land banking.	
3.5.6	*Forfeiture, and other means for ensuring that explorers meet their expenditure and survey obligations*		
	Should the forfeiture provisions only relate to mining leases, retention leases and mineral claims, or should this include exploration licences?		
	What type of workable and accessible forfeiture process would explorers and operators benefit from?		
	Mineral Claims (MCs)		
3.5.7	*The future of mineral claims*		
	What benefit do mineral claims provide to the mineral resources industry, and should mineral claims be retained?	AMPLA considers that Mineral Claims unnecessarily add a layer of complexity with no benefit. When issuing a notice of entry for a Mineral Claim there is a need to explain to the landowner what the notice is about even though the proponent is not actually doing anything on the land.	
	Could the mineral claim stage be replaced by other regulatory processes?	Since a Mineral Claim is required for extractive minerals, if the Mineral Claim stage was abolished there would need to be another process in relation to rights for extractive minerals. AMPLA suggests that consideration be given to expanding exploration licences to include rights for extractive minerals.	
	What other opportunities are there to modernise mineral claims, or the processes commonly undertaken when establishing a mineral claim?		

	Extractive Minerals Leases (EMLs) and Minerals Leases (MLs)		
3.5.8	*Opportunities to introduce a more flexible 'generic' mineral lease*		
	Would a generic mining lease which covered both minerals and extractive minerals (with flexibility for change) benefit operators?		
	What issues could a generic mining lease create for landowners?		
	What other opportunities are there to improve or modernise mining leases?		
3.5.9	*Ensuring that lease terms are preferable to the mine life*		
	What benefits and opportunities do you see in allowing for the grant of mining leases for a term that reflects the predicted mine life?		
	What term should be the 'maximum' term for which a lease could be granted?		
	What other disadvantages or risks are there to granting mining leases for a term that reflects the predicted mine life?	Life of Mine terms for mining leases may prove problematic from a financing perspective. Financiers generally prefer certainty when considering whether to finance a project. Life of Mine terms are also problematic when a principal processing hub is used to process ore from satellite deposits on nearby MLs. The processing facilities may be on care and maintenance until further additional ore bodies are discovered and developed. Would this require the processing facility ML to be converted to say a retention lease?	

	Miscellaneous Purposes Licences (MPL)		
3.5.10	*Opportunities to clarify the operation of MPLS*		
	What changes can be made to miscellaneous purposes licences to increase the benefits to operators?		
	Are miscellaneous purposes licences still a practical and useful tenement type, or could relevant operations be approved under the associated mining lease?	AMPLA is of the view that Miscellaneous Purpose Licences are particularly useful to proponents and should be retained. They are often used and useful for wide and long land usage such as transmission lines, pipelines, roads and airstrips. These types of land uses may not always be located adjacent to land where mining activities are being conducted. The Act must retain a process allowing proponents to be granted rights in relation to use of certain land even though mining activities are not conducted on that land. Such activities are nevertheless crucial to the conduct of exploration/mining activities.	
	What opportunities are there to improve the miscellaneous purposes licence framework?		
	Retention Lease (RLs)		
3.5.11	*Retention status*		
	Should we adopt a 'retention status' similar to that under the Western Australian system, and what conditions should restrict that scheme?		
	What tenements should any 'retention status' apply to in South Australia?	AMPLA considers that retention status should exist for both Exploration Leases and Mining Licences.	
	Should we consider removing retention leases all together if a 'retention status' was	AMPLA understands that the retention status is not often utilised because of existing processes within the Act. Practically, where a mine goes into caretaker	

	introduced?	mode the proponents amend their PEPR. The alternative is to go from an EL to an RL which requires two separate PEPRs.	
	What other opportunities are there to improve and modernise retention leases?	Simplification of the conversion process between an existing tenement to a retention tenement and then back again would greatly enhance the ability of proponents to utilise the retention lease provisions in the Act.	
3.5.12	*Special Mining Enterprises (SMEs), and indenture operations*		
	What changes can be made to the SME framework to better facilitate major projects?		
	What improvements could be made to the scope and flexibility of special mining enterprises?		
	What opportunities are there to improve regulation of indentured mining operations in South Australia?		
3.6	**Decreasing tenement assessment times**		
	How could the Department further decrease assessment times?		
3.7	**Providing appropriate flexibility for necessary changes to operations**		
	What framework for flexible change would best facilitate the needs of operators and the expectations of the community?	AMPLA considers that allowing proponents to make changes for survival in tough economic times or for other circumstances that may arise throughout the operation of mine life are extremely important.	
	What changes to approved operations should give rise to a statutory right for a	In AMPLA's view great care needs to be taken when considering public/landowner consultation of changes to operations. Changes to mine	

