

MINING AMENDMENT BILL 2005

Second Reading

Resumed from 30 June.

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [12.47 pm]: The opposition supports the Mining Amendment Bill 2005, albeit reluctantly. Members may be aware that in 2004 the government brought in amendments to the Mining Act that related to the creation of a reversion licence scheme. The purpose of this scheme is to enable applications for mining tenements to progress more quickly through the processes to try to overcome problems created by the native title legislation. The fundamental purpose of the 2004 legislation was to put in place a reversion licence regime.

During the debate on the 2004 legislation, the opposition drew attention to a Henry VIII clause in the bill and it was removed by a decision of this chamber. It was subsequently discovered by the government that the removal of the Henry VIII clause meant that it would have significant difficulty implementing the scheme. The bill that was passed in 2004 has not been proclaimed and the government has come back to the house to seek a further amendment; that is, to insert a slightly less obnoxious Henry VIII clause.

The scheme has a particular time limit, which I think is two years; therefore, on this occasion, I am happy to go along with the government's slightly revised Henry VIII clause, which will allow this scheme to operate within that time frame. If there were no time limit I would have a far more significant argument than I have now. I am advised by Department of Industry and Resources' officers, whom I respect and admire for their understanding of the mining industry and this legislation, that this is the only way to deal with this matter. The opposition is prepared to support this legislation. I draw to the government's attention that in future when these things happen it should try to avoid giving itself the sort of power that this legislation gives it. The offending subclause (4) reads -

- (8) An order under subsection (2) has effect despite any other provision of this Act.

These sorts of provisions are not necessarily in the best interests of legislation for Western Australia. Because of problems affecting the mining industry, and the exploration industry in particular, and the gumming up of the processing of mining tenements, we accept that something like this needs to happen. However, the Parliament does not need to muck around with the Mining Act; it is the native title legislation that is the fundamental cause of the problem. Until someone bites that bullet, we will be dealing with legislation like this on an ongoing basis. On the basis that we are not all that fussed about Henry VIII clauses on this occasion, the opposition will support the legislation.

HON MURRAY CRIDDLE (Agricultural) [12.51 pm]: I have spoken about this bill to some members of the industry as late as this morning. Although they are not thrilled about it, they are keen to see the bill passed so that matters can progress. Bearing that in mind, I will support the legislation.

HON PAUL LLEWELLYN (South West) [12.52 pm]: The Greens (WA) will support this bill. I understand that it has been a long time coming. We need to be aware of a number of conditions, which need to be put on the public record. The shift in the reporting of rights and tenures from mining leases back to exploration leases will give mining companies the opportunity to tie up the tenure of land for long periods. This might surprise members, but, by shifting tenure from an exploration lease back to a mining lease, mining companies can frustrate the efforts of some people in the mining industry. The Greens have paid attention to this bill. A previous Greens member of this house, Hon Robin Chapple, gave considerable attention to this legislation. As a result of his advice, I am told that the Greens will accept this bill as it stands.

HON KIM CHANCE (Agricultural - Leader of the House) [12.53 pm]: I thank the Leader of the Opposition, Hon Murray Criddle and Hon Paul Llewellyn for their constructive and spirited support of what is an important piece of legislation for our most important industry in Western Australia. The legislation, as was noted by the Leader of the Opposition, will solve, or will certainly ease, what has been a significant problem in the mining industry over a number of years. I thank honourable members for their support.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Hon Kim Chance (Leader of the House)**, and passed.