

**MINING AMENDMENT BILL 2022**

*Second Reading*

Resumed from 21 September.

**HON DR BRAD PETTITT (South Metropolitan)** [2.54 pm]: I rise today to express some concern over a particular element of the Mining Amendment Bill 2022 before us today.

It was only a few months ago that I tabled a petition containing 605 signatures in this place. It called for a review of the Mining Act 1978 and Mining Regulations 1981. I do not want to debate the need for review and change to the Mining Act, but I want to raise a concern with one aspect of this bill: the reform that will enable fees to be prescribed for lodging an objection against a mining tenement application.

Consultation for this aspect of the bill, regarding the prescription of fees, was completed separately from the consultation for the other changes introduced in this bill. Interestingly, the consultation for the other changes in this bill ran for two months, involved six external consultation sessions and was attended by over 65 representatives from state government, local government, industry, industry representative bodies and native title groups. A total of nine written submissions were received. In comparison, the consultation regarding the change to enable fees to be set for objections ran for less than one month—26 days in total. External consultation sessions are not mentioned and, perhaps not surprisingly, only two submissions were received.

The report published by the Department of Mines, Industry Regulation and Safety in response to this limited consultation had two key themes. The first theme was —

1. Power to prescribe fees for making an objection application may deter vexatious objectors

I would be interested for the government to specify during this debate exactly who it means by the “vexatious objectors” it plans to deter. I am concerned, and I know other members of the public and community groups are concerned, that they are being targeted and will be adversely affected. During the briefing I received on this bill on Monday, 10 October, I was informed that the vast majority of objectors are, in fact, other mining companies. To substantiate this claim, my office submitted follow-up questions to the minister’s office, asking for a breakdown of the objections made in the past 12 months. We received this response on 20 October —

DMIRS systems do not currently categorise objections in this way and only record the name of the objector. Consequently, to undertake the analysis required to obtain the information requested an extract from the system with a manual review of the substance of each objection needed to be done. Given these constraints a 12 month analysis was not possible with the time and resources available. However, DMIRS has extracted the objections lodged between 1 April 2022 and 31 May 2022 and undertaken a manual analysis to give an indicative sample.

I want to thank the department for that, and I appreciate the work it has done. Although I appreciate that a manual analysis of a two-month period was undertaken to answer my questions, I am alarmed that this information is not easily accessible and clearly has not been reviewed as part of the government’s decision-making to introduce fees. Given that is part of the assumption and part of the reasoning, I would have thought that was pretty clear. The consultation for this element of the bill was nowhere near as extensive as the consultation for the remainder of the bill, and I now discover the decision was made without the data to back it up.

I worry that the two-month snapshot provided to me by the minister’s office does not tell the bigger picture. I think it is legitimate to ask why this particular two-month period was chosen. Across the months of April and May 2022, a total of 350 objections were lodged, and just over 55 per cent, or 195, of those objections were made by companies or persons known to be involved in the mining industry. That still leaves a significant number of objectors, almost 45 per cent, in the other categories, including “Persons not known to be connected with mining”. These objectors are private landholders, community members, water rights holders et cetera. They may be pastoral lessees, native title parties, individuals on the basis of native title rights and interests, non-government organisations or even local government organisations.

Further, I am aware of a community campaign that was run by the WA Forest Alliance earlier this year in opposition to 10 exploration licence applications from Rio Tinto. The objections for these applications were due in mid-March 2022, and it is my understanding that an average of 153 objections were lodged per application, which totals over 1 500 applications from concerned community members and groups. I note that the March objections were not included in the two-month review provided to my office, but it is a month for which I would be very interested to see a breakdown. My office has had discussions with some of these community objectors, who have said they were told staff were struggling with the volume of objections and warned that their complaints could be viewed as vexatious. This worries me deeply. I also want to know the purpose of this aspect of the bill that will enable fees to be charged for objections. Is it about cost recovery because the Warden’s Court has not been appropriately resourced?

During limited public consultation and the responses to submissions about the ability to prescribe fees, the Association of Mining and Exploration Companies gave its support in principle but noted —

However, if this is merely for the purpose of cost recovery, AMEC does not support the proposal as it is clearly a core service of Government.

That is an important point; the government should be resourcing its core services appropriately.

I will be honest: I am not particularly concerned about mining companies' ability to pay a prescribed fee to lodge an objection, but what I do know is that there were 605 signatures on petition 1344 requesting "reducing the complexity involved in the lodgement of objections". My concern with this bill and the introduction of the ability to charge fees for objections is that it may create a new barrier for individuals, community members and environmental groups and deter or prevent them from making objections in good faith on public interest grounds, particularly environmental grounds, due to potentially exorbitant fees. Community members have contacted me with their concerns regarding fees for objections and the consultation process that led to its introduction. I will give a few examples of these. Noel wrote to me with concerns that someone may come up with the "idea to charge a lodgement fee on the objections process to limit the responses". Pip contacted my office and said —

... anything over \$20 is likely to be a barrier for many people wanting to object ... It seems to me the increase in tenements being lodged has led to an increase in objections so they want to make it a mandatory fee that will be charged, it seems to me to discourage objections. Mining companies were the main stakeholders consulted regarding objection fees. I saw no input from the public in this proposed amendment.

In her email, Trudi said —

The desire for mining companies to have a fee imposed on objections is clearly to try and discourage people in communities from objecting ...

Donna wrote —

It is imperative that individuals and communities have the right to lodge their concerns and have them heard in the Warden's Court ... The impact of mining is felt by the environment, local government, community, and individuals ... I am already disgusted that this Bill has been put out to consultation without thinking that individuals, Shires and community groups may not be interested to respond.

I note that this bill does not propose any fee amount, and any fee setting will require an amendment to the Mining Regulations. In his second reading speech, Hon Matthew Swinbourn said that this change would establish consistency with comparable jurisdictions when there is a fee for lodging objections, such as with the State Administrative Tribunal. Given that statement, my office has examined the State Administrative Tribunal fees for comparison to get an idea of what could be enabled through this bill and introduced in regulations. Fees for lodging applications with SAT, which are set out in the State Administrative Tribunal Regulations 2004, vary considerably depending on the particular legislation the application is dealing with and the status of the applicant. Under SAT regulation 9, application fees can be as high as \$2 075 for individuals and corporate entities in some instances, and as low as \$139 for others. Eligible individuals, defined as people in receipt of various welfare benefits, are charged significantly lower fees—the highest is \$100 and they go as low as \$41. There is also provision for individuals or corporate entities to apply for recognition as an eligible individual for reasons of financial hardship or in the interests of justice.

I urge this government to take this speech and the community's request to reduce the complexity of objections into consideration. There is a real risk that without caution and careful consideration, the passing of the Mining Amendment Bill 2022 could lead to a new barrier for individuals, community members and environmental groups in lodging objections. It is incredibly important that the ability to prescribe fees and the introduction of fees does not prevent those with legitimate concerns from objecting to mining tenements. Any regulation to introduce fees should include provisions for substantially reduced fees for those making objections on environmental grounds or other grounds in the interests of justice.

I will end with a request from Jodie, who also contacted my office and said —

If this bill proceeds, then I suggest we seek to have a limit on fees for objectors with limited resources ...

I think this is deeply rational and I hope these kinds of amendments will be considered by government and that changes can be made.

