MINING LEGISLATION AMENDMENT BILL 2015

Third Reading

MR W.R. MARMION (Nedlands — Minister for Mines and Petroleum) [10.01 am]: I move —

That the bill be now read a third time.

MR W.J. JOHNSTON (Cannington) [10.02 am]: I rise today to make some remarks on the Mining Legislation Amendment Bill 2015. The first thing to emphasise is that this is very technical and complex legislation, and I hope the government acknowledges the cooporation that has been provided by the opposition to ensure the passage of this bill. We appreciate the opportunity the government provided to us to have a number of briefings on this legislation. I note that it took four hours to be briefed on the legislation. As I said in my speech in the second reading debate, I understand that it took nine hours to brief one of the representative groups in the sector.

I start by drawing people's attention to one particular provision, which is the provision that the director general, when making his decision on approvals in the mining legislation, can rely on matters that are not included in the application by the applicant. This is the Norman Moore provision. What has to be understood by this provision is that the director general may have regard to other matters, including the effect the proposed activity may have on man-made structures on land and the social, economic and cultural attributes of land. Interestingly, although we are bringing together into a single application what are currently two separate environmental applications—one under the Environmental Protection Act and one under the Mining Act—which is obviously a good idea, at the end of that process, regardless of what has been submitted by the applicant in their application to do with the matters contained in this bill, the director general can make a decision about whether or not the mining proposal will be approved using issues that are not included in the application. That is an extraordinary provision. I welcome it—it is a great idea—but it is extraordinary.

Let me make it clear again: despite the applicant preparing a mining proposal dealing with all the issues that they are directed to under the legislation, and submitting that application, having dealt with all the issues they have been asked to deal with by the legislation, the director general can then use other issues that have not been canvassed in the application to refuse the application. Not only that, as the Minister for Mines and Petroleum explained during the consideration in detail stage, the director general can be informed in any way he wants on that issue, subject to general rules of natural justice. If a controversial application goes to the director general, even before the application is submitted to the director general by the applicant, interested parties in the community can write to the director general to draw his attention to issues unrelated to the issues that will be included in the application. If the director general then chooses to use any of those issues in making a decision, effectively, the director general will obviously invite the applicant to make comment on those issues, otherwise there would be a failure of natural justice—the director general cannot make a decision without giving the applicant the opportunity to make comment. Even though the application may have been completed exactly as required by this amending legislation, the applicant will be required to provide other information in addition to that. I do not think that is necessarily a bad thing, but it is certainly not what the industry partners think they are buying with this legislation. When the various groups in the industry have talked to me about why they want the Labor Party to support this legislation, no-one has drawn my attention to the fact that we are giving this unprecedented arrangement to the director general to be able to refuse an environmental approval for a non-environmental reason. Social, economic and cultural attributes of the land, as well as man-made structures on the land, will be able to lead to refusal for a mining application. I am not saying that is a bad thing, but I do not think that is well understood by players in the industry.

I am very pleased with the advice I got from the agency and I am particularly indebted to the understanding, which I did not fully have before, that many of the environmental arrangements for any particular operation in the state are currently included as a condition on the tenement, whether it is a mining lease, an exploration lease, or a different lease that relates to mining proposals. Currently, those environmental obligations are included as a condition on those leases. In other words, there is an exploration licence, and the applicant can do what the exploration licence allows, subject to the environmental conditions, such as not clearing too much or acting in a certain way. That is why harmonising these things is a good idea; the mining legislation is already being used to obtain environmental outcomes. Again, that is not a bad thing. Some people, particularly in the eastern goldfields, do not think that is a good idea. Their view is that there should be environmental people doing environmental work and mines people doing mines work. The point here, of course, as we discussed in consideration in detail, is that some of the best environmental minds are in the mining agency and so it is natural that we go to where there are the best capacities. They are all public servants and they are all working. Although the criticism that we are giving an environmental objective to the Department of Mines and Petroleum is true, the mines department already has that environmental objective, so it is not a new issue; it is already there.

There is, of course, the question of how we eliminate potential conflicts of interest in the mining legislation, and that is something we will continue to talk about with the sector to ensure that we have a good means of

overcoming those potential conflicts of interest by having an agency that promotes mining at the same time as regulating it.

