

STANDING COMMITTEE ON LEGISLATION

MINING LEGISLATION AMENDMENT BILL 2015

**TRANSCRIPT OF EVIDENCE
TAKEN AT KALGOORLIE
MONDAY, 11 APRIL 2016**

SESSION EIGHT

Members

**Hon Robyn McSweeney (Chair)
Hon Ken Baston
Hon Dave Grills
Hon Robin Chapple (substituted member)
Hon Kate Doust (substituted member)**

Hearing commenced at 3.18 pm

Mr DARRALL (DARBY) RENTON

Prospector, sworn and examined:

Mr PAUL FITZGERALD

Private Citizen, sworn and examined:

Mr RAY KEAN

Prospector, sworn and examined:

The CHAIR: On behalf of the committee, I would like to welcome you to the meeting. Before we begin, I must ask you to take either the oath or affirmation.

[Witnesses took the oath.]

The CHAIR: Please state the capacity in which you appear before our committee. Are you representing yourself?

Mr Renton: I am, for the old prospectors that went away in the First and Second World Wars. They are not here today, and this bill, this whole gadget here, affects their heritage, like in your case with the horses.

The CHAIR: You have obviously been reading.

Mr Renton: That is right. I am a trainer.

Hon ROBIN CHAPPLE: How to work the committee; there you go.

The CHAIR: Flattery will get you nowhere!

Mr Renton: That is quite all right.

Mr Fitzgerald: I am counsel to Ray; I am Ray's mate.

Mr Kean: I am representing myself and the industry, so to speak, from the point of view of trying to create an environment for—the industry has been good to me and I would like to give back what the industry has given to me. I have probably got about 10 years left in my life, just as a guess, and I want to give back something to make sure there is some future for the industry. It has been good to me, so I want to see it left.

The CHAIR: Thank you. You will all have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

The Witnesses: Yes.

[3.20 pm]

The CHAIR: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record, and please be aware of the microphones and try to talk into them. Ensure that you do not cover them with papers or make noise near them and please try to speak in turn. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public.

I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Would you now all each like to make a five-minute statement to the committee?

Mr Renton: This is the whole bill that I have printed out and all the amendments that go with it. There are amendments on amendments. You would have to be a Philadelphia lawyer to actually understand this. I cannot see many prospectors understanding this. Many years ago I used to be the president of the prospectors association and there were a lot of issues that came up way back then. As you discussed today, you said that the bill cannot be changed; we have just got to make amendments to the bill. Now, in 1991, a lot of our underground workers on the goldfields were made redundant way back then, and a lot of those fellas went prospecting to try and make ends meet, what is happening today.

When we look at this bill and we look at information, they talk about fees. Way back then, I had two colleagues—they have both passed on now—and they were prospectors. They went to the mines department, which is up here in Kalgoorlie, and put in a submission so they can go down this little open cut about 12-foot deep, put two cuts in the wall, because there was a bore hole, and get good gold, and the mines inspector said, “Well, I want \$7,000 off you.” So they came to me, and I said, “That’s ridiculous.” So, I had a meeting with the environmental officer. He threw a big book on the table. He said, “They’re the rules, take it or leave it.” That is what we did—we left. I arranged a meeting with the then Premier Burke, and the Leader of the Opposition was then Richard Court. I had a meeting in the Western Mining Conference Centre. A lot of prospectors came along. I did not know that APLA existed, and they all came along and eventually I joined APLA.

At that time we had Bob Stevens, the adviser, because then Richard Court became the Premier, and everything we wanted through that association, we gained. I was going down to the MILC meetings discussing everything—like all this garbage here, we were discussing it. I know you can blink. But down there we had a personal surety. So, those two fellas who were going to go down and bore a couple of holes, instead of forking out \$7 000, had a personal surety. Now that has all gone. We had an NOI, which Mr Chapple brought up, three pages. Now look at this. Now you have got a whole heap of pages and it has got to go down to Perth for 30 days to—what is his name? Some fella. He is the director general of mines—loves detective stories and he is a biologist. This is what we are looking at. We have got people involved in the mining industry that do not have a clue, and here we are here, us fellas here are battling without the scrub, trying to work, get a dollar. I have spent thousands of dollars in mining. We do not make much money, unless you sell a lease to a major mining company, which we did way back then. We were picking the old GMLs, the goldmining leases—24 acres. Everything was simplified. Now they are saying they have got to streamline it. We had it streamlined.

