

MINING — EXPLORATION LICENCES

544. Ms M.J. DAVIES to the Minister for Mines and Petroleum:

I have a supplementary question. Thank you, minister. Does the minister believe it is appropriate to leave industry without any formal guidance on this matter for more than 12 months, especially as the minister advised 12 months ago that he was investigating this exact issue?

Mr W.J. JOHNSTON replied:

I advised 12 months ago that the department was looking at what advice it could properly provide, noting the Mining Warden's decision. The warden, of course, is independent of government. We cannot control the decision of the warden. One of the challenges is that the warden's decision is not binding. It does not create a binding law. If it were a judge's decision, it would be different, but because it is a warden's decision, it is simply the opinion of the warden. The likelihood is that other wardens will continue to follow the decision, but that does not change the law. Whatever the law is in Western Australia now, that is the law. There has been no change to the law of Western Australia. The department continues to examine what response it can make to the decision of the warden, but the one thing that we cannot do is control the warden.

The SPEAKER: That concludes question time.