



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0225-19
2. Advertiser :	Minerals Council of Australia
3. Product :	Other
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	24-Jul-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Environmental Code\3 Substantiation

DESCRIPTION OF ADVERTISEMENT

This television advertisement features farmers talking about rehabilitated land after mining. Their statements are:

“It’s hard to believe this whole paddock used to be a mine”

“For us, it’s not just about mining”

“We’re absolutely passionate about the rehabilitation work we do”

“Once the mining’s gone, this beautiful rehab land is here to stay”

“With the mining and the agriculture, we work together – there’s certainly no them and us”

“We all have the same goals – we want healthy cows and productive land after mining”

“It’s about giving back to our communities for future generations”

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

The advertisement claimed mining companies restore the mined land to convey an implied message the land is restored to its pre-mining state.



This claim is incorrect for many reasons, including, but not limited to:

- 1. The land portrayed in the advertisement appears to be Glencore's Liddell coal mine which has been the subject of environmental complaints.*
- 2. The land once mined is never returned to its pre-existing state.*
- 3. There is indeed sufficient reported evidence, including on the ABC, that mine sites are not properly rehabilitated.*

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

A description of the Advertisement

The advertisement is part of the Minerals Council of Australia's 'There's more to Australian mining' campaign to promote the work being done by Australian mining companies to restore land after mining so it can be used for other purposes including agriculture.

The campaign also focuses on how mining and agriculture work together, outlining the results of scientific grazing trials at New Acland showing that cattle grazed on rehabilitated land do as well or better as those on undisturbed land.

Details of the CAD reference number and CAD rating (where applicable)

CAD Rating: G

Details of the programs in which the advertisement appears

The ad was broadcast to Australians through digital channels and on free to air and subscription television between February and July 2019.

Your comprehensive comments in relation to the complaint (taking into account the need to address all aspects of the advertising codes)

Complaint: This claim is incorrect for many reasons, including, but not limited to:

- 1. The land portrayed in the advertisement appears to be Glencore's Liddell coal mine which has been the subject of environmental complaints.*

MCA response:

This assumption about the location shown in the ad is incorrect. Details of the location where the ad was filmed – the New Acland Mine in Queensland – are clearly shown at the 0:05 mark of the ad.



2. The land once mined is never returned to its pre-existing state.

MCA response:

This claim is incorrect. Australian mining companies understand land rehabilitation is fundamental to responsible mining.

The Australian minerals industry recognises its responsibility as a temporary custodian of land to contribute to sustainable land use outcomes.

Planning for rehabilitation takes place long before mining commences, and rehabilitation is undertaken progressively during the life of a mine wherever practical.

The industry's approach to land rehabilitation has improved significantly over past decades – an evolution driven by sustained investment in land rehabilitation techniques, evolving corporate values, community expectations and government regulation.

While much progress has been made, the industry is continuing its efforts to improve rehabilitation methods to ensure mining's compatibility with current and future land uses.

The ability to successfully rehabilitate mined areas is fundamental to the industry's social licence to operate and a foundation for demonstrating the industry's commitment to operating responsibly.

3. There is indeed sufficient reported evidence, including on the ABC, that mine sites are not properly rehabilitated.

MCA response:

The minerals industry recognises that historic mining practices and absence of adequate regulation has resulted in abandoned mines that have not been appropriately rehabilitated.

While recognising concerns about historic mines, there is a huge difference between historic practices and contemporary mining and regulation.

Mine rehabilitation is highly regulated, better implemented and more accountable than ever before.

Each jurisdiction has in place regulatory safeguards – subject to periodic review – designed to mitigate the risk of operators avoiding their rehabilitation obligations. The Australian minerals industry is committed to ensuring current mines meet their rehabilitation requirements.

I list below all the statements that are made in the advertisement in question. These are either personal opinions or statements of fact.

"It's hard to believe this whole paddock used to be a mine"

"For us, it's not just about mining"

"We're absolutely passionate about the rehabilitation work we do"

"Once the mining's gone, this beautiful rehab land is here to stay"

"With the mining and the agriculture, we work together – there's certainly no them and us"



“We all have the same goals – we want healthy cows and productive land after mining”

“It’s about giving back to our communities for future generations”

As you will note, there are no Environmental Claims made in this ad – based on the Ad Standards definition of an ‘Environmental Claim’ as ‘any representation that indicates or suggests an Environmental Aspect of a product or service, a component or packaging of, or a quality relating to, a product or service.’

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Environmental Claims in Advertising and Marketing Code (the Environment Code).

The Panel noted the complainants’ concerns that the advertisement makes an environmental claim which is incorrect.

The Panel viewed the advertisement and noted the advertiser’s response.

The Panel noted that the television advertisement features farmers talking about rehabilitated land after mining.

The Environment Code applies to ‘Environmental Claims’ in advertising and marketing communications. An ‘Environmental Claim’ is defined as ‘any representation that indicates or suggests an Environmental Aspect of a product or service, a component or packaging of, or a quality relating to, a product or service.’

An ‘Environmental Aspect’ means ‘the element of a product, a component or packaging or service that interacts with or influences (or has the capacity to interact with or influence) the Environment.’

The Environment is given a broad definition in the Code but, according to the dictionary definition means ‘the broad natural surrounding conditions, such as the bush, the rivers, the air, the sea in which human beings live.’

The Panel noted the complainant’s concerns that the advertisement claims that mine companies restore mined land to its pre-mining state and that the claim is incorrect as land once mined is never returned to the pre-existing state.

The Panel noted the advertiser’s response that there are no environmental claims made in the advertisement.

The Panel considered whether the advertisement makes an environmental claim.



The Panel noted that the people in the advertisement make the following statements:

- “It’s hard to believe this whole paddock used to be a mine”
- “For us, it’s not just about mining”
- “We’re absolutely passionate about the rehabilitation work we do”
- “Once the mining’s gone, this beautiful rehab land is here to stay”
- “With the mining and the agriculture, we work together – there’s certainly no them and us”
- “We all have the same goals – we want healthy cows and productive land after mining”
- “It’s about giving back to our communities for future generations”

The Panel considered that the advertisement does not make the claim that land is returned to its pre-mining state.

The Panel considered that the comments made by the people in the advertisement do not constitute environmental claims.

The Panel considered that the advertisement does not make an environmental claim and as such the provisions of the Environment Code do not apply.

Finding that the advertisement did not breach the Environment Code the Panel dismissed the complaint.