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AN EXTENSIVE RANGE OF HIGH QUALITY STONE THAT REFLECTS AUSTRALIA'S NATURAL COLOURS

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20/05/2020

South Australian Productivity Commission  
Review into the Institutional Arrangements to Manage  
Regulatory Burden – Extractives Supply Chain

Dear Commissioners,

Thank you for the opportunity to make a submission to the above review.

Like everyone in the extractives industry, we are witnessing ourselves slowly being wrapped in red tape in small but consistent layers. No one expects to have unfettered and un-regulated access to the state's natural resources, but we do expect to be able to undertake the task of producing the essential products needed to build and sustain a modern society without having to constantly see the "goal posts" being shifted and moved further away.

After every review of the *Mining Act 1971* I have witnessed since 2003, the opportunity has been taken by the Regulator to make significant changes to the subsequent Regulations. The biggest change being in 2011 when Ministerial Determinations (MD) were introduced without consultation with industry. This has now enabled the Regulator to create and gradually modify a series of highly prescriptive documents to manage every aspect of the mining and extractives industry to meet their desired outcomes, not the industries.

A recent example is contained within Ministerial Determination 002: [Minimum information required to be provided in a program for environment protection and rehabilitation \(PEPR\) for an extractive minerals lease \(EML\) and any associated miscellaneous purposes licence \(MPL\)](#) Under 11 Management Of Environmental Impacts there is now a clause 11.2.2 :

*11.2.2 Description of uncertainty*

*Describe any significant degree of uncertainty pertaining to the likely effectiveness of proposed control measures, including (but not limited to) lack of site specific information, limitations on modelling and quality of data.*

*Describe any assumptions connected with the identified uncertainty.*

*So far as is relevant, identify the sensitivity to change of any assumption that has been made and assess the likelihood of an outcome not being achieved if an assumption is later found to be incorrect.*

Without having "tested" this clause, or having considerable experience at making such descriptions, a consultant or an operator would have a very long and torturous time trying to fulfill this requirement. This alone could add thousands of dollars to the cost of an application.

This to me demonstrates there is no appetite to actually cut Red Tape, only to make that tape thicker and wider.

Yours Sincerely

Stephen Falland  
Managing Director