We had the whole lot in the palm of our hands. Then what happened? We had a change of government. The mines minister probably did not have much of an idea. Then we had George Cash. What a great minister he was for the prospectors! What a great minister. Then along comes this Marmion fella who does not know two bob. We had more than one. Another fella was helping the prospectors and we had the Labor bloke; he was helping the prospectors. Then, all of a sudden, everyone is against us. But, as I was saying before, we got the mine management plan. I have got a P, a prospecting licence, to be converted to a mining lease. Now, these are the lists; I am going to drop it because, like you said, it is going to go through Parliament. This bill has become so political—I do not understand, but it has. Like for Western Australia, like for Esperance, I have got friends way back there, old people. Look, I am not a member of this APLA anymore or the other party that Ray’s involved in—I am not a member of that—but I am here fighting for every little prospector and the ones that have come and gone. Thank you very much.

The CHAIR: Thank you. We will come back and ask you questions, I am sure.

Mr Fitzgerald: I am here—I am still learning all this. So, why is there not anyone here from the mines department that made the act now? Is it one person, a group of people? This would be a good —

The CHAIR: We are a parliamentary committee. So, when we get a bill before us and it is controversial, like this one is, there is a recommendation that it goes to the legislation committee, and we are very separate from any department in government. We are the parliamentarians that make the law, so we are here to see how we can recommend to make changes to make this better.

Mr Fitzgerald: But are you going to write the act or someone else is?

The CHAIR: We can actually look at the clauses of the bill and that is why, when we came here this morning, we were very specific about asking people what changes they wanted in the bill to make it easier for prospectors and easier for miners. We have a mine of information now—pardon the pun—and we will go through that and we will come up with recommendations to Parliament. So this is nothing to do with any department people; this is us as parliamentarians across all parties.

Mr Fitzgerald: All right. Well, I have learnt a lot by coming to this meeting and other meetings. What I have worked out from reading something that Ray gave us earlier on is that it is young, inexperienced people writing the bills. They do not live here. They all live in Perth. No-one is in the bush. There seems to be an us and them mentality. Look, I have seen the anguish that he has gone through in the last month. Darby has just said the same thing. Do these people understand what they do? You can hear the passion in his voice. You are going to hear it in his shortly.

The CHAIR: That is what we are here for, because we do understand it.

Mr Fitzgerald: Why do we not make him the minister!

Mr Renton: No, no. I have retired.

The CHAIR: If you want to run for Parliament, you are quite welcome to.

Mr Renton: I have done that.

Mr Fitzgerald: Ray has had 50 years in the industry and no-one came and saw him, so I do not know where they are getting the information from. Has the government declared war on the bush?

The CHAIR: I certainly hope not, because I am from the bush.

Mr Fitzgerald: How many fights have you had?

The CHAIR: Lots with the government.

Mr Fitzgerald: That is right. So that means they have declared war. Everyone has to fight for something.

The CHAIR: No. I do not think they have declared war, but when we see something wrong, as politicians, we jump up and down, and obviously enough politicians jumped up and down and that is why we are here.

Mr Kean: Can I just butt in there? I just want to add to what he said. He is not experienced to understand this, but I ask you people here to really understand. Can you not see that commonsense prevails? This is basically what happened. I brought that along and I have got three or four copies on order to bring here, but I could not get seven copies. But I wanted you people in your own leisure time to read through that and perhaps you will start to understand that this is exactly what happened in 1895. We do not want this to happen again. Today they have taken all the guns off us, so nobody is going to be raising guns or pulling guns or anything. The thing is that we need some sort of process where you listen to us, and that is what you can do. There is only so much you can do, and we are getting to understand that the bill looks like it is going to go through anyway.

[3.30 pm]

The CHAIR: Well, with recommendations from all of us.