**HON MARTIN ALDRIDGE (Agricultural)** [3.05 pm]: I rise as the lead speaker for the opposition on the Mining Amendment Bill 2022 and indicate from the outset that the opposition supports the bill. As I indicated to the parliamentary secretary behind the chair, my comments today will be relatively brief given the considerable scrutiny the bill was subjected to in the Legislative Assembly. The Mining Amendment Bill 2022 will amend the Mining Act 1978 to improve regulation by streamlining administrative processes, safeguarding the security of title

and licence and providing greater certainty for the resources sector. The bill contemplates three key reforms, and perhaps a fourth minor one. It will modernise the Geocentric Datum of Australia; allow lease conversion applications to be submitted without marking the land if land cannot be accessed due to a significant event such as a COVID-19 restriction or a natural disaster, which is one of the reforms I want to spend some time on in my second reading contribution today; and provide the ability to prescribe fees for objections against applications for mining tenure.

I will deal now with the first matter, the geodetic datum. This reform provides for the adoption of the Geocentric Datum of Australia 2020, or the GDA2020. This is the latest, most accurate and modern geodetic datum. Australia sits on top of one of the fastest moving tectonic plates in the world, moving approximately seven centimetres north-east a year, and adjustments to datum are necessary to maintain accuracy. Since the last update to global positioning satellite coordinates in 1994, Australia has moved almost 1.5 metres. This move will ensure that coordinates are aligned with global navigation satellite systems that are critical to applications that rely on accurate satellite positioning, such as in-vehicle navigation, surveying and automated mining operations. To enable the transition to GDA2020, amendments to the Mining Act are needed to ensure that the exploration licence grid remains constant, as it is now at GDA94, while its location on the surface of the land will be described using GDA2020. This will remove practical and administrative issues relating to the overlay of different grids. Importantly, these changes are flexible enough that any future datum can be automatically applied without the need for further legislative changes. As I understand it, that will be through a regulation-making power. This will enable the continued accuracy of location and security of the title system into the future.

As I said in my opening comments, the second reform goes to the so-called marking out provisions. A holder of a prospecting exploration or retention licence may apply for a mining licence or general purpose lease over all or part of the licence area. The area of the lease must be marked out before lodging an application.

This amendment will allow applications for mining leases or general purpose leases to be made without first marking out the land under specific circumstances. The explanatory memorandum states —

- Subsection 105(2) allows a licence holder to submit an application for a mining lease or general purpose lease over all or part of the existing licence area without first marking out the land. The application must be supported by a statement setting out the grounds why the land cannot be accessed, with evidence to support the statement.

A number of examples set out in the explanatory memorandum illustrate quite well the types of circumstances that are envisaged. The explanatory memorandum continues —

- Subsection 105(3) sets out circumstances under which an application for a lease may be made without first marking out the land. Circumstances include significant and exceptional events, such as a natural disaster or emergency, industrial dispute or civil disturbance.

In essence, any event that would prevent legal access to land under the law of Western Australia could be contemplated under this section—or could it? I might come back to that in a moment.

The explanatory memorandum provides a number of scenarios, such as being unable to access a lease due to intrastate border restrictions under a state of emergency, a serious fire or weather event resulting in road closures, or the Department of Fire and Emergency Services perhaps directing that people undertake only essential travel in a certain area. As I said, the explanatory memorandum outlines various scenarios in which the mining registrar would not accept an application without prior marking out, such as missing a flight or being unable to enter WA due to border closures when a local contractor could have been hired to mark out the site in their absence.

At this point, I might pause to reflect that last week we considered more temporary changes relating specifically to the COVID-19 pandemic. Here we have a minister of the Crown, the Minister for Mines and Petroleum, actually doing his job, unlike the Minister for Emergency Services and the Minister for Health, by futureproofing the statute book to deal with future events such as pandemics, rather than making consistent temporary changes to legislation.

I come back to the issue of marking out. When I first started to look at this brief, I found it interesting that “marking out” is literally what it means. From watching American cowboy movies as a child, I had visions of returned soldiers all lined up on their horses, the gun being fired and them racing off with their survey pegs to peg their land.

**Hon Darren West:** Didn't they hold up a train, as well?

**Hon MARTIN ALDRIDGE:** That could have been a different movie, Hon Darren West! But, really, it is not that far removed from what we are contemplating here. I draw members' attention to a publication by the Department of Mines, Industry Regulation and Safety, which is titled, helpfully, *Marking out and applying for mining tenements*. The opening section of this publication, on page 2, under the heading “Marking out a mining tenement”, states —

All tenements apart from Exploration Licences, Retention Licences, Miscellaneous Licences and prescribed land Prospecting Licences and prescribed Mining Leases must be marked out on the ground. The marking out requirements are as follows:

Standard marking out procedure is:

- a. by fixing firmly in the ground or as close as practicable to each corner or angle of the land concerned a post projecting at least one metre above the ground;
- b. by cutting two clearly identifiable trenches or placing two rows of stones at least one metre long from each post in the general direction of the boundary lines; and
- c. then by fixing firmly to one of the posts as the datum post the notice of marking out in the Form No. 20 in the First Schedule.

Where the land adjoins other land in respect of which the same person is seeking or holds a mining tenement, common posts and trenches or rows of stones, may be used for the marking out of each parcel of land ...

Where, due to the nature of the ground it is not possible to firmly fix posts, stones may be used to support the posts ...

This marking out process is almost medieval in nature. Maybe the parliamentary secretary can give me some greater understanding of the modern context of assembling stones and notices under the central requirement to mark out a mining tenement, particularly as an aspect of this bill deals with updating geodetic datum and global positioning systems and understanding where the land actually is.

**Hon Darren West:** It moves. The land moves, as you told us before, and so do the stones.

**Hon MARTIN ALDRIDGE:** I know. I am sure that some sort of technological advancement might flow from that, rather than putting rocks on top of each other in a mining tenement area. Perhaps that is still the best approach.

I paused when I made some comments before about something in my speech notes. I said, “In essence, any event that would prevent legal access to land under the law of Western Australia could be contemplated under this section”. I questioned this when I read it because we are contemplating the types of circumstances that might restrict movement—effectively, what might prevent somebody from marking out a tenement. Things that are contemplated in the explanatory memorandum include natural disasters, bushfires, COVID-19 restrictions—intrastate COVID-19 restrictions, not interstate ones—and the like. The reason this captured my attention was that people might recall that during the COVID-19 response, restrictions on movement to quite a significant part of remote Western Australia were actually made under the commonwealth Biosecurity Act 2015. Following the agreement of national cabinet, it was agreed that restrictions should be applied to protect remote Aboriginal communities across Australia. There was a mix of state and commonwealth legislation in play. Certainly, the state legislation applied more broadly, but for the more remote areas of our state, where there may well be mining interests or mining tenements, it might have been the commonwealth Biosecurity Act 2015 that applied.

I examined this matter further. I turn to clause 15 of the bill, which will amend section 105 of the act. Proposed section 105(3) states —

The statement must specify that, in the opinion of the holder of the licence, it is not possible for the land in relation to which the lease is sought to be accessed by or on behalf of the holder for the purpose of marking out as a result of 1 or more of the following —

There is quite a long list, from (a) through to (i), but I am interested in the first one, which is “any law”. To my knowledge, “law” is not defined. I assume that it has perhaps an Interpretation Act meaning, or perhaps it is the plain English meaning of the word. I assume it could then relate to any law—a local, state or federal government law. Therefore, the concern that I presented in my earlier remarks about the commonwealth Biosecurity Act 2015 would be captured by “any law”. I seek some certainty on that from the parliamentary secretary in his reply. The reason for my concern here is the explanatory memorandum. As members will be aware, explanatory memorandums are there to assist not only legislators to interpret the clauses within a bill, but also courts, magistrates and judges to interpret the intent of Parliament in situations in which there is contention and a need for clarity.

If members turn to the fourth page of the explanatory memorandum—unhelpfully, it is not numbered—they will see it includes a dot point that reads in part, before the first examples —

In essence, any event that prevents legal access to land (under the law of Western Australia) by an applicant, or anyone acting for the applicant, is contemplated here.

