

MINING LEGISLATION AMENDMENT BILL 2013

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 12: Section 13 amended —

Debate was interrupted after the clause had been partly considered.

Clause put and passed.

Clause 13 put and passed.

Clause 14: Section 37A inserted —

Mr W.J. JOHNSTON: In the second reading debate, I set out what I understood to be the meaning of this provision based on my understanding of the advice I received. The minister said that I was basically right, but that he would clarify what it was when we got to this stage. My understanding is that it is when either two people hold the one authorisation or an authorisation overlaps. I am perhaps wrong on that second part and that only one person has to be notified. Can the minister clarify what it is and how is the person to be notified chosen?

Mr W.R. MARMION: I made commentary around this in my second reading reply, but I did not make it clear when I explained that it is about the mining rehabilitation fund. If multiple names are on a tenement, they choose which one the invoices are sent to. Others will be notified where the invoices have gone so that a person can be chased up to see whether it is their responsibility. This provision just streamlines things. As I explained in the second reading reply, if we send out a notice to everybody, perhaps no-one will pay because they think someone else will pay it or three people might pay and a refund will have to be sent out. It is a minor amendment that makes good sense.

Mr W.J. JOHNSTON: Proposed section 37A(3)(b) states —

if no nomination is made under subsection (2), a notice may be given to them by giving it to one of the holders ...

How is that holder chosen?

Mr W.R. MARMION: When they do not notify us, it gives us the option to choose one.

Mr W.J. Johnston: But how would that be done?

Mr W.R. MARMION: They will choose one. Those who feel aggrieved that they were not chosen will get a notice, and then they can say it was sent to the wrong person and that will determine who it should have been sent to. It is just a get-out-of-jail clause.

Mr W.J. JOHNSTON: I am sorry to get up again because I want to move on. However, I am trying to clarify what the minister means when he says “they will choose”. The power in proposed subsection (3)(b) appears to say that the department gets to choose, which is fine—I am happy with that; I am not complaining that that is a bad procedure. However, if the department is choosing, how will it choose?

Mr W.R. MARMION: Under the Mining Rehabilitation Fund Act 2012, the person responsible is the chief executive officer, so he will choose.

Mr C.J. TALLENTIRE: Has the minister had any advice on whether this designation of a principal tenement holder has any other implications beyond the intent of this clause? Are there other areas in which this conference of principal tenement holder status could be used to the advantage of a particular tenement holder or in some other way?

Mr W.R. MARMION: Section 37A(1) provides that this is only in relation to a notice under this particular act—the Mining Rehabilitation Fund Act. It does not apply anywhere else. It is specific to sending out a notice.

Clause put and passed.

Title put and passed.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion **Mr W.R. Marmion (Minister for Mines and Petroleum)**, and transmitted to the Council.