



Government of South Australia
Department for Energy and Mining

REGULATORY PRACTICE STATEMENT



energymining.sa.gov.au

Regulation and Compliance Division

Department for Energy and Mining
Level 4, 11 Waymouth Street, Adelaide
GPO Box 618, Adelaide SA 5001

Phone +61 8 8463 3000

Email DEM.CustomerServices@sa.gov.au

www.energymining.sa.gov.au

South Australian Resources Information Gateway (SARIG)

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This Regulatory Practice Statement provides an overview of the Department for Energy and Mining's approach to regulating different and diverse parts of the mining and energy sectors in South Australia.



What should industry and the community expect?

As regulators



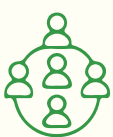
We are visible

to regulated entities, industry stakeholders, and the wider community both physically and online.



We listen

to the different and diverse communities and stakeholder groups.



We promote genuine engagement

between industry and the community.



We are decisive and transparent

regarding our regulatory decision making.

Our regulatory approaches are to



Educate, inform and encourage innovation.



Be proportionate, accountable, consistent, transparent and targeted.



Monitor and enforce the regulatory requirements.

A photograph of three workers in safety gear (hard hats and high-visibility vests) standing on a gravel-covered ground at an electrical substation. They are looking at a tablet held by the worker in the center. The background shows metal railings and electrical equipment. A large grey circle is overlaid on the top left of the image, containing white text.

By publishing this statement, the Department for Energy and Mining makes its approach to regulation clear, ensuring we are accountable to industry, stakeholders and the community.



Purpose of this document

The Department for Energy and Mining's (DEM) Regulatory Practice Statement (the Statement) encompasses the work of the:

- Office of the Technical Regulator
- Minerals Regulation Branch
- Energy Regulation Branch
- Regulatory Risk and Resource Tenure Branch

The Statement sets out the regulatory frameworks that we administer and operate under, and the way that we discharge our regulatory responsibilities and functions through the application of our regulatory principles and approach.

The purpose of the Statement is to show how we achieve a consistent, risk-based approach to regulation, while meeting the requirements of our regulatory obligations, including the expectations of the people of South Australia.

The Statement is also intended to assist with clarifying regulatory expectations, duties, and obligations within and across different groups, including:

- **regulators and co-regulators** – those who are performing assessment and licensing functions, monitoring compliance and responding to non-compliance
- **regulated entities** – individuals, bodies, or organisations that need to demonstrate their compliance with regulatory requirements
- **stakeholders** – those with an interest in how regulation is administered and delivered
- **the wider community** – for whom regulatory protections exist for a range of reasons including public benefit, good and interest.



DEM's regulatory frameworks

Office of the Technical Regulator

The Office of the Technical Regulator is responsible for monitoring and regulating the safety and technical standards for electrical, gas and plumbing installations and appliances, as well as electricity, gas, water and sewerage network infrastructure.

Our role is to undertake a range of activities, including overseeing the administration, compliance and performance of individuals, businesses and organisations (regulated entities) that operate in these industries. The regulatory activities are performed to ensure the work is safe and compliant, and the safety of workers and the public.

Examples of the regulatory activities we undertake include:

- technical and safety education and advice to trades, industry stakeholders and government
- industry roadshows, technical sessions and workshops
- publication of reports, bulletins and newsletters
- incident inspection, investigation and audit activities
- monitoring and regulating industry compliance, reporting and related approvals
- developing and enforcing applicable safety, technical and legal acts, regulations, standards and codes.

Associated legislation

- *Electricity Act 1996*
- *Gas Act 1997*
- *Energy Products (Safety and Efficiency) Act 2000*
- *Water Industry Act 2012*





Minerals Regulation

The Minerals Regulation Branch and Regulatory Risk and Resource Tenure Branch are responsible for the effective regulation of the mineral resources sector. They ensure that mining and exploration activities are conducted by regulated entities in a way that is outcomes focused and that operations are regulated in accordance with approvals and conditions that are specific, clear, measurable and enforceable.

Our role is to regulate the full lifecycle of mining from exploration, through project development and into formal application and assessment. Where a mine receives approval, we continue to oversee operations throughout the life of the mine and ultimately through to rehabilitation and mine closure.

We ensure that government regulatory expectations are clear, and where conditions are not met, appropriate compliance and enforcement is taken in accordance with relevant legislation and policies. This ensures that our regulatory approach at each stage is clear, consistent and fair for all stakeholders and in the public interest.

Associated legislation

- *Mining Act 1971*
- *Mines and Works Inspection Act 1920*
- *Offshore Minerals Act 2000*
- *Roxby Downs (Indenture Ratification) Act 1982*
- *Broken Hill Proprietary Company's Indenture Act 1937*
- *Opal Mining Act 1995*
- *Whyalla Steel Works Act 1958*



Energy Regulation

The Energy Regulation Branch and Regulatory Risk and Resource Tenure Branch provide regulatory oversight to protect the environment and public from the inherent risks associated with activities undertaken to extract and develop the state's energy resources.

We ensure appropriate consultative processes are undertaken by those affected, promoting and facilitating competitive development of the state's petroleum, gas storage and geothermal resources, as well as hydrogen and renewable energy resources. This is achieved through the acquisition of geotechnical and engineering data and information, and ensuring security of tenure for licensees (regulated entities), including natural gas suppliers.

The legislation we administer provides for reasons that a licensee may or may not have the capacity, capability and/or motivation to comply with the conditions of their licence.