I am always shocked and amazed when people contact me after I have been involved in consideration in detail of a bill to say, "I was watching you in Parliament and I heard you talking to the minister about X, Y and Z, and I did not know about that" or "I want to draw your attention to something". After consideration in detail of the Mining Legislation Amendment Bill 2015 during the last sitting, I was contacted by a number of people; I will not use their names, but they are people who work in the industry as investors and legal representatives who —

[Interruption.]

Mr W.J. JOHNSTON: I agree!

The ACTING SPEAKER (Ms L.L. Baker): Member for Fremantle, I think you should go outside and sort that out!

Mr W.J. JOHNSTON: I must say, Madam Acting Speaker, I think it is true that it is more dangerous to drive one's car at night, and I think the member should be congratulated for drawing that to our attention! One should not look at one's mobile when driving at night!

A person who operates in the legal area and a person who is an investor in mining drew my attention to clause 17 of the bill, which amends section 58 of the Mining Act 1978; it is a provision about the right to deal with applications for an exploration tenement. They were concerned about the question of exclusion. Clause 17 amends section 58 of the principal act by inserting proposed subsections (1A), (1B) and (1C). Proposed section 58(1B) reads —

> If this subsection applies, an application referred to in subsection (1)
>
> …
>
> cannot be dealt with under section 59 unless the Minister advises the mining registrar and the warden in writing that the Minister considers that there are special circumstances justifying it being so dealt with.

In other words, even if someone meets the requirements of proposed subsections (1A), (1B) and (1C), there cannot be a mining exploration unless the minister gives them special permission, and there is no procedure for that special permission; it is the absolute right of the minister to do that and he may inform himself in any way he wants. The exclusions are related to a company that has previously acted in respect of that particular exploration lease. The minister was not very clear in his explanation during consideration in detail and I asked him, "Does this deal with matters related to the issues that Jonathan Barrett has written about in *The Australian Financial Review*?", and the minister agreed that it did. That was code for matters relating to a pastoral lease in the Pilbara where a mining company had sought an exploration lease and then gave up the exploration lease, and instantaneously another company that may or may not have been friends with the first company exercised its option to take on the same exploration lease. It seems that it may have been aware that the other exploration company was going to give up its rights, so this provision tries to prevent from occurring a situation in which ground is artificially held from exploration. The whole idea of the Mining Act is to encourage exploration. We want to encourage exploration because we want to discover mineralisation. When we discover mineralisation, we can then turn that into resources for society and benefit the community through jobs and royalties, and that is a good thing. We want to find the minerals that are there and then we want to convert them, subject to the needs of the environment, into resources for the world, and the benefits to Western Australia include jobs and a royalty stream. If companies are using the provisions of the act to effectively quarantine land to prevent exploration, they should not be able to, because that is not the purpose of the act. I therefore can understand why the minister wants to have this power.

However, the people I mentioned earlier drew to my attention that there may be situations in which companies are related to each other and are applying for opportunities to explore the same ground. Let me give an example. An individual has a small operation exploring in Western Australia and they have a principal company and subsidiaries through which they work. As they operate, they use the subsidiaries to go out and explore. They might float the subsidiary and get other people involved, but they still keep a strategic interest; under the provisions of the Corporations Act, that makes those two companies related entities. However, the subsidiary may not find a commercial mineralisation and will have to hand back the ground. That company might have a different subsidiary that it will then seek to use to go back into that same exploration lease, but under this provision the second subsidiary would not be permitted to seek the same exploration licence because it is a related entity, unless the minister gives it special approval. The problem that was raised with me is that we are giving all the power to the minister, against whom a decision cannot be appealed and who can make the decision in any way he sees fit, including behind closed doors. I am not saying that this minister would do that, but it gives a minister the power to act capriciously.

