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INTRODUCTORY COMMENTS

I have undertaken to write a submission on behalf of my husband and myself, based on the *December 2016 Discussion Paper on the Mining Act 1971 and regulations*.

We embark on this participation eager that our views as agricultural landowners and working farmers will be respected and seriously considered when drafting new legislation.

We believe that our future, our families' future as well as others' future and viability depends on the new legislation's understanding of, and empathy for, the freehold landowner. The acceptance of the past, current and on-going future contribution of farmers in providing food for our state and further afield as well as the economy of South Australia.

OUR CONTEXT

Our family has been farming on the Yorke Peninsula for in excess of 140 years and farming at our present site for 40 years. The base of our operation is at 575 Redding Road on Section 81. The 1301 acres here plus the 800 acres we share-farm adjacent, are currently in the Rex Minerals Mining Lease

that propose to mine copper and gold, though iron ore was originally planned to be mined in the original MLP.

Malcolm and wife Catherine, together with our sons Matthew and Christopher produce wheat, barley, beans, canola, lentils, sheep, fat lambs, wool and beef cattle. We, as farmers see ourselves as custodians of the land for future generations. This is an ethos conflict between agriculture and mining and is extremely difficult for farmers to accept.

Our comments are based on our personal experience and we believe there are implications re mining legislation.

LANDOWNER CONSULTATION / ENGAGEMENT

Early and continual face to face as well as written contact with landowners by mining companies is imperative to establish and develop communication. We acknowledge and appreciated the personal contact with previous land-holder liaison officer Mrs. Pam McCrae-Williams from Rex Minerals who constantly kept us informed. We were shocked to find that this contact is not required for Wind Towers/Farms.

A neighbour suggested that we should attend an information session re the Ceres Wind Farm Project. We discovered that 4 towers were planned on the fence-line or near our property! Whilst we appreciate a landowner has the right to do what he/she wants on their own property, it is extremely unfair to impose these structures with effects involving flickering, noise/vibration, weed control, spray drift and interruption to fire fighting planes. And to have no notice or consultation by the company or from our neighbour seems unethical and should be the same as for mining.

We heard at the verbal submissions for the proposed Ceres Yorke Peninsula Wind Farm Development from experts in their field, how anxiety can affect people's health, physical as well as mental health. Interference with our amenity of our homes and land will certainly make us 'anxious'. We have found this to be true as the information given to us constantly changed. This created a huge amount of angst regarding how our farm was going to be affected and hence our future. This took its toll on our health as well as our relationship with our sons as we couldn't make plans or move forward with succession with the proposed use of our land in the MLP constantly changing. At our first meeting we were told that we might want to move as living next to a mine would not be pleasant. Then the company needed our land, as they may need to use a small proportion of it for a Waste Rock Dump near the end of the mine's life, so we could be farming for up to 15 years before they needed it. Then Rex needed one small section for a WRD along our land on Redding Road but we could keep farming the rest of the farm. Just before the MLP was presented, Rex would need ALL of our land including a massive Tailings Dam. Finally, with their 'Smaller Start Up' they now don't need our land at all! The uncertainty of our operation, the future viability of our operation which was in constant state of flux, was and is extremely stressful!

Notices of Entry (if they will still exist in the new legislation?) should be physically handed to the landowner or presented by registered mail so that there is no confusion on the intention and the time. These Notices of Entry and any other negotiations initiated by the miners NEED to be aware of the farming calendar and that they are governed by the seasons and weather. Many of our negotiations were 'demanded' by the company in the middle of reaping and seeding where the success of our operation is time dependent demonstrating a total lack of knowledge and concern for our business. Recently Rex Minerals have been more cooperative in scheduling meetings that eg 'wait until after harvest'.

Finally, we have found that DSD, in particular Junice Martin and Andrew Quizole have been approachable, helpful and accommodating when addressing us and our situation. We have appreciated their concern and explanations.

We receive from DSD a percentage of the rent paid by the mining company to the government as we are landowners within the mining lease. This goes a little way to off-set the stress this whole business has taken on us. However we are mindful of other farmers nearby who are not actually within the mining lease but due to proximity they are worried about many issues relating to a mine next/near to them without access or entitlement to the royalties' 'rent'.

COMMUNITY ENGAGEMENT

The establishment of an effective independent Community Group between mining company and stakeholders and the wider community is paramount. We have observed how a perceived 'in the mining company's pocket' CCG (Community Consultative Group) negatively impacted the standing in the community of the mining company. We have also spoken to Community Liason people in mines who are available to community members to voice their concerns to. These positions and groups are very important in establishing and maintaining communication between the mining company and individuals and the wider community.

ACCESS

There almost needs to be two different types of Access. One that would involve non-invasive methods eg bucket soil testing, geological mapping. A farmer who gives permission for these activities (as they interrupt his operations minimally) should not be disadvantaged if he refuses Access to more invasive exploration eg hole drilling and the use of heavy machinery. Ideally legislation should use clear terminology and differentiate between reasons for Access.

Those farmers who were able to negotiate their own conditions ie washing down tyres before entering property to cut down the spread of weeds, and notification of entry in advance and the \$ value, no entry when wet etc., seemed to coexist with explorers/miners amicably. This was the case on land that we leased. Interestingly the \$ compensation in these cases was in the

thousands per hole, not \$50 a hole as decreed by the courts in December 2016. Farmers are horrified that they don't have a voice, don't have any recourse. Even if they are on 'exempt land' the view is that Access is guaranteed by the courts! 9AA means farmers/landowners have no rights!

So in the new legislation exempt land needs to be exempt land.

Mark Parnell stated in the Stock Journal 23-2-17 *"The idea that we've got a pecking order of land uses where mining always trumps farming is just wrong. In high-value farmland, the presumption has to be in favour of farming...."*

However discussion / arrangements between miner and landowner should be up to those involved.