Mr Kean: Yes, but, anyway, it is not for you to tell me. I am just running it past you.

The CHAIR: We do not know what we will recommend yet.

Mr Kean: I am just saying if you read that, you would understand the principle of why this thing has got to be fixed up.

The CHAIR: I do understand *Eureka*.

Mr Kean: I am also asking you to understand that —

The CHAIR: The name of the book is *Eureka* by Peter Fitzsimons.

Mr Kean: The Eureka Stockade. I am happy to leave that with you. That is part of the thing. I will leave it with you. Is it all right if I table that?

The CHAIR: Yes.

Mr Kean: I would appreciate it if you read it—if someone goes through it, even just the heading on the front.

The CHAIR: I will read it tonight!

Mr Kean: It is worth reading; it really is. I have heard about the Eureka event. Being a prospector, I should have read it years ago, but it is only through this committee that I have decided to read it. I have started to understand it. It just breaks your heart to see what they went through, and we are going through the same.

What I am asking you to realise—getting back to the track of what I was trying to say—is if you do not do something about this, there is going to be anarchy. I do not say that as a threat or anything, but you have got to understand that if some environmental officer comes out and wants to confiscate my machinery or somebody else's, can you imagine what is going to happen? Ask yourselves—if they want to come and confiscate your farm for something you did not do. I will get back to that later. I will just let you finish off what you were saying.

The CHAIR: I do understand where you are coming from.

Mr Fitzgerald: For anyone that is trying to make a dollar in the bush, it gets very hard, whether it is the miners, pastoralists—whoever is out there. There is plenty of bush out there for everyone to enjoy; we do not have to bump into each other. You said before that Minister Marmion has just gone. But what is this new bloke going to be like?

The CHAIR: He is a very nice young man.

Mr Fitzgerald: So was the other bloke, but he caused this.

Mr Renton: There are a lot of diggers here—ex-Army blokes. This guy is a lieutenant or something.

The CHAIR: We hope that he will be a very good minister. I have very high hopes.

Mr Kean: Could I just ask: has anybody got any idea about how he feels about this and about how it is going to affect us—his new imposition in there? Have they got any idea? We do not know.

The CHAIR: No, I do not know, and I have not spoken to him about this, but when the report comes down, he will certainly get spoken to.

Mr Kean: It appears to me, with all due respect, that this minister has created a bushfire he cannot control and now we are left with the consequences of dealing with it. I put it to you that, from the committee's point of view, you should recognise that had he done his job in the first place and had he consulted with people, we would not be sitting here today. I do not believe we would be sitting here, because we would have been consulted. He would have made a decision, just like you people

do, based on the consultation. He has created a nightmare for everybody and it has cost us a lot of time just to be here.

The CHAIR: That is what I mean. You have to tell me what you think is wrong with the bill.

Mr Kean: I will do, yes.

The CHAIR: It is no good saying, “Wipe the bill”; and maybe it will be—who knows? I do not know. But I am still 100 per cent sure that the bill will go through. All we can do is take all the information back, have a look at it and make recommendations for change when and if we find them.

Mr Kean: It is not my part to tell you what to do but I just suggest to you that the best way forward for most people that I see in the room is that the bill gets rejected—which it should be. We were never consulted, so it should not pass. It has got considerable issues which cause us serious detriment and harm and it should not be passed in that format. It should never be passed in that format.

The CHAIR: Is it the environmental section that you do not particularly like?

Mr Kean: It is the environmental people that are making these rules, and I will lead on to that later a little bit and give you an idea. I will get back to the bill side of things. You asked for anything to do with the bill. I will give it to you in the bill. The bill that I see is frightening. I have not read the bill, and I am depending on other people, because I cannot understand it. But they tell me that these environmental officers and the mines department are going to give themselves all these coercive powers. If we go back to before, I do not mind giving them coercive powers if we can trust them, but in my experience—I have got 50 years’ history of understanding—you cannot trust the environmental section of the mines department.

