

MINING AMENDMENT BILL 2021

Committee

Resumed from an earlier stage of the sitting. The Deputy Chair of Committees (Hon Peter Foster) in the chair; Hon Matthew Swinbourn (Parliamentary Secretary) in charge of the bill.

Clause 1: Short title —

Committee was interrupted after the clause had been partly considered.

Hon MATTHEW SWINBOURN: Before we were rudely interrupted by question time, Hon Dr Steve Thomas had asked me how the government was engaging with the community about some of the concerns that have arisen about this bill. I will make a couple of comments about that. The concerns were made quite late in the piece. As I indicated in my second reading reply, this bill was first read into the Legislative Assembly on 21 October last year. In terms of the government's response, it is really only in the last week and a half that we have received any significant concerns about this bill. There is, of course, a grind with the Mining Act 1978 because mining, and the activities around it, is not always universally welcomed when it happens so I do not think there is any controversy in that. However, I can table a very recent response from the minister's office to one of those inquiries. There is no standard response as such to these issues because it is very early in the piece, which is the context that I gave to Hon Dr Steve Thomas. The department, of course, as all good departments do, has provided advice to ministerial officers about the details. The document that I am holding, which I will table for the member, is an email exchange between a ministerial officeholder, Ms Hope Smith, who is a senior policy adviser to the minister, and some members of the community. We have redacted the contact details and the names of the people, but it will provide the substance of the initial email that was sent to community members yesterday. As Hon Dr Steve Thomas will see when he gets a chance to read it, it has been influenced by a government department in the nicest possible way. I say that to the advisers at the table who are helping me out! There were further inquiries, which, again, we responded to only this morning to try to allay the concerns that have been raised about the bill and engage with them on that matter. I also indicate that there is correspondence to which the minister's office has not yet had an opportunity to respond. As the member can imagine, the Minister for Mines and Petroleum; Energy; Corrective Services; Industrial Relations gets an awful lot of correspondence, so the minister's office will of course respond in due course. In relation to the department dealing with the pegging issue, I do not have any different advice from what I provided earlier to the member—that is, the department is engaging with people who contact the department about how to deal with that and providing them with advice about their rights. I table this document.

[See paper [1528](#).]

Hon Dr STEVE THOMAS: I thank the parliamentary secretary for that; that was a pretty good turnaround and a pretty quick response. It is no wonder; I have called the minister three times today so far. With that level of performance, that has been very —

Hon Stephen Dawson: It was actually five.

Hon Dr STEVE THOMAS: Five, was it? Did the minister count them? There might be some exaggeration in that. That is really good; thank you.

I do not think we will finish this bill in the next eight minutes or whatever it is.

Hon Matthew Swinbourn: How unreasonable.

Hon Dr STEVE THOMAS: We are still on clause 1, and clause 34, which is half the bill, is the interesting one. It is important to respond to people's concerns. We have all, hopefully, done our bit to give a reasonable response and keep people calm as part of the process. Perhaps the parliamentary secretary could just take on board that if significantly different or alternative advice is given in different areas from the advice that he has tabled today, which we absolutely appreciate, it would be good if he could bring that along when we further debate this bill in a couple of weeks. We would appreciate that if there are other significant issues of concern. Given that both the opposition and the government, and part of the crossbench at least, are supporting the legislation, I think it would be really useful if we all had that information.

Hon Matthew Swinbourn: I think when you see what I have tabled, that will largely contain what you are talking about anyway.

Hon Dr STEVE THOMAS: I thank the parliamentary secretary. I suspect that it will. All I am saying is that if there is a significant deviation from that or a different question is addressed, maybe the parliamentary secretary could keep us informed of that as part of the process, because I think that would be really useful. We can then address the other issues, having calmed everybody's concerns about people rocking up and invading their property et cetera.