This is where we need to be quite clear what we are dealing with. Is it any law or is it, as the explanatory memorandum suggests, “in essence any event that prevents legal access to land under the law of Western Australia”? If it is as the explanatory memorandum suggests, I would like to know what the remedy will be when a circumstance arises in

which a commonwealth law might prevent access to the marking out of a tenement. If the explanatory memorandum is wrong, what are we going to do about the explanatory memorandum?

The third of the three key reforms relates to fees for objections. There are currently no provisions that prescribe fees for objections against mining tenure applications. This does not align with other applications made under the Mining Act. The amendment will insert the ability to prescribe fees for lodgement of objections against applications for mining tenure, applications for restoration of tenement and applications for exemption from expenditure conditions. This will align the objection procedures more closely with other legislative provisions relating to applications and other actions under the Mining Act 1978.

In concluding my remarks, I want to acknowledge the significant value of the Western Australian resources sector to our state and our national economy. I heard parts of a debate earlier today in which members talked about the contribution of the resources sector to our state in particular, as well as the national economy. This sector has helped us deal with the uncertain economic circumstances of the last couple of years. The Western Australian resources sector supports some 149 000 jobs. In the past financial year alone, mineral and petroleum sales reached a record \$210 billion, including \$155 billion in iron ore. Western Australia also has some \$127 billion worth of resource projects in the development pipeline. It is truly a critical sector for the economy of Western Australia and the nation. These amendments will continue to support and hopefully foster mining and exploration activity into the future. As I said in the introduction to my remarks, the opposition supports the bill.

**HON KYLE MCGINN (Mining and Pastoral — Parliamentary Secretary)** [3.22 pm]: It has been a mining sort of week, hasn't it? It is an honour to talk today on the Mining Amendment Bill 2022. There are quite a few things to go through. Hon Martin Aldridge touched on a few issues. I am probably going to talk about the reality on the ground that the legislation will fix. I am sure members of this chamber will be aware of the old Pinjin station issue from the last Parliament.

**Hon Martin Aldridge** interjected.

**Hon KYLE MCGINN**: Can the honourable member not recall the 12 months of pain? It was quite an epic 12 months, Hon Neil Thomson. If members look at the report on Pinjin station, they will see that tenements were being marked right over the top of a main tenement. It was quite interesting. The company is called Hawthorn Resources. The person who did the pegging happened to be with the Aboriginal corporation that was having the argument.

**Hon Martin Aldridge**: Did they use stones or posts?

**Hon KYLE MCGINN**: They used posts, but it was —

**Hon Martin Aldridge**: Were the posts supported by the stones?

**Hon KYLE MCGINN**: I cannot be 100 per cent sure! Smack-bang in the centre of the whole tenement was this little tenement that stopped the company from doing its job. It was really bizarre. I cannot get that 12 months back, unfortunately. Hon Robin Chapple was on that committee as well as Hon Robin Scott. They both drove out to Pinjin; when they came back, one car was clean and the other was completely filthy. Hon Robin Chapple was not so good at four-wheel driving, I have to say, but he was really good on the committee.

**Hon Wilson Tucker**: Low blow!

**Hon KYLE MCGINN**: I know I should not say that about Hon Robin Chapple but, at the end of the day, one car was completely covered in mud, and that was his car, and Hon Robin Scott's was still completely white. The committee has some photos that might be exposed one day. It was quite funny.

The bill and the explanatory memorandum contain some interesting things. I will touch on the automation side, although I am accused quite a bit of being a Luddite. I have said in this chamber a few times that we invent some of the best automation in the world in the mining industry. It comes from here but we do not build it, and that to me is a problem. This bill will streamline things more for automation, but we need to acknowledge that we need to get back into manufacturing and ensure that we are at the very least building the automation that is replacing our jobs.

**Hon Neil Thomson**: Do you support automation in the mining industry?

**Hon KYLE MCGINN**: Were you listening to what I just said? I just said that although I agree with automation —

**The ACTING PRESIDENT (Hon Steve Martin)**: Members! Please address your remarks through the chair.

**Hon KYLE MCGINN**: I am just getting started, Acting President! I find it really interesting that some people can literally have their ears pointed towards me and not hear what I say. It is like he is trying to go for a gotcha moment but he does not have the capability to do it.

**Hon Martin Aldridge**: We will give you an extension if you need it!

**Hon KYLE MCGINN**: I will probably need more than 41 minutes to explain the mining industry to Hon Neil Thomson.

Getting back to my point before I was rudely interjected on, yes, automation is coming in the mining industry particularly. There are some mines that cannot automate, such as Kalgoorlie Consolidated Gold Mines in the Super Pit. I do not think we will see automated dump trucks going down the Super Pit. I am sure members would have seen the rockslide that took place there a couple of years ago on the side of the Super Pit. It was massive, with tonnes and tonnes of rock falling down the side of the Super Pit. My view about automation is very clear. We are leading the world in mining. We have the Western Australian School of Mines out in the goldfields and Rio Tinto, BHP and everyone up in the north west and we invent all this automation, but it is sent overseas with the patent to build it and then we bring it back in. That is not the future. The future is for us to build it ourselves.

As I have said before in this chamber, at the moment, particularly dealing with Rio Tinto over the last term, it brought in automated dump trucks for a specific site and then dispersed the truck drivers amongst its other sites. The guys who were close to retirement got an early retirement and the guys who wanted to go to another workplace got to go to another workplace. When I asked Rio Tinto how many people lost jobs, the answer was zero. We are talking about 100 dump trucks disappearing but zero jobs were lost. We can only get away with saying that figure for so long until we start to realise that 100 jobs have been taken out of the pool. That is 100 jobs that have disappeared and been turned into a PlayStation controller down at the airport, most likely. Although I am not saying they should stop doing that, the reality is that we should be building the automation that replaces those jobs so that those 100 jobs can turn into the machines or the warehouse where it is produced, so we are refilling our workplaces. The problem is that by reducing the workforce, eventually there will be fewer and fewer jobs and automation will play a role in that. I will proudly stand here, Hon Neil Thomson, and say that we should be building the automation in Australia. Do not take it the wrong way; that is absolutely what we should be doing because we are reducing the workforce by automating dump trucks particularly. Some roles, such as those involving drilling, are very dangerous in places. I have done a fair bit of work with the Westerman family, who lost their son in a drilling incident, and there has been some really good progress in drilling automation, which can only serve us better because those jobs are very dangerous. But we also have to think about diesel fumes and everything else in underground mines as well; that is another aspect.

**Hon Alannah MacTiernan:** Once we get hydrogen and electric vehicles, that will all be solved.

**Hon KYLE MCGINN:** Yes, minister. I will be one of the first to welcome them. I look forward to seeing electric vehicles and hydrogen across my electorate rather than power stations and generators at every single mine site. There should have been more planning in the Pilbara back in the day. I am sure members would agree that collaboration and mining companies do not go well together.

**Hon Dr Steve Thomas:** Look at the reliability of the power in Kalgoorlie. Goodness me! You'd not want that.

**Hon KYLE MCGINN:** Once again, we are dragged into the gutter. The honourable member cannot have a decent conversation. I am talking about the power grid in the Pilbara and mining companies building multiple power stations when they needed to build only one.

**Hon Neil Thomson** interjected.

**Hon KYLE MCGINN:** Hang on! Just hold your horses! Dribble, dribble, dribble! Seriously, I might educate the member if he only would listen. I really want to help Hon Neil Thomson, because I think he really needs help. I am talking about the Pilbara, which, if the member realises, is in his electorate.