What I want to relate back to, and I heard Robin mention him in *Hansard*, is Eric Stein. It just about raised the blood through my head. I was part and parcel, in association with my son, of dealing with that episode. If you have the time to listen to it all, I will just briefly go through it. Eric Stein was an 83-year-old prospector with his wife. It brings tears to my eyes to remember it. This chap would never harm anybody. He never did anything wrong. But I want to tell you that the mines department corruptly—I use the word “corruptly”, because that is what it was. It had been put through a QC’s opinion, which you people have got on file in regard to this instance, and it went to the Ombudsman, and he was found to be just as bad through the QC’s opinion. What happened was simply that he was prospecting on a dam down at Kunanalling and the pastoralists came and laid claim to the dam, and an environmental officer, well known to everybody—he was a troublemaker in the industry—went down there and had bribe money. It is one thing to say this; it is another thing to prove it. There is evidence on departmental files where this station owner came in and was asking him virtually where was his money from this environmental officer because the environmental officer was away. It was about this dam. The environmental officer went down to the dam, down near his operation, and he closed him down on the basis that the dam was the pastoralist’s and he was operating cyanide vacuuming around the dam. He put in all the approvals and got it ready. The department had on their files a clear notification that that dam belonged to him. It did not belong to the pastoralist at all. But they put him through hell. His wife died in the process through the stress. In the first three years of that operation, she died. She was just absolutely stressed. Steven and I helped him through it. But as it went through, the environmental department jumped onto—I am trying to remember the chap’s name, the head of the department, not the director general—anyway, it just went from one section to another.

It was organised corruption in a sense. It is not a thing for me to allege, but I lived and breathed it. I will try to cut it short. He eventually took it to the Anti-Corruption Commission, and I was with him the day he went there. They just had a quick briefing on what he said. The corruption officer that was investigating said, “Eric, I see you’ve been dealt a terrible blow. Nobody should have to

endure this. I'll go back to the office and I'll have something done about it." He never heard from them again. The only course of action, having been to the Ombudsman's office and found they are bad, and the Anti-Corruption Commission was bad, was that we then went and tried to take a civil action in the court. It took him two years to get it just to a process where the government agreed—I did not realise this, but to take a case against the government, apparently you have got to have the government agree that you can take them to court. That is unbelievable. The criminals are saying whether you can take them to court or not. Anyway, what happened then was he finally got the procedure to go ahead. It was approved. It cost him \$50 000. But a week later after he got that procedure, he died, so the court process never proceeded.

It was a terrible case. This bloke had never done anything wrong, and for seven years they hounded him until he went to the grave. He and his wife both went to the grave. Now, that was a terrible thing. He had never done anything wrong. I still found today that there is a QC's opinion which you have got in place. He had never done anything wrong, and the department could manufacture that.

Now, quickly, I will go back one step further—I have forgotten whether it was said. Prior to that, about 20 years ago, I knew a mines inspector who had just got a job in the mines department. He came to me and said, "Listen Ray, I have just been in for several meetings with the environmental section. You'll be frightened at what I tell you. Within 10 years, all the prospectors will be gone in the industry." This is 20 years ago. I said to him, "What do you mean?" He replied, "From what I have heard in there, they are just going to get rid of the prospectors." I said I could not see that happening—there was no way in the world. I said, "Just leave it to us. The prospectors' association will stand up and fight for us and everything will be okay." Well, I have seen a lot of things happen since then. We lost the State Batteries. That is the most devastating thing that can happen to prospectors. There was no consultation, they just up and took it off us. And the battery sands—where did all the money go for the battery sands? That is the thing; you could go on and on and on, but I will not go on anymore, but that is the type of thing. When we see these things, we start to say that it was one environmental officer. We have had several of them, all doing similar type things since. They were not as harmful as that, but still harmful. It has been demonstrated to me in my 50-year history that you cannot trust the environmental department, 100 per cent. When they get in trouble or anything, the other departmental officers stand by and protect them. So there is a systemic problem in the system that has to be fixed up. From the committee's point of view or anybody who recommends that to be approved, they have to understand that if you want to give these people the powers, let us have an investigation upon the department. Let us clean up the act to start with; do not give them the powers having heard what I am trying to tell you today. If you think that what I am saying is just miniature, that is what an investigation is—have an investigation into it and you will be able to see how much information we have got. We have volumes of information on how bad the department is. Let us look at it. Before you give them the powers, give us the opportunity to show why they cannot be trusted. Clean up the act, and if you clean up the act I will probably support them, because it just depends on what they do—these overriding powers that they have.