Hon PETER COLLIER: Just to follow up on that—sorry if I have missed something here, parliamentary secretary; I am not sure if you covered this—have all the people who expressed concerns been notified? Did I mishear that? The only reason I ask is that, probably like everyone on this side and possibly a lot of people on that side, I have been inundated with letters over the last couple of weeks. I dealt with an issue with regard to the Firearms Act just recently, which exposed a problem with communication with a particular sector. I have had a number of people from the mining sector contact me on this bill. From what I have just heard, their fears appear to have been alleviated. I just wanted to confirm that I heard that right—that the people who have those concerns and have already contacted the department or minister's office have each been notified or had those concerns alleviated.

Hon MATTHEW SWINBOURN: I say this through the deputy chair even though I have my back to him, as I am addressing the member. I cannot say that every single one has been contacted because I do not have perfect information on that. What I have tabled is very recent correspondence between the minister's office and members of the community. Those people rang the minister's office and spoke to one of the policy advisers for the mining and petroleum area, and she then provided a detailed email to those concerned members of the public. They then emailed back some additional questions and she has responded to them today.

As I indicated during the second reading debate, like the member, I have personally received emails from members of the community who had emailed my electorate office. We were not sure whether those emails had gone to the minister's office as well or whether members of Parliament had forwarded them to it. What I can say is that it is our intention to respond to all those pieces of correspondence, because we absolutely support what this bill is trying to achieve, as does the opposition from the speeches that have been given. We think that some of those concerns, whilst genuinely held, are misplaced. We want people not to fear what we are doing here, so we do intend to respond to them. The department also will respond, more broadly.

The question from Hon Dr Steve Thomas was in two parts, it related to pegging for tenements, which this bill does not deal with at all. The department receives correspondence and contact from members of the community who see someone pegging on their private land and, as I indicated, it provides advice to those people. I also made the point that the contact was quite late in the piece.

In my reply I went through the level of consultation that the department had engaged in on this bill and the sessions that it had held. There is always more that one can do, as the honourable member knows; he has been a minister and has been on both sides of the house. If the member looks objectively at the process that the department has run for consultation on this bill, he will see that it has been fair and reasonable. There has been a number of opportunities for people to engage with that process. Having also said that, the definition of an eligible mining activity is going to be subject to further public consultation. People, again, will be able to engage with the consultation process, which will be open to the industry, environmental activists, private landholders and the community.

Again, I am not sure that the issue that the member might have identified with the Firearms Act is one that we have faced here.

There are 2.6 million people who live in the state of Western Australia. It would be nice to think that everybody is engaged with what the Parliament or our departments are doing, but, unfortunately—or fortunately perhaps for our sanity—that is not the case. Ultimately people are now coming forward, but we still think that what we are doing here has followed a fair consultation process. People had a reasonable opportunity to feed into that consultation process, and when people contact us to ask for clarification, we will provide that clarification to them.

Hon PETER COLLIER: Thanks for that, parliamentary secretary; I appreciate that. I get it with regard to the consultation; I really do. I understand that there can be a crescendo of support that will come around a particular theatre of thought for a bill that may be unfounded. That may be the case, I do not know, to be perfectly honest. Certainly from what I have heard, and from the parliamentary secretary's comforting words today, the information that has been provided will placate a lot of the concerns that have been raised with me and my colleagues. I am sure that my learned colleagues will extract more information through the committee stage. We will then be able to go back and facilitate some form of comfort for those people who have been contacting us, so I am quite comfortable with that.

Hon NEIL THOMSON: I am mindful of the time, so I will just make one point. There might be some conversation behind the chair about the program of works. I will seek some clarification on some of the comments made earlier in response to Hon Dr Steve Thomas. The big question that I think is on everyone's minds is really the timing for the development of regulations and the time frame for the transition and implementation of these regulations. Is the parliamentary secretary able, in the short time remaining, to outline for us a bit of a time line of when these regulations are likely to be ready for implementation?

Progress reported and leave granted to sit again, pursuant to standing orders.