In the Pilbara, it is pretty obvious that every mining company just dumped their own power station down and there was no collaboration. Mining companies could have, particularly in Port Hedland, shared resources. In that case, there would be a lot fewer power stations, which would be good for the environment and less expensive as well. Instead, particularly before this government, there was a huge lack of collaboration and communication between mining companies. They did not even talk about lining up their shutdowns. For members like Hon Neil Thomson who do not have a high IQ, a shutdown is when a mine is shut down for maintenance and reset. It requires a lot of people and uses a casualised workforce that goes from mine site to mine site. If shutdowns are lined up properly, casual workers can do almost half a year's work at different mining sites. But what happened in the past is that companies did not consider other companies and would smack shutdown work on their sites at the exact same time as occurred at other sites. There could be a 1 400-man shutdown at Woodside at the same time that there was a 1 600-man shutdown at Cape Preston.

Now we can go to Kalgoorlie and talk about the beautiful goldfields. In the gold industry, funnily enough, companies began working in this space and started lining up their shutdowns because they understood the importance of streamlining and making sure that they had a skilled workforce. There are challenges that come with attracting a workforce to the goldfields, which I know Hon Peter Collier, who is from the goldfields, would understand. There has been a constant battle of up and down in the goldfields. People rush to move out there and then exit. There can be a heap of houses available and then there will be none. The industry goes up and down and up and down. Right now, it is really difficult to get a house in the goldfields.

Hon Dr Brad Pettitt; Hon Martin Aldridge; Hon Kyle McGinn; Hon Wilson Tucker; Hon Peter Foster; Hon  
Matthew Swinbourn

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**Hon Neil Thomson:** Talk to the Minister for Lands.

**Hon KYLE MCGINN:** I would like to think that we could have a serious conversation without playing cheap politics, but I should not expect much more from Hon Neil Thomson.

As I was saying about lining up shutdowns, the best thing about the gold industry in 2016–17 was that they started to line up shutdown work. KCGM and Gold Fields started to talk to each other and made sure that shutdown crews could come in, do their operation, maybe have a week off and then go to the next shutdown and then to the next shutdown. That process was injected with steroids when we had the COVID-19 pandemic. It became a real issue, as everyone would know, because the mining industry has a tendency to rely on east coast fly-in fly-out workers, not just FIFO workers within Western Australia. It created a major issue for the mining industry pretty much overnight, and companies scrambled to work out how they could keep their workforce operational. That benefited mining companies that were already operating with local content first. In turn, they came out on top and did not really have to change anything at all. I do not know whether other members were alerted to this, but when COVID first came in, Northern Star Resources, for example, restricted itself to just one shutdown crew and got rid of everybody else. The shutdown crew would fly from camp site to camp site. Very quickly, the mayor and I called a meeting with mining companies in the goldfields and said, “That’s not on. You need to ensure that the workload is spread.” Companies cannot work people 24/7 and get rid of all workers’ rights because there is a pandemic. Very quickly, that was fixed up and shutdowns were returned to local workforces, which was really good.

**Hon Neil Thomson** interjected.

**The ACTING PRESIDENT:** Members, please address your remarks through the chair.

**Hon KYLE MCGINN:** Sorry, Acting President, I was not sure that was a remark; I thought it was more of a blah, blah, blah.

**Hon Martin Pritchard** interjected.

**Hon KYLE MCGINN:** I will take an interjection from someone with some intellect.

**Hon Martin Pritchard:** With regard to the mining industry, do they do more local now than they did before the pandemic?

**Hon KYLE MCGINN:** Absolutely. I think that local workforce was swallowed up quickly after that. Now, we are seeing them almost at their peak. We also saw east coast people being offered packages to move to the west coast, particularly Rio Tinto offered packages to bring people over here to live. Some people chose to come over just to work for a year, leaving their families in the east, but there was definitely a transition to a local workforce, yes. That has now exposed skill shortages and the need to increase skills and training.

I am sure we will educate Hon Neil Thomson a bit more if he keeps listening. I can see that he is getting a bit away with the fairies!

I would like to touch on the fast-tracking of approvals. I know Hon Martin Aldridge touched on pegging and the laying out of rocks et cetera. Two years ago, I was at a Diggers and Dealers event that was set up over the lookout. The two new owners of the mine at the time were Saracen Mineral Holdings and Northern Star. One section of the mine had been cut off because of a rockslide. The rockslide was massive and had shut off one side of the Super Pit. I think they were looking to blow up lookout 4 and they needed approvals to delve into another section. There was an opportunity to work with the government to ensure that resources kept moving. The approvals were fast-tracked and approved. That went really well for Kalgoorlie Consolidated Gold Mines because it continued to operate and to keep its workforce at peak capacity rather than reduce it while waiting for approvals. I know that KCGM was very happy with the government and worked with it to ensure the approvals were passed. That goes to show that this government understands the importance of the resources sector. I know it has been said many times that the opposition did not understand that during the pandemic. I have only to talk about the opposition wanting to open the borders early and not really fighting for the resources sector. But it was really good to have that collaboration and people working side by side to ensure things were operating. Mining companies went above and beyond to ensure that they had testing at the airports and on the mine sites—testing everywhere—to keep COVID out, which was great.

There have been interesting changes in the mining industry, and I think we will probably see more changes. How can I say it? There is a weird balance between local and FIFO workforces. If we go back and look at what the previous Liberal–National government did, we can see that there was absolutely no restraint on approvals for fly-in fly-out camps and no thinking about the effect they would have on local communities. The National Party fought against a fair few FIFO camps, particularly up in the Pilbara. A former member of this place Hon Jacqui Boyde and I had a few screaming matches over the Coolgardie one. The difference pre-2017 and post-2017 is that the Liberals did not care where those camps were put. Mining companies could put them 50 or 100 kays away from a town and were allowed to build aerodromes, which took business away from local airports. They could whack up camps and make

sure that when FIFO workers came from Perth, they would not spend even a dollar on coffee, because they would get coffee on the bus on the way to the camp. The difference in the attitude of this government is that it has worked with the communities that want to accept camps into their communities, like Coolgardie. I strongly urge any Liberals in the Mining and Pastoral Region to go and chat to the Shire of Coolgardie, because it did that very, very well. I would love for any Liberal in the Mining and Pastoral electorate to challenge me on that. The situation in Coolgardie was that sales at the local shop, the IGA, were not going so well. The local gym was not going so well.

**Hon Neil Thomson:** It's a good model.

**Hon KYLE McGINN:** It is a brilliant model. Coolgardie gave approval for a 150-man camp to be set up at the back of town, but it did not allow the mining company to put any luxuries into that space. Normally, when someone goes to a camp and wants to buy chocolates, smokes et cetera, they would be there in the camp. In Coolgardie, they are forced to go to the local shop for a packet of darts. I just want to say that I have not had a dart for 10 months—I have been smoke-free for 10 months. I do not think about it every day, though!

I talked to the shire probably 12 months after the camp was put up and there had been a 45 per cent increase in sales at the IGA. The owner of the IGA had brought in more stock and more options, and had opened an extra section. Membership of the gym went through the roof. The best thing about it was that the mining camp then turned around and said, "You know what? We're going to use our mess room for Meals on Wheels in the community." Meals on Wheels is now provided out of this camp for everybody in Coolgardie who requires it. That is amazing. That is proper integration. The minister at the time, Rita Saffioti, copped some flack, particularly from the National Party. Nationals WA members said that the Labor Party was all about FIFO camps. Do members know that more FIFO camps were opened under the last government?

**Hon Peter Foster:** By Terry Redman.

**Hon KYLE McGINN:** By Terry Redman, of all people.

**Hon Peter Foster:** And Brendon Grylls.

**Hon KYLE McGINN:** Oh, yes; how the mighty have fallen. Brendon Grylls went around opening up camps and aerodromes and caused an absolute nightmare for local communities.

**Hon Peter Foster** interjected.

**Hon KYLE McGINN:** We could talk about the underground power project as well. I remember Hon Brendon Grylls crying on stage at one point when a horde of hundreds was yelling and screaming.