Those investors and lawyers raised that issue with me and said that, in their view, there should be a different approach. I understand that the minister might have received some letters and I know that Hon Norman Moore also apparently received letters on this issue. These gentlemen tell me that they were not fully aware of the implications of this arrangement until consideration in detail of the bill and, as I say, I am always surprised to find that people have actually listened to what I am talking about in consideration in detail! Although when we think about it, it is not that surprising. As an aside, Madam Acting Speaker, I know that some companies have devices on the internet that search out any reference to their particular company. I have often been here at 11 o'clock on a Tuesday night and mentioned a particular company, and the next morning its corporate affairs guy will ring me and say, "Why did you say that?" They have a system that automatically finds every reference to their company. That is just an aside, but apparently these guys were watching the minister, me and others going through consideration in detail. They are saying that they are not satisfied with this arrangement because the minister is effectively being given this ultimate power.

I suppose the question is whether the minister will look at this issue again. The minister is shaking his head.

Mr W.R. Marmion: I'm right across this.

Mr W.J. JOHNSTON: Yes, okay. Perhaps he can spend a couple of minutes in reply talking about it.

Mr W.R. Marmion: I'm not surprised that your contacts were investors and lawyers, and not industry; that might give you a clue.

Mr W.J. JOHNSTON: I know that yesterday, during the upper house inquiry into the Bell litigation, somebody from the Insurance Commission of WA talked about the parable of the scorpion and the frog. But I think the ICWA people did not understand the meaning of the parable, which is "do not get into the water with the scorpion on your back"; scorpions are always scorpions. It is the same here: do not get into the water with a scorpion. Let us take the example of a principal company with subsidiary, related entities that may act on a project for a period and then later other investors come in and act on the project, and maybe the minister is saying that really —

Mr W.R. Marmion: How many years do you think they could keep doing that when you would consider it a fair thing—six, seven, eight? That's why we have this legislation.

Mr W.J. JOHNSTON: Absolutely. Western Australia used to have its own stock exchange back in the bad old days, when I and the minister were both at high school, I imagine.

Mr W.R. Marmion: I was out of high school.

Mr W.J. JOHNSTON: The minister was out of high school. It was well known that the only people who ever invested were mums and dads, and they never made any money; the people who made money were the people in the know. If we want to break that down, to the extent that these sorts of things are happening, we should not allow them. It is interesting that Western Australia was the last state to get rid of limited liability partnerships. They were also used as ways of covering up for bad investment practices. I am not supporting that. I would be pleased if the minister addressed that, because I think exactly what is trying to be achieved should be on the record. I do not know whether this is the best way to do it; if it is, that is fine. The point made to me was that these people said they had been involved in the various discussions that been held. The Mining Legislation Amendment Bill 2015 has taken many years to format, and it has been before Parliament for many months. As we have said, it is very, very complex legislation, and it is only correct that it has taken years to get to today. That is not a criticism. That is a good thing; consultation is not a bad thing. These people said they had been involved with the consultation, but that they were not aware that this would be the impact of this provision. I think it will be worthwhile for the minister to pay some attention to that today, so that we can get on the record why it is being done the way it is, and whether it is right to give the minister the capricious control.

There are plenty of provisions in this bill and we could go through each of them in detail, but I wanted to raise those two. As to the first one, I think it is very, very important that the industry understands what it has supported. I am not saying it is a bad thing, I think it is a good thing, but let us understand that the industry will not have what it thought it was getting. The agency will still be able to bring in matters that are unrelated to the issues in the application, and refuse them or grant the approvals on issues that have not been canvassed in that way. Third parties will have the right to bring these issues to the attention of the director general, and I think we will end up with court cases showing that the director general needs to take account of that third party information in making his or her decision, on the basis that the power is specifically there for them to refer to those other issues. I am no lawyer, as I have said before, but I know that when somebody is given a power, the courts probably expect them to at least consider that power in making a decision. Of course, the director general might say that he or she has considered those issues and does not think they are relevant, but I reckon we will

end up having a lot of stuff happening in this space. As to the issues investors and lawyers have raised with me, I look forward to the minister providing some detail.

I have canvassed the issue with the people of the eastern goldfields, and I continue to be very happy to talk to them about issues as they occur. The minister has made a number of administrative concessions about the way the department will operate and exactly how much of a disturbance is a small operation and all those sorts of things; I know there have been a lot of concessions. I understand that not everybody is happy with the concessions that have been made. I look forward to keeping in touch with people in the industry.