In response, it is our role to determine the appropriate regulatory response for that licensee, which could include low or high 'surveillance' (which is the term used and described in the legislation). This process ensures that the regulatory approach undertaken is consistent and fair for all licensees.

Associated Legislation

- *Energy Resources Act 2000*
- *Hydrogen and Renewable Energy Act 2023*
- *Petroleum Submerged Lands Act 1982*





The Regulatory Practice Statement is our public commitment to delivering consistent, transparent and fair regulation across South Australia's energy and mining sectors. Our approach is grounded in seven principles.





Regulatory principles

Our regulatory principles underpin the legislation that we administer and regulatory frameworks that we operate under, with direction provided by the Parliament of South Australia and the Minister.

These regulatory principles are intended to shape our thinking about regulatory decision making.

They are designed to underpin operating in the public interest with fairness and impartiality, and encourage a psychologically safe and ethical workplace.

The principles are aligned with the *South Australian Public Sector Values* and the *DEM Strategic Plan*.

Outcomes focused

We allocate our regulatory resources and effort to achieve optimal regulatory outcomes, particularly where the potential risks, harms and benefits are more significant.

Our actions are necessary and appropriate for the regulatory risk and harms being managed and regulatory outcomes sought.

Education and engagement

Through education and engagement, we seek to assist industry in meeting its regulatory duties, obligations and requirements, and achieving or returning to compliance. We also keep the wider community informed.

We ensure that DEM produces useful guidance and education materials and other tools to assist industry and the community. We hold regular engagement sessions with regulated entities and stakeholders to ensure we provide alternative ways to educate industry.

We ensure our communication with regulated entities, stakeholders and communities is clear, targeted, effective and efficient.



Effective, efficient and flexible regulation

We are committed to assessing, approving and monitoring key regulatory documents such as Programs for Environment Protection and Rehabilitation and Statements of Environmental Objectives. These documents, and others like it, are developed to be effective, efficient and flexible while supporting forward planning and ongoing monitoring, and ensuring risks are appropriately managed, mitigated and reviewed.

Proportionate compliance and enforcement

We ensure our compliance and monitoring approaches are streamlined and coordinated (including with co-regulators), and are consistent, proportionate and in the public interest.

Where we identify suspected non-compliance, we will consider and weigh up the statutory requirements, public interest, government expectations, the level and impact of the suspected non-compliance, and our ability to achieve general and specific deterrence.

Impartial decision-making

The decisions made by us as regulatory officers and statutory decision makers are impartial.

Our decision-making is guided by DEM's objectives to drive economic growth and opportunity for South Australia.

Any potential or perceived conflicts of interest by DEM staff are managed in accordance with public sector and DEM policies.

Procedural fairness, natural justice and transparency

We ensure procedural fairness and natural justice, and ensure our reasons for decisions are provided.

We are open, ethical and transparent in our dealings with regulated entities and communities to encourage public confidence and provide assurance for regulated entities.

We believe that sharing the outcomes of our regulatory activities, especially our compliance and enforcement actions, reinforce the principles of good regulation and the benefits of compliance for regulated entities.

Commitment to continuous improvement

We measure our regulatory performance against the intent and principles of this Statement through the development and regular review of key performance indicators (KPIs). Specific KPIs will be reported externally through annual reporting and other means to ensure transparency.

We prioritise regulatory training and learning through professional development of our staff, and knowledge sharing through participation in regulatory and industry network groups. These learnings will be shared internally to assist in the continuous improvement of DEM's regulatory staff.

We actively contribute to the continuous improvement of our regulatory frameworks.

Regulatory practice in action

DEM is a standalone regulator but works with and alongside co-regulators, including those operating at different levels of government.

Understanding co-regulation

Regulated entities have the primary responsibility for understanding the requirements of the legislative frameworks and any conditions imposed on them in accordance with activities permitted under legislation.

We exercise our legislative powers and functions to promote good practice and ensure that regulatory outcomes are met. We provide advice and guidance to regulated entities to support them in meeting their requirements and act when these requirements are not met.

Annual reporting and target areas

Each year, DEM publishes annual reports on the regulatory activities undertaken and priorities and/or target areas for the coming 12-month period. This informs all stakeholders of our regulatory activities, highlights areas of concern and priority, and indicates where we will likely focus inspections, audits and enforcement action in the future.

Challenges

DEM, like all regulators, is faced with challenges on how we can achieve regulatory outcomes. This can include the political and financial environments, cost of living, environmental pressures and community impacts. These pressures will continue to impact how we do our work, but we will ensure that we are agile and are able to move and adapt to these pressures to continue to deliver regulatory outcomes within the principles that guide our work.



We provide advice and guidance to regulated entities to support them in meeting their requirements and act when these requirements are not met.



Further information and feedback

One of the ways we strive towards continuous improvement is through regular and purposeful engagement with our stakeholders. There will be times where we will engage directly on specific projects, applications or other matters, but feedback is welcomed at any time and can be provided by email to DEM.CustomerServices@sa.gov.au

For further information and updates on regulatory services delivered by DEM please visit the DEM website www.energymining.sa.gov.au

Acknowledgement of Country

The Department for Energy and Mining acknowledges Aboriginal people as the First Nations Peoples of South Australia. We recognise and respect their cultural connections as the traditional owners and occupants of the land and waters of South Australia, and that they continue to make a unique and irreplaceable contribution to the state.



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