**Hon Wilson Tucker** interjected.

**Hon KYLE McGINN:** Was that a low blow? I do not know. I did picket his office a couple of times before I got in here.

**Hon Tjorn Sibma:** Is that a promotion, then?

**Hon KYLE McGINN:** I do not know; picketing offices was pretty fun. Where is the honourable member's office?

**Hon Tjorn Sibma:** In Stirling.

**Hon KYLE McGINN:** Excellent; although I will have to work out where Stirling is!

Basically, Coolgardie got this right. Kambalda is another town that is looking at having a FIFO camp, but that has not been without problems. I have seen the chief executive officer smeared across the front page of the *Kalgoorlie Miner* following protests and everything else from some community members, but the shire has held an open consultation process. Not everyone is going to be happy in the end, but it seems to me that the model the shires are working on is trying to reinvigorate and resource the lifestyle needs of small communities by utilising mining camps.

Another one who has done a really good job, and I have to say I have clashed heads with him many times, is the CEO of the Shire of Dundas, Peter Fitchat.

**Hon Neil Thomson:** I'm surprised you've been out there! This government just ignores Norseman.

**Hon KYLE McGINN:** I go to Norseman a lot, member, because it is in my electorate. If the member knew what the Mining and Pastoral electorate was like, he might be able to inject something into this debate, but, once again, I am left disappointed by Hon Neil Thomson.

Many years ago, the CEO, Peter Fitchat, and I were clashing heads. Everyone would be aware of what happened in Norseman. There were thousands of people in the town. There was an abundance. It was a pretty booming little town. Then all of a sudden the mining company left and the town just disintegrated. It was sad. People just abandoned their houses and gave up on paying rates to the shire, and the shire was left with vacant lots. To the credit of the



Hon Dr Brad Pettitt; Hon Martin Aldridge; Hon Kyle McGinn; Hon Wilson Tucker; Hon Peter Foster; Hon  
Matthew Swinbourn

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shire president, Laurene Bonza, and the CEO, Peter Fitchat, they put their shoulder to the wheel and came up with some alternative ideas. There is now a 300-man camp right in the middle of town. The pub has never been better. I have to say that that pub was on its bare bones at that point as well. The pub and the local cafe are now moving in a good direction. That is because of camps that are well thought out and not just whacked 50 kilometres away from the town with aerodromes, as happened under the former government, which forced people out of regional communities. That was terrible. I would like to see Hon Neil Thomson acknowledge that the Liberal Party was hopeless at that policy, because I think that would be only right.

I have spoken about the camp side of things. We have the Mining Act on the one hand. Another big area to look at is native title. I have spoken about that a bit in the last couple of weeks in some of the great debates that have been brought into this place. We will have a big issue with native title down the track, particularly in the goldfields, where there is no native title determination at the moment.

I will now move on to the bill and focus on a couple of things. Hon Martin Aldridge summarised —

**Hon Tjorn Sibma:** Are you presenting the bill?

**Hon KYLE MCGINN:** I just wanted to provide some education around the mining industry, because there are some people in this chamber who do not know about that.

**Hon Tjorn Sibma** interjected.

**Hon KYLE MCGINN:** I explained that, but the member was away on urgent parliamentary business and I was not able —

**Hon Tjorn Sibma** interjected.

**Hon KYLE MCGINN:** The member should have listened to it in his office, because it was quite a riveting start to my speech. I enjoyed it. There are people in this chamber who do not appreciate the vastness and —

**Hon Tjorn Sibma:** More talk!

**Hon KYLE MCGINN:** Is that not our job right now, honourable member, to talk? What does the member want me to do—a dance or a shuffle? Honestly!

Several members interjected.

**The ACTING PRESIDENT:** Order!

**Hon Tjorn Sibma** interjected.

**The ACTING PRESIDENT (Hon Jackie Jarvis):** Order! Hon Tjorn Sibma, I did mention earlier today that when the President or, indeed, the Acting President, speaks, all other members should be quiet. I did express earlier how disappointing it was that experienced members would continue to speak over the Acting President.

**Hon KYLE MCGINN:** Thank you very much, Acting President. I felt as though I was watching 20 minutes of absolute class!

**Hon Tjorn Sibma** interjected.

**Hon KYLE MCGINN:** Was that the dance class? Unruly interjections, Acting President! I cannot focus.

I am touching back down. I will take my time. I will dissect this nice and slowly for members. Hon Martin Aldridge did offer me an extension. I thought that was very generous of the member. As Hon Martin Aldridge touched on, one of the three pillars of this bill—maybe four—is a streamlined administration process. That is what I like the most about this amendment bill. The ability to streamline administration is good for exploration. It is good for the resource sector. The need for exploration in the resource sector will be massive moving forward to ensure that our economy will come out strong after the cliff that everyone says we could be falling off next year. The exploration incentive scheme, which we topped up with extra money, is one of those schemes that will be a huge player in ensuring that our resources sector continues to drill, dig and produce.

I looked through the explanatory memorandum. Hon Martin Aldridge touched on changes to the marking out of tenements. I found clause 15, “Section 105 amended”, which is quite an interesting read. I will go through that with members because it offers a bit of an insight into how the changes will help and alleviate some of the issues that may pop up, as they did during the COVID pandemic.

So that members are aware, clause 15(1) will amend section 105(1) to accommodate the change made by clause 15(2), which will insert subsections to enable a licence holder to submit an application for mining tenure without first marking out the land. The new subsections will apply to applications made under sections 49, 67, 70L and 75(7), whereby a holder of a prospecting licence, exploration licence or retention licence may apply for a mining lease or

general purpose lease over the land subject to the existing licence. I have told this chamber that I am not a lawyer. I appreciate the minister laying out some examples in the explanatory memorandum to simplify things for me. I think he did that especially for me! Example A in the explanatory memorandum delves into an issue that would have come up during the COVID era. It reads —

*A is the holder of an exploration licence located near Laverton. The licence is due to expire in two weeks. A plans to apply for a mining lease pursuant to section 67 by submitting an application prior to the expiry of the underlying exploration licence.*

*Two days before A is due to travel to Laverton to mark out the land, intra-state travel restrictions are declared across Western Australia as part of a state of emergency. The restrictions will prevent movement between regions and limit movement of residents within the regions to essential activities.*

Obviously, this was done in hindsight, because this has happened, as everyone in Western Australia would know. Example A continues —

*The restrictions will remain in place for the next six weeks.*

*A lives in Perth and is unable to travel outside of the Perth and Peel regions for the next six weeks, during which time, A's exploration licence will expire.*

*A submits the mining lease application to the Mining Registrar without first marking out the land. The application is accompanied by a statement that travel restrictions are preventing access to the land to mark out. The statement is supported by evidence in the form of directions released by the Government on the closure of regional boundaries, as well as evidence that A was unable to engage anyone in the Goldfields region to mark out the land.*

I assure members that it would absolutely be an issue trying to find someone to mark out a tenement without them also doing it for themselves, not that prospectors do that to each other. Example A continues —

*The Mining Registrar is satisfied that it is not possible for the land to be accessed for marking out and accepts A's application.*

That is, with foresight, seeing the potential of intrastate issues coming into play.

Example B is slightly different, but it also allows for the ability for this to take place. It reads —

*B lives in Marble Bar, —*

Marble Bar is another beautiful place in my electorate —

*and holds an exploration licence 100 kilometres east of the town.*

**Hon Darren West:** It's too hot.

**Hon KYLE MCGINN:** It is the hottest place in my electorate. The Marble Bar Races are pretty good, but I urge members to not stay for the last race, because that is when a bunch of city people strip down and run down the racetrack.