The Labor Party looks forward to seeing this legislation at work, and whether any other improvements or amendments will be needed in the future.

MR C.J. TALLENTIRE (Gosnells) [10.25 am]: I rise to make a third reading contribution to the Mining Legislation Amendment Bill 2015. I will start by putting the origins of this legislation into context. It really goes back to 2004, when the Gallop government, with Judy Edwards as Minister for the Environment, made some substantial changes to land-clearing provisions that had been previously governed by numerous pieces of legislation with varying degrees of success. It was a mixture of regulation and policy, and indeed there was a general commitment, through the media release, towards phasing out and reducing broadacre agricultural land clearing. There was recognition that consistency was needed in the way land clearing was treated across all portfolios, including land clearing related to mining exploration and mining activity in general. We arrived at a point at which various bits of legislation were to be regrouped into the Environmental Protection Act, which was done in 2004. There was recognition that the resources sector had a capacity—an expertise built up within the agency—and had people on the ground who could deliver assessments. Those people had that rapport with and knowledge of the industry, and, most importantly, they were out in the regions and could visit proposals and look at assessments. It was decided in 2004 that the legislative arrangements would stay under the Environmental Protection Act, but that there would be a delegation to the Department of Mines and Petroleum for the assessment work. That delegation, I think, has served us reasonably well, and it does today.

What we have before us is a response to a request by the industry that we go beyond the idea of a delegation. The industry wants us to take it further, by putting into the Mining Act all aspects relating to native vegetation disturbance. The bill we are dealing with today will do that. It will mean greater efficiency because there will be an easing of the administrative burden on those in the sector. They will have to complete only one application form that will be lodged through the Department of Mines and Petroleum. They will not have to also lodge something under the Environmental Protection Act. We have eased that burden. Of course, we are hoping to tap into that capacity that the minister, throughout the course of this debate, has assured us exists within the Department of Mines and Petroleum. During consideration in detail, it was mentioned a number of times that the Department of Mines and Petroleum has the capacity because its people are resourced adequately to do this job to the standard required. I heard that argument, but I am concerned that there is no evidence that the Department of Mines and Petroleum has that capacity. I will advise the minister of a recent episode related to safety and approvals given to Polaris. The minister would be well aware of the very contentious proposal related to the Helena and Aurora Range. Not only is it contentious, but also the Helena and Aurora Range is an area of outstanding natural beauty and many people want to visit that site. They want to see why the mine has been proposed there, see the beauty of Bungalbin Hill and enjoy that area that is under threat. They want to see it. Many people are visiting that area. We would think that in anticipation of that, the standard of road management and signage would enable people to traverse safely from Southern Cross via Koolyanobbing and up to the Helena and Aurora Ranges. One of my staff members, Nigel Dickinson, was travelling with his partner to the Helena and Aurora Ranges. They found that it was anything but safe. They reported that once they arrived in Koolyanobbing and headed out on an ordinary sealed public road, it was transformed into a road that was studded with warnings, with signs saying that people should turn their emergency beacons on and use UHF channel 20. All ordinary recognisable public road signs just disappeared. Basically, they got the impression that they were heading into territory where they were not welcome, which is not the case at all. There are all sorts of iron ore spoils and mini mountains in this area. The indications are that it is perhaps a private road when, in fact, it is a public road that heads up to the Helena and Aurora Ranges. I mention this because the minister has expressed his confidence during the debate that his agency has the capacity to check up on things. I would have thought that that proposal would have been of great interest within the Department of Mines and Petroleum and staff would have gone out to look at this.

The story continues. At the turnoff to the Helena and Aurora Ranges, heading north, there is an oil drum with the word “Aurora” painted on it. That is the only indication travellers have that they are headed in the right direction. That sign points to the workers’ accommodation camp for another area. It is an indication of the general view that mining takes priority and visitors to the conservation park are not given any guidance at all about the significance of conservation or land form. They are left to their own devices.