	landowner to be notified, and what changes should give rise to consultation?	operations are generally required when things are not going to plan and operations are not producing expected results. In these circumstances, mine life and operational viability may be in question, landowner/public consultation may be something which will create the tipping point leading to mine closure. Closure of a mine will not, of course, produce any benefits and is not in line with the objectives and purposes of the Act. Instead, in these circumstances, there should be a process where the Department works closely with the proponent to understand its issues and the circumstances to achieve an outcome that helps ensure the ongoing viability of operations, in the altered form. If land owners are to be involved in the process then this should arise only in very limited, specified circumstances.	
3.8	**Providing secure tenure**		
	In order to ensure that we have a tenure system that is both robust, modern, and practical, what benefits, opportunities and challenges do you see in: − allowing for the grant of mining leases for a term that reflects the predicted mine life (up to a maximum of 99 years); − allowing extended terms for exploration licences (see paragraph 3.5.5); and − balancing any extended terms by ensuring rigorous forfeiture or 'use it or lose it' principles (as discussed in paragraph 3.5.6); and − ensuring flexibility of operations during extended tenure (see change of operations paragraph 3.7); − any simplified grant process for leases where the environmental assessment of any operations is left to the PEPR stage (with appropriate assessment processes	AMPLA considers that allowing for the grant of a mining lease for a term that reflects the predicted mine life (up to 99 years) will be problematic. The concern stems from the fact that the mining industry is constantly dealing with changed circumstances, whether it be in relation to progression with resource recovery, economic conditions where commodity prices will affect economic viability of recovery or other unforeseen circumstances. These factors render it extremely difficult to predict mine life and hence the term of any mining lease based upon mine life. AMPLA is unaware of any industry concern with the existing time periods. AMPLA considers it is important to avoid creating a subculture type industry (with recurring offenders) that AMPLA understands may be occurring in Western Australia. These issues could be avoided by having a strict regime in relation to costs and a 'use it or lose it' based system. A significant deterrent would be the requirement to pay other parties' costs. One issue to consider is strict compliance as opposed to substantial compliance.	

	being introduced for that stage).		
	What other opportunities are there to provide improved security of tenure?		
3.9	**Creating consistent processes for the surrender, suspension and cancellation of tenements**		
	Would consistent surrender, cancellation and suspension processes improve the current framework (subject to appropriate environmental, social and economic accountability obligations)?	The ability to seek a suspension of minimum work and expenditure commitments is considered critical especially if there is to be an increased focus on compliance and use it or lose it policy. The Petroleum regime has a particularly active and well used suspension process that seems to work well.	
	How can the current surrender processes be updated to ensure that environmental and financial liabilities are appropriately addressed before a surrender application is accepted?	From a legal perspective, the key seems to be getting the right balance as to the level of bonds required, If the bonds are too high, then that ties up valuable capital that an operator could otherwise use to undertake the rehabilitation. Too low and it increases the risk that an operator will simply walk away from its responsibilities especially if it is insolvent or near insolvency. A possible solution is to formalise the practice of partial release of bonds in the course of progressive rehabilitation and remediation.	
	What opportunities are there to improve surrender, cancellation or suspension processes?		
3.10	**Regulating moss rock removal**		
	Do you agree that the NRM Act provides a more appropriate framework for the regulation of moss rocks in South Australia?		

3.11	**Making sure that appropriate statutory powers are held by the Director of Mines and the Chief Inspector of Mines**		
	What opportunities are there to improve the delegation of statutory powers, and to improve the suite of powers granted under the various mining acts?		
3.12	**Making sure that the Department's cost recovery is competitive and sufficient**		
	What opportunities are there to better balance the Department's cost recovery model?		
3.13	**The collection and use of royalties, and their importance to the State**		
	Should an estimated assessment process be adopted?		
	Should any changes be made to the 'similar sales' royalty provisions?	AMPLA considers the current royalty regime works well and does not consider changes to the existing regime are necessary.	
	Where 'similar sales' cannot be identified, how should operators determine an appropriate value for the mineral? What other opportunities are there to modernise and improve the royalty scheme?		

3.14	**Ensuring we have up-to-date and relevant scientific data**		
	What opportunities are there to collect and share important geological, environmental, planning and regional information to ensure we have a fully informed industry, community and landowners?		
	What protections or consultation requirements should exist around the collection and sharing of sensitive information, e.g. commercially confidential information, or information relating to Aboriginal heritage surveys or clearances?		
3.14.1	**The importance of a strong Geological Survey**		
	What other opportunities are there to clarify section 15, and other interacting legislation, to ensure GSSA can optimise their programs?		