**Hon Martin Pritchard** interjected.

**Hon KYLE MCGINN:** I was not leading them, Hon Martin Pritchard.

**Hon Darren West:** I recognised you.

**Hon KYLE MCGINN:** Wow; if my dancing did not scare members, the idea of me running in the last race at Marble Bar probably will!

**Hon Sue Ellery:** Move along, move along.

**Hon KYLE MCGINN:** Apologies. The interjections have been unruly!

Example B continues —

*B plans to submit an application for a mining lease over ground covered by the existing exploration licence. The exploration licence is due to expire in two weeks.*

*The day before B is set to travel out to the exploration licence area to mark out the land, intra-state travel restrictions are declared across Western Australia as part of a state of emergency.*

...

*B is able to travel within the region, and is able to leave Marble Bar and travel to the area to mark out the land as planned.*

*As the travel restrictions do not prevent B from travelling to the exploration licence area, marking out must be done before submitting an application for the mining lease.*

There needs to be evidence and there needs to be a reason. I am sure that attempts will be made to exploit that situation of not being able to peg out the tenement. I hope that the department is ready for that. Again, from reading this explanatory memorandum, it seems that the Mining Amendment Bill is designed to ensure that those people are captured and will not get away with that behaviour. If a person has the ability to mark out their tenement, that is exactly what they need to do. They cannot just rely on trying to get through the loopholes.

I like the fact that, once again, this next example is based in my electorate. Example C is slightly different again but it informs us really well on how this bill will operate —

*C lives in Wiluna—*

A beautiful part of the world —

*C plans to apply for a mining lease over ground covered by the existing exploration licence. The exploration licence is due to expire in three weeks.*

*C's exploration licence is located to the south east of Wiluna, extending across the Mid-West and Goldfields regional boundaries. The intended mining lease will extend across the boundaries of the two regions.*

*Shortly before C is due to mark out the land, intra-state travel restrictions are declared across Western Australia as part of a state of emergency. The restrictions will remain in place for the next six weeks.*

*C is able to travel within the Mid-West region, but travel restrictions prevent access to the Goldfields region. C is unable to mark out of the area prior to the expiry of the exploration licence.*

*C may submit the mining lease application to the Mining Registrar without first marking out the land, accompanied with a statement that travel restrictions prevent access to part of the subject land for the purposes of marking out. C provides evidence to support the statement, in the form of directions released by the Government on the closure of regional boundaries and a map showing the location of the licence area in relation to regional boundaries. C also provides evidence that it is not possible for C to engage anyone in the Goldfields region to mark out the land.*

*The Mining Registrar is satisfied that C's statement demonstrates that it is not possible for the land to be accessed for marking out and accepts C's application.*

These examples are a good way to ensure that people understand the intent of this bill and what it wants to achieve. The foresight to put this in place, despite some people thinking that we have just been through a once-in-a-lifetime pandemic, and to make sure that the mining industry is prepared for the future is a really good thing for the Western Australian economy. The Minister for Mines and Petroleum, Bill Johnston, has done an amazing job not only with the legislation that is moving through this chamber, but also in supporting mining companies through what has been a turbulent journey. Members can see that he has taken on board their concerns and put them into legislation to ensure that in the future, through pandemics, natural disasters and everything else that the world can throw at us, mining companies will be able to continue to operate and be a part of our strong resource industry.

I urge members to read the other examples in the explanatory memorandum. Again, those examples show the foresight given to potential issues that may arise so that we do not find ourselves rushing legislation through this chamber to enable the mines to continue to operate. Hon Martin Aldridge briefly touched on geocentric datum, which is well explained in the second reading speech. That gave me a pretty good understanding on where it is heading. That is part of the bill's first reform. The second reform will allow leases and applications to be made without the marking of land, which we have gone through. The third reform enables fees to be prescribed for lodging an objection against a mining tenement application. Unlike other application types under the Mining Act, there is currently no legislative provision that allows fees to be imposed on the lodgement of objections. Finally, the bill also contains a minor amendment to designate tenement contact provisions. This amendment increases the scope to give information, documents and notifications electronically, supporting the government's digital transformation and streamlining of services.

All in all, I think this is a good piece of legislation. I know that Hon Bill Johnston has been in and out of the goldfields, particularly since becoming a minister. Actually, I know his parliamentary secretary has been out on a few mine sites himself, and thoroughly enjoyed the goldfields I believe!

**Hon Martin Aldridge:** Who is it?

**Hon KYLE MCGINN:** It is the very hardworking Hon Matthew Swinbourn.

**Hon Tjorn Sibma:** Our future Attorney General.

Hon Dr Brad Pettitt; Hon Martin Aldridge; Hon Kyle McGinn; Hon Wilson Tucker; Hon Peter Foster; Hon  
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**Hon KYLE McGINN:** Yes! Did we not take any notice of question time? No? Hon Bill Johnston not only goes out and meets big mining companies, but he also sends his parliamentary secretary out there to get a taste of the mining industry out in the goldfields. Every time Hon Bill Johnston goes out into the goldfields, to his credit, we always end up at the local prospectors' shack down in Boulder talking to small prospectors.

**Hon Darren West:** You have to be worried!

Several members interjected.

**Hon KYLE McGINN:** The goldfields has changed since 1901. We have not ended up at the Exchange Hotel having a pony; that has not happened. There are a lot of interesting places in the goldfields. The prospecting shack in Boulder is a very safe and professional outfit.

**Hon Tjorn Sibma:** Is that where the dancing happens—where the moves are home?

**Hon KYLE McGINN:** That is at the Gold Bar at about 1.00 am!

I want to thank the minister. Not every minister has sat down with the prospectors and gone through their issues from a smaller operation perspective. They acknowledge that every time the minister gives them that opportunity. We have done it at the WA School of Mines, we have done it at a sundowner and down at their association. We give them plenty of notice and they come in with bucketloads of complaints, issues and pie in the sky requests. The minister works through them and gets back to them every time.

**Hon Tjorn Sibma:** Which companies?

**Hon KYLE McGINN:** I will invite the member to come out and hear some of the amazing ideas that come out of some prospectors. All I am saying is that it can get quite hot out there. There is a shortage of water sometimes.

Several members interjected.

**Hon KYLE McGINN:** I cannot understand how this has gone into dancing.

Several members interjected.

**Hon KYLE McGINN:** The sad part is that this is going to be in *Hansard* forever now. I thank the deputy chair for the opportunity. I would like to put on the record that I am not a dancer. I am very pleased with this bill and I look forward to seeing it pass through this house without too much of an issue.

**HON WILSON TUCKER (Mining and Pastoral) [4.02 pm]:** I was not planning on giving a contribution today, but I felt compelled after the previous member's contribution waxing very lyrically about the Mining and Pastoral Region. As a fellow member for the Mining and Pastoral Region, I thought I would also wax lyrically and share my two cents—certainly about automation and collaboration. I think the member mentioned that the mining sector and mining companies do not collaborate very well. I would like to remind him of the few classic examples in which the mining industry did collaborate very well. Brendon Grylls with the royalty tax increase was a classic example of the mining industry collaborating very well, and it put an end to his political career quite quickly.

Several members interjected.

**The DEPUTY CHAIR (Hon Jackie Jarvis):** Members! Hon Wilson Tucker, I will remind you to address your comments through the chair.

**Hon WILSON TUCKER:** The honourable member also made reference in his contribution on Wednesday this week to the motion we discussed regarding the windfalls that these companies are enjoying. Hon Kyle McGinn spoke about the gold tax increase.