The story gets worse. Once visitors get to the Helena and Aurora Ranges, they can enjoy its outstanding natural beauty and see it in all its magnificence. Nigel Dickinson and his partner Jessie spent the night there and appreciated it for what it is. They then wanted to move to Bullfinch Evanston Road. It is an easy four-wheel drive track. They continued driving. A section of it has been bulldozed. The track from the Helena and Aurora Ranges, known as the Bungalbin range, goes across to Bullfinch Evanston Road, which is a public road. The Polaris J4 site is right across this road. The Polaris J4 mine is active, yet it was possible for people who were very experienced travelling in regional areas to suddenly be confronted with dump trucks and all manner of mining equipment. They were not given the opportunity to take a deviation road. I say again that the minister has assured us that his agency has the capacity to check that commitments are delivered. I have given an example of people travelling in an area that is getting a lot of visitation at the moment where there was no signage. The deviation road may have been constructed but there were no signs leading to it. There were no gates preventing people continuing on the road that was to be deviated from.

Nigel and Jessie ended up in the J4 mine site an hour before blasting. If the minister is trying to tell us that this legislation is justified because he has an adequately resourced DMP, this is a piece of evidence that would suggest otherwise. I have grave concerns about this. I know that the minister will tell us that when it comes to environmental matters and safety, the Mining Act makes those matters an absolute priority. I am inclined to think that there is really a sham concern here if people can find themselves in the middle of a mine site. Initially, the Polaris workers experienced absolute disbelief when they saw a four-wheel drive Toyota troopy in the middle of the mine. I think they assumed it was authorised to be there. It did not have any yellow flashing lights on it and it certainly was not in a position to contact the mine on whatever UHF channel was available. This can happen. People can arrive in the middle of a mine site. When they were eventually able to talk to the mine workers, they were given some guidance. It was even suggested that they could continue through to Bullfinch Evanston Road and get back onto the deviation road. I am not sure whether that deviation road has been constructed. This is the problem. We get people giving us assurances. It is a condition in the ministerial approval statement that that road be built. Perhaps it has been built. There were no signs directing people to it. There was no gate preventing people from continuing and arriving in the middle of the mine.

This legislation is all built on the notion that we have an adequately resourced DMP. I am very concerned that that is not the case. Even when it comes to mine site safety and verification of proponents respecting their ministerial approval statement commitments, I do not think that work is going on in a way that is anywhere near adequate.

That issue aside, during various core stages of our debate we were told about the benefits that would come to the mining sector as a result of all the approvals processes coming under this one Mining Act. We were able to see that that will be part of the general streamlining. We are constantly told that there is a need for greater streamlining of any approvals process that might exist. The minister assured me that when it came to statistical data relating to vegetation destruction, information would be gathered very carefully. I was just looking at the statistics in the annual report of the Department of Environment Regulation. There is nothing there. Will that somehow miraculously emerge in the DMP annual report in the future? I am not sure. There is a need for good, accurate gathering of statistics, utmost transparency and easy access on a website. I think the Minister for Environment is trying to get away with presenting raw data on the website but it is left to the interested party to do all the totalling up. I think the overall statistics need to be presented, not just a very difficult to use website, which indicates proposals and then indicates approvals but does not do any of the annual totalling up. Someone is required to download all the individual cases, of which there are hundreds, and total those figures. There is no declaration of that in the annual report, which just shows that it is not a key performance indicator of the agency to reduce the amount of clearing and keep it as low as possible. All the KPIs are around the processing time; there are none around the environmental objectives. That is a great tragedy.

I had another issue of concern during consideration in detail; that is, the absence of any reference to the Firearms Act 1973. However, this bill seems to somehow legitimise the discharge of firearms in and on lease areas just so long as someone does not cause any damage, whatever that might be. I am very concerned by the government's lax approach to all matters relating to firearms. I know there are members on the other side who are constantly lobbying for a weakening of our gun laws, and that is a real concern. We need to know more about that because, after all, many of the activities of the mining sector would be on crown land. I do not see how someone can have approval to discharge a firearm on crown land in any circumstance. There is some sort of suggestion in the Mining Legislation Amendment Bill that someone out on a mining lease of some form might have to have a gun with them. I do not understand why anyone needs to carry a firearm if their primary purpose for being there is to search for minerals. What kind of wild west are we allowing to shape here? It does not make any sense at all, but there it is in the legislation. It states that an explorer must —

> take all necessary steps to prevent damage or injury to property or livestock whether resulting from fire, the presence of dogs, the discharge of firearms, the use of vehicles or any other cause;

It is all right for people to be out there with a firearm, but they must not cause any damage.