[3.40 pm]

The CHAIR: I have no great love for the department of environment; I will give you the tip.

Mr Kean: They have got a job to do, but do it properly.

Hon ROBIN CHAPPLE: He is talking about the environmental department at DMP, not EPA.

The CHAIR: I know, but I am saying EPA.

Mr Kean: I would just like to go on from there to a few other issues. I will try to get through them quickly. We have a 97 per cent compliance rate. That is the Governor-General's, from what I understand. I am told it is 97 per cent for prospectors and mining overall. There is three per cent left over. What I relate to—I have seen this firsthand—again, is the problem of the mines

department. The only three per cent that we have got—I reckon we would have a 99 per cent compliance rate if it was not for the department. There is only one problem at the moment with the environment that I have seen; it is the department themselves. They are allowing companies to operate outside the laws. There are laws there to govern them and control them. They allow specially privileged companies to operate outside the laws. This is the current system we are living under, and consequently—a good example is the Bulong nickel project. If you go out there, the guidelines for that were—we talk about guidelines here—do not build a tailings dam on a lake system or in a creek system or on pipelines. If you get the map out and look at where they built the tailings dam down there, this is the mines department who approved the thing—they used their own guidelines and approved it in a place where they should not have built it. Not only that, it is the same here—I will move on to this later—you have an area out there and it is severely desecrated. If you go out and see it on a windy day, it has this red soil there—it has very highly acidic soils just blowing around the country everywhere. From what I understand—I do not know for sure—there was roughly \$2 million in environmental funds put into that, locked into the government's department.

Hon ROBIN CHAPPLE: \$1.6 million.

Mr Kean: \$1.7 million; thanks, Robin. I am glad you know about it. That is an environmental disgrace and it only happened because the department allowed it to happen. But again, what happened was the company was about \$6 million or \$7 million—again, I do not know the figures but I am just quoted figures. Do you know those figures, what it cost to fix it up, Robin?

Hon ROBIN CHAPPLE: The government is saying \$6.87 million. The owners are saying \$14 million.

Mr Kean: This is a common fault with the industry—the government allowing these projects to develop and create a problem at the end of it. Then what the company does is say, “Oh, \$6 million to fix it up; drop the leases.” But there is an avenue open here for the government if they consult with us. If they came and consulted in making all these laws and regulations, we will be able to tell them how to fix it up. I will tell them how to fix it up. The company just sold the main lease out there not long ago. They sold it just recently. There should have been a garnishee put on that sale of that tenement to recover that bond.

The other point that annoys me is that \$1.7 million is in the government's pockets. Of course they are not going to give it back. What they should be doing is putting that \$1.7 million into at least putting topsoil over that dump to at least stop the dust blowing around. That would be well and truly covered. I would go out and cover over for \$1.7 million—just cover it with topsoil. That would be a major step forward. But, no; what the government did is put in their pocket and say, “We'll just use it in the rehabilitation fund; we'll pay for it out of the interest that comes in.” I wish I could do that. Can you see these steps forward? Another thing—I could take you out just near Kalgoorlie on the way out. You would drive out on the Bulong Road. Here what we have got is an operation right in the middle of the town. Everybody else in the bush has got to comply by covering their dumps—their topsoil. In here, in Kalgoorlie, right in the middle of the town, this company could close up tomorrow and just shut her down—I am not saying they will do, but it could happen, it depends on who. The environmental damage out there that they leave, they do not need to do that. Everybody else in the industry, when you are progressively finishing your dump, you cover it with topsoil. If you have a waste dump there or a tailings dam, you progressively cover it with topsoil. What the department is doing is closing their eyes. They are letting them get higher and higher and higher to a stage where they cannot cover it with topsoil. That should not be. This is where the government need regulations put on themselves; never mind putting them on us, they need regulation on themselves. The three per cent that is left is due to the government's failure in what they are doing. They have to be looked at. That is why, if we had an investigation, or whatever it would be—a royal commission—we could get all these things out and be able to get this bill and

everybody in the right perspective. We could get the mines department right and our side right. My 50-year history means that I know the way you can fix it up. It is up to you people how you are going to do it. It is not for me to tell you, but I can suggest ideas. Suggesting ideas is not to give these people these coercive powers to start with. That is just one aspect of it.

