

MEM20V0823

Ms Lisa Gropp  
Presiding Commissioner  
Resources Sector Regulation  
Productivity Commission  
[resources@pc.gov.au](mailto:resources@pc.gov.au)

Dear Ms Gropp

I am writing regarding the Productivity Commission's draft report on Resources Sector Regulation. I appreciated the briefing provided to the April COAG Resources Ministers Roundtable by the Commission.

I am pleased to note sound connections between the draft report findings and South Australia's outcomes and risk based approach to resources regulation, with a number of South Australian practices highlighted as leading practice approaches throughout the draft report. Risk-based approaches to regulation in South Australia aim to deliver the certainty needed to secure investment in high quality resources projects by capable companies.

The South Australian Government's current reviews into the mining and petroleum regulatory frameworks are focused on delivering greater efficiency, effectiveness, transparency and early engagement – to the benefit of all stakeholders. There are many synergies between our reform intent and the draft findings, recommendations and approaches outlined in the draft report.

Through the updated draft mining regulations, South Australia proposes to introduce a scoping framework to support project specific assessment of environmental and social risks. This will enable applicants to engage early with stakeholders, understand key interest areas and develop fit-for-purpose technical scopes of work commensurate to their project to determine the appropriate information required for the project's assessment of social and environmental impacts. This is intended to provide greater certainty, efficiency and transparency for the project applicant, the community and the regulator.

South Australia is also proposing mining regulatory reforms to provide enhanced guidance on social impacts to be considered in the approvals processes, opportunities to use digital technology and data management systems to streamline processes, greater transparency of compliance and enforcement activities and assessments of potential licence holders to address risk of repeated non-compliance.

**Minister for Energy and Mining**

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Government  
of South Australia

I strongly support the Commission's findings and recommendations aimed at increasing approvals efficiency through greater and improved use of bilateral assessment and approval agreements under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (i.e. Draft Finding 6.4 and Draft Recommendations 6.1 and 6.2).

As outlined in the South Australian Government submission, and supported by other views and evidence outlined in the draft report, the 'nuclear trigger' creates regulatory burden and inefficiency. The draft report also finds current regulatory practice leading to the capture of non-uranium mines under the nuclear trigger is inconsistent with the EPBC Act explanatory memorandum (Draft Finding 6.3).

I strongly recommend the nuclear trigger component of this draft finding is elevated to a recommendation in the final report, recommending the 'Significant Impact Guidelines' are revised in relation to the application of the EPBC Act to non-uranium mining projects. The South Australian Government is also actively pursuing reforms to uranium mining regulation through the current EPBC Act Review.

I understand officials from the Department for Energy and Mining have met with the Commission and will provide responses to further information requests directly to the Commission.

If you would like to discuss these matters further, please  
Director Resource Policy and Engagement,

r Lachlan Pontifex,

Yours sincerely

Hon Dan van Holst Pellekaan MP  
**MINISTER FOR ENERGY AND MINING**

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