Mr W.R. Marmion: I think you've read that into it, member. It's all right.

Mr C.J. TALLENTIRE: I might have read into it—others might read into it as well—that there is some sort of tacit approval in the bill for the discharge of firearms. Section 20 is to be amended, so surely in the drafting process, this issue was considered. I do not understand why some reference is not made to the Firearms Act. Is it because the government is planning to amend the Firearms Act? I have heard the Minister for Police say she wants a dramatic revision of the Firearms Act. I am very nervous that, despite what we hear internationally and all the references made to the benefits of Australia's gun laws, some on the minister's side support the firearms industry—perhaps people who attend events such as the gun fair held at the Claremont Showground in early December last year. The government is pandering to that National Rifle Association of Australia sector. I know there is a connection between —

Mr I.C. Blayney: What a lot of rubbish.

Mr C.J. TALLENTIRE: The member for Geraldton says that, but did he go to the gun fair?

Mr I.C. Blayney: No; I've got better things to do.

Mr C.J. TALLENTIRE: I am sure he has and I am pleased to hear it. The exhibitors of guns at that gun fair were the very same organisations that support the National Rifle Association. I am glad that the member for Geraldton will be vigilant on this point and will keep an eye on any connections that his party might have with those people who are actively canvassing the weakening of our gun laws.

Mr I.C. Blayney: There are no connections at all.

Mr C.J. TALLENTIRE: I hope so, but I point out to him that the Claremont Showground hosted an event that was put on by —

Mr W.R. Marmion: How does that relate to this bill?

The ACTING SPEAKER (Ms L.L. Baker) Excuse me members. Member for Geraldton, if you want to make a response, you should perhaps wait for the call to do so. Member for Gosnells, could you please come back to the bill.

Mr C.J. TALLENTIRE: Thank you. I am referring, of course, to clauses 7 and 9 of the bill, which will amend the act and which specifically refer to the discharge of firearms. I was pointing out that I am seeing a disturbing trend among those on the conservative side of politics—

Mr W.R. Marmion: We could also have thrown into proposed section 20 that people cannot discharge spray cans or use graffiti. That does not mean we support using spray cans for graffiti. That proposed section provides that people cannot do environmental damage, and it gives examples of things. It has nothing to do with supporting firearms at all. You're reading it wrongly.

Mr C.J. TALLENTIRE: There is specific mention in clauses 7, 9 and I think a few other clauses.

Mr W.R. Marmion: Read it slowly.

Mr C.J. TALLENTIRE: I will read it out again. It states —

> take all necessary steps to prevent damage or injury to property or livestock whether resulting from fire —

Mr W.R. Marmion: Pause. That's what it's saying.

Mr C.J. TALLENTIRE: It continues —

> fire, the presence of dogs, the discharge of firearms, the use of vehicles or any other cause;

Mr W.R. Marmion: Yes. We could have thrown in spray cans and everything else. We are not supporting those things. We're saying don't damage the environment and here are some examples of what not to do.

Mr C.J. TALLENTIRE: The minister is happy for people to carry firearms when they are going about the business of mining exploration.

Mr W.R. Marmion: It doesn't say that.

Mr C.J. TALLENTIRE: I do not see the connection between the need for a firearm to be carried when someone is out looking for minerals. It is something that the minister has not really addressed. Perhaps he would have been better off including in the proposed section that people who are involved in mineral exploration should not be carrying firearms. That would have been a much clearer line rather than opening this up. I am

pleased the Minister for Police has come into the chamber because we were discussing her previous comments about the need for dramatic revision of the Firearms Act, yet in the Mining Legislation Amendment Bill, references are made in a number of clauses to the potential for people to discharge firearms as long as they do not cause damage. Why, Minister for Police, would people be carrying firearms when they are on crown land looking for minerals? I do not understand why that is in this bill, yet it does not make any reference to the Firearms Act. That is a matter of concern. I hope members opposite, as does the member for Geraldton, remain vigilant on this point because any erosion of our gun laws as they stand at the moment would, I believe, be totally unacceptable to all Western Australians.