At one point in our journey, a series of holes and massive trenches in paddocks in crop and paddocks with sheep lambing was requested by the mining company. This would've been such a massive disruption to our whole operation it was unthinkable. We also found that timelines and operations always were requested totally in keeping with the mining company's interests, which is understandable HOWEVER there were many occasions if they had consulted their farm manager or local people and understood the local area/conditions, then a few weeks different in their timelines would've made a huge difference in the farm's seasonal operations and cooperation.

We have also observed with some other mining companies that they disregard the conditions that farmers have asked for before they agree to a waiver. Each farmer cannot be expected to stop their own work to monitor the explorers/miners so no harm or minimal harm will be done to their land.

Geological information obtained by the State during an exploration program should be transparently available immediately on receiving the results and not 'buried' after a period of time.

REHABILITATION

Apparently, according to guidelines, successful rehabilitation of mines is 1 saltbush every 10 square metres. This might be appropriate in the desert but in productive fertile land on the Yorke Peninsula this is grossly inadequate. Legislation needs to keep up with changes in the industry which includes mining in agricultural areas.

Minimising disruption to farming land and operations should be paramount in the new legislation. Land unable to sustain farming practices and 'feed the world' after mining has taken its share, is short-sighted re long term economic benefits. No open cut mines should be approved in high quality / producing farming land.

"Ultimately I'd like to see no mining on ag land, but if it has to happen, I want a case put forward saying 'it's high grade materials', not just

scraping the bottom of a barrel for a dollar'. Mrs. Baines (Ungarra farmer and Eyre Peninsula Agriculture Bureau of SA representative. Pg 12 Stock Journal 23-2-17

However so that all South Australians can receive the economic benefits of mineral deposits, underground mines should be encouraged. Waste Rock Dumps and Tailing Dams need to be minimal and unconditionally rehabilitated back to successful, effective farming. Top soil and sub soil harvesting MUST be undertaken by a mining company and reintroduced in an ongoing practice so that the soil has the utmost chance of recovery. This needs to be legislated!

Successful co-existence between agriculture and mining in intense farming areas can only exist if there is a future for farming after the mining company has taken their 'bit'. Hence mining operations (underground mines, WRD and Tailings Dams) and rehabilitation in these farming areas should be addressed in legislation – not open to 'conditions' that can be politically toned down to get a mine approved!

IMPLICATIONS

Will farmers using their own land in the 'buffer zone' or in the mining lease (as is our land) be required to pay Land Tax? Currently it is our understanding that if your land is zoned residential or industrial then you have to pay Land Tax if you use it for agriculture, so it follows that the same would be for land zoned mining. This also seems unjust and should be addressed in the new legislation.

We farmers, who have chosen to live and work at this site, or close by, which is as much a lifestyle choice as a professional choice will be affected by the altered visual amenity, noise, dust and light of a mine.

Much has been written about the

....economic and social benefits of the State's mineral wealth for citizens..... Page 9 Leading Practice Mining Acts Review Mining Act 1971 and Regulations Discussion Paper December 2016.

We have seen landowners that have been inconvenienced by exploration but we doubt that they have shared in the economic benefits/wealth discussed in the Discussion Paper with barely little compensation.

CONCLUSIONS

In future legislation, care should be taken when addressing mining / exploring in agricultural land and the differences between desert and fertile cropping and intensive sheep and cattle land.

Farmers should have the power to veto access to their land. (Needs to be legislated) A landowner should have the right to commence negotiations and

the timing of the negotiations so that they have conditions and certainty for their immediate and long term future. Blanket Access templates should be replaced by personalised agreements that seriously take into account conditions important to the landowner. Response times for landowners should take into account their current work cycle eg in the middle of harvest you can't get anything out of a farmer if it doesn't involve the harvest and they wouldn't be in the right frame of mind to make clear judgements ie they would probably let the paperwork lapse until after the harvest!

Landholder Engagement and Consultation is very important and the legislation should reflect this. Mechanisms for Community input should also be maintained in the legislation ie Community Consultative Groups such as Hillside Mine Community Voice so that they are independent of the mining company and transparent in their deliberations but requiring financial backing of the mining company. DSD needs to continue identifying key stakeholders and be a resource to them in their dialogue with mining companies. This may need to be streamlined so that farmers have a number and a person to contact as soon as a miner contacts them.

Rehabilitation of prime farming land used for mining should be a major issue during legislation. Every effort and expense should be expected of a mining company to leave the land as close to the state it was in when they came. This is the only way that agriculture and mining can coexist successfully.

In relation to our land – we bought this land at auction and have worked hard and often gone without many things to pay and improve it. Surely we should have the right to farm it unimpeded and enjoy our choice of job, lifestyle and visual amenity. We should also have the right to do with it as we wish – to be free to communicate with mining companies as is convenient and not have the threat (from a previous Rex CEO) of being forced off our land at a court appointed compensation figure. For us, this would mean being less able to make the same income if Rex gives us or the ERD court rules that the compensation due to us is just the value of our farm, or even twice the value, we as a viable farming enterprise would have to cease. Any land we could buy would probably not have all the infrastructure we have now and would need on new land; the 2 houses, sheds, shearing sheds, sheep yards, cattle yards, pig shed and workshops that we would have to finance and hence would be financially out of our league.

Our current successful farming operation can't be replicated or replaced easily to another location physically or financially. We would request that future legislation protects the freehold owner of their land and ensures that they are not negatively affected financially and not be impeded in their operations.

Ideally we would welcome the opportunity to respond to future legislation in its draft form so that specifics can be addressed.

Prepared by Catherine Redding

For Malcolm and Catherine Redding