**Hon Kyle McGinn:** The failed one in 2017.

**Hon WILSON TUCKER:** That is right. The member gave the example of the mining industry coming together very well, collaborating to stir the masses and hand out —

**Hon Kyle McGinn:** I didn't say that. I said I had protesters at my office.

**Hon WILSON TUCKER:** That is right; that is an example of collaboration, member.

**Hon Kyle McGinn:** They got paid to do that.

**Hon WILSON TUCKER:** That is another classic example of the mining industry coming together quite well when it feels the need is there.

Another example of collaboration is the gas agreement that the Carpenter government put in place. The mining industry put together a very effective scare campaign, saying that the domestic gas policy of reserving 15 per cent of gas for domestic use would result in job losses. History shows that that is not the case. The mining industry claimed that the policy would spread to other jurisdictions and cost jobs on the ground. But if we look back now, we see that it was actually a very well thought out policy. Reserving 15 per cent of the gas for domestic use has kept inflationary

pressures in check, and the soaring energy prices that we are seeing around the world and over east are not affecting us in Western Australia. That is an example of the government standing up to the mining industry and coming out the other end with a policy in place that has futureproofed the energy sector and helped futureproof the WA economy.

Hon Kyle McGinn also spoke about automation. He said that automation is not a bad thing, we should not be afraid of it, and that it would not necessarily result in job losses if we can secure the manufacturing side as well.

**Hon Kyle McGinn:** No. I was afraid it was resulting in job losses without manufacturing replacing it.

**Hon WILSON TUCKER:** I think the member will find that, typically, when we automate, we upskill our workforce as well. Automation gets rid of those lower-level jobs and puts people in positions in which they can generate more intellectual property. They actually become higher paying, upskilled positions, typically. But I do agree with the honourable member's comments regarding local manufacturing. I think that is absolutely important—certainly after the pandemic. We should be building sovereignty around our supply chains, and that includes manufacturing that feeds into industries like the resources sector. The member is spot on there.

I want to make a point about Hon Kyle McGinn's comments on fly-in fly-out camps in the Pilbara. During the Barnett government years, there seemed to be a free licence to build FIFO camps wherever the mining companies saw fit. That has since been reversed, and I think Labor is doing a better job of engaging with those companies to ensure that the workforce is integrated into local towns. Previously, FIFO workers were segregated. They would fly in and where they worked, slept and how they spent their money—everything—was contained in those camps, and they did not give back to those local communities. We are now seeing more memorandums of understanding put in place between local governments and mining companies to allow for a more integrated workforce that can give back to those local communities.

**The ACTING PRESIDENT (Hon Jackie Jarvis):** Member, I would remind you that we are discussing the Mining Amendment Bill 2022. I note that Hon Kyle McGinn took significant licence in reference to the bill, but I remind you that we are talking about the Mining Amendment Bill, not responding to the comments of a previous member. Thank you.

**Hon WILSON TUCKER:** Thank you, Acting President.

In summary, automation is good. This bill will go some way to automating some of these approval processes, and I certainly do not have a problem with that. I think automation is certainly good, and I support the bill.

**HON PETER FOSTER (Mining and Pastoral) [4.09 pm]:** Today I rise to speak in support of the Mining Amendment Bill 2022. As one of the members representing the Mining and Pastoral Region, I take a keen interest in the mining industry. That is one of the reasons I thought it was important to contribute to the second reading debate on this bill today. It is a relatively short bill, as some members have already canvassed; it has 16 clauses. It seeks to amend the Mining Act 1978 to improve both the regulations and regulatory practices in Western Australia. These changes seek to streamline the processes, safeguard the security of titles and licences, and generate certainty for the resources sector. It is this last point that I will mostly highlight in my contribution, because I think it is very important that our resources sector has certainty when it is making major investment decisions.

Key components of the bill include modernising the geodetic data, which has been already discussed; allowing lease conversion applications to be made without first marking out the land when the land cannot be accessed—we have discussed a few reasons why the land might not be able to be marked out; and enabling fees to be prescribed for the lodgement of an objection application against a mining tenure application. I think it is important to note that this bill supports the McGowan government's vision for our state—to continue to be recognised as a world leader in responsible resources development that is underpinned by a robust and adaptable legislative framework, hence the bill before us today.

I refer to a media statement that came out earlier this month. I remind members that it is important that we have a safe and secure investment environment within which our mining companies can make big decisions. The media statement refers to \$231 billion of mineral and petroleum sales for the state in 2021–22, and that includes \$6.8 billion for lithium and nickel as well, which has had record sales for the last 10 years. It is also important that our mining industry has security, because a lot of Western Australians actually work in the mining industry. The latest figures show that 157 700 Western Australians are working in the mining industry. I think it is really important to point that out. Those workers rely on good decisions being made by this house, as is contained in this bill. Sales of iron ore have been very high, generating \$137 billion in sales; gold, \$17 billion in sales; and nickel, \$4.9 billion in sales. The media statement also refers to LNG production generating \$38 billion in sales. It is really important to highlight that, because we need a strong resources industry, and that is going to be supported by this bill.

This morning we talked about strong economic management in debate on a motion moved by Hon Pierre Yang. I note that, yes, it is being powered in part by the resources sector, and, again, that is why we need to get the legislative framework right and not squander our profits from the resources sector. That was highlighted in the debate this

morning. It is important that our resources industries are supported, because without that support, we would not have as many people employed and we would not have that income generated for our state.

It is pleasing to see that the mining industry continues to invest. A couple of other media statements came out recently, including one from 18 October titled “Joint Rhodes Ridge iron ore project gets green light”. That is actually just down the road from where I am in Tom Price. It states, in part —

McGowan Government welcomes joint venture Rhodes Ridge development

That is a joint project between Rio Tinto and Wright Prospecting to develop the Rhodes Ridge deposits in the Pilbara region. It is estimated that there is about 6.7 billion tonnes of iron ore. The project is expected to generate thousands of jobs, and has the potential to underpin production of Rio Tinto’s iron ore for many years to come. This will provide a much-needed boost to both our state economy and the local economy in the Pilbara. It is pleasing to see that Rio Tinto and Wright Prospecting are working closely with the traditional owners, who in that part of the world are the Niyiyaparli and the Ngarlawangga people, to ensure that sites of cultural significance and environmental and biodiversity value are protected as part of the new development. As I said, the mining and resource industry needs certainty to be able to make big investment decisions and the Mining Amendment Bill 2022 supports this.

As members may recall, I live in Tom Price. Tom Price is home to many in the mining industry. I have a personal interest because my partner works for Rio Tinto in Tom Price as a production planner. I texted him today because I was not sure what his role was. I said, “What do you do? What you do?” He said that he develops scopes of work, creates executable plans for shutdowns and is required to arrange labour or machinery hires for the shutdowns. When part of the mine needs to be replaced, my partner will design the plan and work out who is required. It might be a labour hire network or machinery to be hired, and he will make sure that happens. That highlights how many parts there are to the mining industry. We have talked here today about the fly-in fly-out industry. A lot of those shutdown crews are FIFO workers who travel from Perth. They have their mortgages and families in Perth and then travel north to carry out this important shutdown work. Shutdowns do not happen every week. Sometimes shutdown projects can be three to four weeks in length, or sometimes they can be for only a matter of days. It is important to highlight that a lot of people in Western Australia rely on those mining jobs, not just up in the regions, although it is very important there. Tom Price, where I live, is a town of about 3 500 people and easily 1 000 people are directly employed through Rio Tinto. Those jobs are very important.

I did not really want to talk about the next issue, but I will. A motion was moved in the house yesterday on mining royalties and there was a bit of commentary about whether the royalties should go up or the royalties should go down. A few people raised what happened just before the 2017 election. When the former member for Pilbara was in government, he proposed a mining tax. I lived in Tom Price and I felt very directly the fear in my local community when that mining tax was suggested. As I have just explained, potentially 1 000 people in town are employed directly through the mine. I say directly because there are also indirect jobs such as people in the transport industry, retail and so on. We were really frightened when Brendon Grylls made that suggestion. Many local people did not vote for the National Party on that basis. They were scared that they would lose their jobs. They were scared that the mining company would not continue to invest in our town and people would have to leave.