The industry will benefit from the Mining Legislation Amendment Bill because it claims that it will result in increased efficiency. It will progress mining applications with greater haste than ever before. We look forward to hearing how it progresses. I can assure the house that I will keep a close eye on the environmental outcomes from the passage of this legislation and I will be watching to see that all the information on the number of hectares that are cleared and revegetated is presented in a way that enables us to have a very clear picture of just how much native vegetation—habitat destruction—goes on in this state in any given year.

I conclude my remarks there but I think some issues remain for the minister to clarify in his response to this third reading.

MR W.R. MARMION (Nedlands — Minister for Mines and Petroleum) [10.47 am] — in reply: I will address some of the points. First of all in my third reading response I recognise the cooperation we have received from the opposition in supporting the Mining Legislation Amendment Bill. A lot of the issues were addressed during the second reading stage and during consideration in detail. The third reading comments should be limited to what has been addressed in the second reading debate. I will provide some clarification on clause 17 sought by the member for Cannington. I will be careful in the way I address that by repeating the advice given to me during the second reading debate. As the member for Cannington said, clause 17 amends section 58 of the act and new subsections are being added to address an anomaly that has arisen with processing exploration licence applications. Some applicants have been applying for more than one application over the same, or substantially the same, ground in withdrawing the initial application. This has had the effect of tying up the ground to the detriment of other applicants. The new subsections clarify that this cannot occur unless the minister agrees that there are special circumstances for doing so. I have one example, which is different from the example the member for Cannington raised. An application was made for a mining exploration licence but it was not approved over, I think, five or six years, but just before it was about to be approved, it was withdrawn and another application was made by, I believe, a related party, and after five or six years it had never been approved. I have been advised that in that instance the state government lost revenue of about $500 000 in lease fees over that period. It is a clever trick that people used to avoid getting a lease and paying the annual lease fee. This bill removes that anomaly. Also, if someone who wants to take up a legitimate lease over that area of land requests that the current application be forfeited and it goes through the Warden's Court, the warden is in the situation in which technically, from a legal point of view, he or she cannot force forfeiture. As it turns out, the minister has the power to override the rule, but that can take years. This amendment will be useful, but ministers will not use that power unless it is required. If there is a legitimate reason, as the member for Gosnells suggested in his example there could be, the minister can disregard that request. That is the purpose of this amendment. It is a very important amendment to correct a tiny anomaly.

I am very pleased that this bill will be passed in the Assembly. It will resolve a lot of red-tape issues. The member for Gosnells quite rightly said that it gives the Department of Mines and Petroleum's environmental section some delegated powers, but it has already been delegated some of those anyway. This bill gives the department clarity, and it can now do that under the legislation. The member for Gosnells referred to large projects and raised the banded ironstone formations north of Koolyanobbing. That has been elevated to a bigger issue and is with the Environmental Protection Authority. The EPA will always be in the position, as in that case, to step in when it is a major environmental issue. I will address the point raised about visitors to that area; it was not an environmental issue but about safety around that operation. I would be concerned if the operator, which the member suggested was Polaris, did not have adequate signage for people travelling through that area. It is not the Department of Mines and Petroleum's role to make sure that shire roads meet a certain standard. This area is in the bush and is a shire responsibility. The member raised an operational matter. It is the responsibility of the operator, and the member suggested it was Polaris. I am not aware of this case—it is cold to me—but the member suggested that perhaps the signage was not right and the general public had the opportunity to access the operations. That would be of concern to me. I am pleased that once they found out about the issue, Polaris staff resolved it quickly and it ended up as a good experience, but perhaps it was an experience they should not have had in any event. If the member has more details around that, I would be happy for my department to address that issue. Safety is a serious issue to me, and if there were a safety breach, we would put out an infringement

notice. We should address that if there was a breakdown in the safety of the site. The member also suggested that there was a blasting operation. I am sure that other barriers would have been around that area, but, if not, that would be an even more serious issue. I am happy for that to be looked at. In closing, I commend this bill to the house and look forward to its progression through the other place.

Question put and passed.

Bill read a third time and transmitted to the Council.