

**MINING AMENDMENT BILL 2023**

*Introduction and First Reading*

Bill introduced, on motion by **Hon Matthew Swinbourn (Parliamentary Secretary)**, and read a first time.

*Second Reading*

**HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary)** [3.26 pm]: I move —

That the bill be now read a second time.

The Mining Amendment Bill 2023 will make amendments to the Mining Act 1978 to address objections by carbon farmers against applications for mining tenements that would serve as a de facto exclusion of mining activity over the ground over which there is an objection. The proposed changes will reduce this risk. This bill supports the government's vision for Western Australia to continue to be recognised as a world leader in responsible resource development as well as allowing the continued exploration, discovery and extraction of state mineral resources, including critical and battery minerals that will support the government's decarbonisation strategy and the target of net zero greenhouse gas emissions by 2050. These amendments were foreshadowed by Hon John Carey, MLA, Minister for Lands, in his second reading speech on the Land and Public Works Legislation Amendment Bill 2022 on 23 November 2022.

I refer to a key element of the bill and the rationale for the amendments. Crown land is already subject to multiple land uses. These uses coexist in conjunction with resource industry uses and each other. In order to coexist, the policy intent is that such land uses are non-exclusive in nature. This bill represents the whole-of-government policy that exploration for minerals, and by association mining operations, is still able to occur over areas subject to carbon farming. This policy intent would be defeated if carbon farmers could object to proposed mining tenure on the basis that it adversely affects the carbon farming use. Having said that, it is important to say that this bill will not preclude carbon farmers from coexisting with mining projects nor from seeking compensation for any adverse impacts due to mining activities. Objections can prevent applications from progressing and can delay progression for years while they are resolved through proceedings before the Mining Warden. This may significantly impact resource exploration and resource projects, with negative consequential effects on the economy and state budget.

A common misconception is that the grant of a mining or exploration tenement will result in the immediate creation of a mine. In reality, the grant of a mining or exploration tenement is only the start of a process that may take years or decades before the extraction of resources starts. Most exploration does not lead to a commercial discovery of minerals. Very few proceed to production. Before any activity can be progressed on an exploration or a mining tenement, it will still be subject to rigorous approvals processes, including environmental approvals, negotiations with traditional owners and other stakeholder engagement processes.

The size of the exploration licence tenement has no bearing on the final size of the potential mine. Exploration licences are granted by reference to a grid system of graticular blocks of about 344 hectares. Exploration licences can be up to a maximum of 70 blocks in size, about 24 000 hectares, or up to a maximum of 200 blocks in designated areas, over 68 000 hectares. The average size of a working mine is in fact much smaller—up to tens of hectares in size. As a result, these amendments aim to address the issue with carbon farming-related objections against the grant of mining tenure to ensure maximum benefit for the state and the WA community.

The key element of the bill prohibits a person to lodge a notice of objection if the basis for the objection is a mining tenement or the activities authorised by the mining tenement would affect an offsets project. An offsets project is a concept from the Commonwealth Carbon Credits (Carbon Farming Initiative) Act 2011. It is used in the bill to describe a carbon farming project. Such projects may cover vast tracts of land, especially when located on the state's crown land. The smaller offsets projects, usually located on freehold land and protected under the private land provisions of the Mining Act 1978, are excluded from these amendments.

This bill will not prevent community or public objections to a mining tenement in the public interest. It will only prevent objections from any party to a mining tenement application on the grounds that it would affect carbon farming. Any person will still be able to object on any other grounds, including public interest and environmental grounds.

This bill will ensure that state legislation continues to be consistent with the government's policy position and intent. Additionally, projects will still be subject to rigorous secondary approvals, including environmental approvals and stakeholder engagement requirements.

In conclusion, the key outcome of this bill is that it will progress the state's policy intent for multiple and non-exclusive land use. This will provide greater certainty to the resources sector, allowing it to continue to grow to the benefit of the state and Australia. It will allow the continued exploration, discovery and extraction of critical and battery minerals that will support the government's decarbonisation strategy and the target of net zero greenhouse gas emissions by 2050.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table an explanatory memorandum.

[See paper [2127](#).]

Debate adjourned, pursuant to standing orders.