I do not know how many members in this house have been to Tom Price. It is a beautiful place. I have been there for 14 years. The main demographic is young families and they like living in Tom Price. We have three great schools and a number of sporting ovals. They call it home and they were really frightened that they would have to leave and move somewhere else. I want to touch on the town because the mining industry invests a lot of money into our regional towns and that is why it is so important that the resource industry has a good legislative framework and the confidence to continue to invest. For example, through partnerships with the Shire of Ashburton, Tom Price has had its skate parks upgraded and a new pump track, which cost over \$1 million, is about to be formally opened. A shade structure is being built over the basketball courts, which is about a \$3 million project. A new childcare centre will open in a matter of weeks, which I think was about a \$4.5 million project. A co-located emergency services precinct that is being developed in partnership with the shire and the state government is about a \$1.8 million project. The mining industry is supporting a lot of projects. This is all with the Shire of Ashburton. Of course, over on the coast in Onslow, Chevron has contributed about \$36 million to the new shire building, swimming pool, basketball courts and skate park. Our mining industry has contributed to a lot of infrastructure.

As we discussed, there are a few clauses of note in the bill: clauses 4 and 8, which deal with that geodetic data; clause 15, which deals with the pegging and marking out of the land; and clauses 6 to 14, which refer to the fees. I know Hon Dr Brad Pettitt talked about prescribed fees in his contribution. It is important to note—if I can find it—that these amendments do not propose any fee amount but only for a fee to be set, with any setting of fee to require amendments to the Mining Regulations 1981 in consultation with stakeholders.

I will leave my contribution there; thank you for the opportunity to speak. I commend the bill to the house.

Hon Dr Brad Pettitt; Hon Martin Aldridge; Hon Kyle McGinn; Hon Wilson Tucker; Hon Peter Foster; Hon  
Matthew Swinbourn

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**HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary)** [4.20 pm] — in reply: I will give a reply to this matter. The 16-clause Mining Amendment Bill 2022 has generated far more debate than I anticipated, but I thank all members for their passionate contributions. I will address the matters that I can. I appreciate that Hon Martin Aldridge indicated that the opposition alliance will not require that the bill be dealt with in committee. Hon Dr Brad Pettitt has also indicated behind the chair that he does not require the bill to be dealt with in committee.

**Hon Martin Aldridge** interjected.

**Hon MATTHEW SWINBOURN:** The reply will not be anywhere near as colourful as some of the contributions. I do not wish to disappoint some of the members with my lack of enthusiasm for their interjections.

Hon Dr Brad Pettitt raised the concerns of his community about the part of the bill that deals with the power to prescribe a fee. As Hon Peter Foster said in his address, this bill will only create a power; it will not prescribe the fee. It will not prescribe any fee structure. Apart from the fact that the bill will provide this power, I can confirm on behalf of the government that if a fee is prescribed for objections at a time upon the passage of the bill, it will be subject to extensive consultation with industry and the community. I hope that provides reassurance to the people who raised this matter with the member and that it will give people the opportunity to make submissions of this kind; for example, the fees for a person should be low but a fee for a corporation might be higher, and things of that kind.

The member raised concerns about the idea of vexatious objectors and what that makes reference to. It is fair to say that the kind of people he was speaking on behalf of were not contemplated. I think over 3 000 objections to mining tenements are lodged every year. There are a lot of objections. After Hon Dr Brad Pettitt's briefing, we provided a breakdown that we could use from the time period from 1 April 2022 to 31 May 2022—only two months. There were 350 rejections, which the Department of Mines, Industry Regulation and Safety reviewed, and placed in a number of categories. The first category is companies or persons known to be involved in the mining industry. Of the 350 objections, 195 were lodged by people in that category, which represents 56 per cent. A clear majority of them were lodged by people who were connected with mining companies or the mining industry. A further category is persons not known to be connected with mining, such as private landholders, community members and water rights holders. They made up 75 of the 350 objections, which is 21 per cent. Pastoral lessees made up 42 of the 350, which is 12 per cent. Native title parties or individuals, on the basis of native title rights and interests, made up 28 of the 350, or eight per cent. Non-government organisations and local government authorities made up three per cent. That is the broad range taken from that sample in the time that we had to do that analysis. As members can see, there is an element to them.

The department is aware that some industry people make vexatious objections to interfere with a competitor's mining operations or to potentially extract money from the mining company to make the objection go away, effectively. We do not have any figures on what that relates to, but this is for vexatious objectors rather than genuine members of the community who have a concern and who lodge that concern. The member contemplated individuals who lodge their own individual objections. Sometimes we get a lot of objections, but it is possible for a group of individuals to come together and make a single objection so that in the event that a fee is prescribed, the impact on those individuals can be potentially ameliorated by sharing the cost amongst a large group of them and the objection can be dealt with on its merits through that process. As I say, the Mining Act establishes a power to prescribe a fee for objection only; it does not provide for a structure, type or amount of any fee, and any fee structure and individual amounts of the fees will be set by regulation and will need to be gazetted. Those regulations, of course, will be subject to review by the Joint Standing Committee on Delegated Legislation and subject to disallowance by Parliament.

I hope I have provided the member with some reassurance about the government's intention. This is not a Trojan Horse to bring in a mechanism to stifle genuine community concerns and objections. We also provided the member with a table of what happens in other jurisdictions. I hope that helps to allay the member's primary concerns that he raised about the bill.

Hon Martin Aldridge made a particular comment—I will not be able to finish before question time—about marking out. He gave an interesting analogy that perhaps revealed some of his television watching habits when he was younger! In any event, marking out is still required under section 105 of the Mining Act. This requirement must be met before an application for a mining lease, a prospecting lease, a retention licence or a general purpose lease is made. Marking out is done under the rules set out in division 1 of part 5 of the regulations. That is where the requirement for cutting two trenches or placing rows of stones arises. In response to the member's comment about it being archaic, that practice is well embedded and established amongst the industry. That is what the industry understands, and if a proposal was ever made to change those things, it would require considerable consultation with industry because it would be a change to its custom and practice. Apparently that arose in the late nineteenth century, so it is well and truly established. At this stage, the government does not have any plans to make changes to that area. As a non-mining person, it is a curiosity that also somewhat piqued my curiosity as well.

Hon Dr Brad Pettitt; Hon Martin Aldridge; Hon Kyle McGinn; Hon Wilson Tucker; Hon Peter Foster; Hon  
Matthew Swinbourn

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The member also brought to our attention the reference to “any law” at proposed section 105(3)(a). The member asked whether it was restricted only to Western Australian law. No. The proposed section was drafted broadly and beneficially. It means any law, either written or not written. Although the explanatory memorandum mentions the Western Australian law, as a matter of statutory construction, the judges will go first and foremost to the plain and ordinary meaning. The term “any law” is not novel. If it said “any act”, it would be restricted by the Interpretation Act because that applies only to Western Australian laws. If it referred to “written laws”, that is also defined in the Interpretation Act. Anyone interpreting this provision can use the ordinary plain language, so it is any state law, commonwealth law, local law, the common law and those sorts of things. As I say, this provision is drafted beneficially rather than narrowly so that anyone reviewing *Hansard* can take guidance on this matter. I am not saying that the explanatory memorandum is wrong; I am saying that it gives only a small example and that the meaning should be interpreted broadly. I hope that covers that issue for the member. I do not have a lot more to say about the bill, so I commend it to the house.

Question put and passed.

Bill read a second time.

[Leave granted to proceed forthwith to third reading.]

[Continued on page 5158.]