The CHAIR: That is what we need; we need to know what you think about this bill. Obviously, I can hear what you think about the bill.

Hon KATE DOUST: He has just talked about the coercive powers, so that is one point.

The CHAIR: Coercive powers, yes, that is one point. Do you want to go back to —

Mr Renton: This bill, if it goes through, you are going to have to have changes. We are hoping it is axed; that is what we are all hoping. You have got to look at the other side of the coin.

The CHAIR: So you like it as is?

Mr Renton: The program of works, that is a big issue. That was simplified for all prospectors for low-impact. That was simplified. All of a sudden, we get new guys on the block and it changes. If we can go back to the NOI, this thing here—at the moment, if you peg your tenement today it takes you eight months before it gets converted to a “P” for what you want. Then you fill out your program of works and you have got to wait 30 days. It goes down to this—what is his name?—Richard Sellers, the director general of mines, the detective story fellow. Anyway, then you have to wait. Here, it took seven days—seven days, and we were working! Now, if you are working out at Kambalda in the nickel industry and you just lost your job and you wanted to go prospecting and you had to fill out one of these—30 days and there is your kids starving, wanting a bit of bread and milk for breakfast. He would be out there pushing himself. He would not wait for 30 days. Then you look at the other side of the coin, as Ray was saying. I am not happy with this MRF. There is another contention of mine. The bond system, to me, was perfect—it worked. It worked. At the moment, Phil Gorey and Mr Griffiths think it is the greatest thing since sliced bread having this MRF—“Hey, great! You’ve got \$12 million in the bank.” Half his mining companies today, they might have a few bob in there, but if they go broke there will not be any money left in that fund. The department of environment is allowed to use the interest on that fund to have their propaganda little things around town. That is what they are allowed to do now.

[3.50 pm]

I mean, what happens—let us say there is \$100 million in that fund and the government is \$50 in the red. Are they going to leave that money sitting there? Of course they will not. Now, proposed section 103AZC this is the management plan for the environment. That is why I am saying if I got the P to convert to a mining lease, I do not have an open-cut there. I like to sink a shaft, probably 30 feet, and that is what I do. I have done it all my life. But what do I do—employ my secretary, if I get one, to do all this paperwork? That is there for the big miners—the big guys like KCGM. Let them have a mine management plan. Why should it be us, on low impact? I reckon just delete all that, get rid of that; that is one thing. The mining limitation fund, get rid of that. We get on our emails now this little thing that says, “If you don’t do it by 30 June, you’re going to get a \$4 000 fine”. We are not criminals; we are just average blokes. Most of us all work underground; Ray and I, we are all underground workers and we are in our 70s, and we are still out there digging holes. Some say we should be retired, but the only time I will retire is when they bring the curtain down, and that is a long way off. I have been dead twice, with a heart attack, but I keep going. It is important that this government today should be looking seriously at some of what we have been saying today. There is an election in 12 months’ time, and it is not looking that good. When we look at the regulations, the inspectors, I am dinkum; I am true-blue, here. The inspectors, that is a real doozy. That has got to be deleted. These blokes coming on your lease. I had the mines department ring me nearly 18 years ago when that fellow in Northam graded all that land, and he got fined \$50. Our association—there was a mine amendment bill, and we discussed that through APLA, and the

prospect was nearly going to get caught up in that. If you went over your boundary, you were going to get fined \$250 000. With this whole thing here, we are looking at \$10 000 fines, \$20 000 fines, \$4 000 fines—why all the implementing of fines?

Mr Kean: And where is the money coming from?

Mr Renton: Yes. We do not make any money. I have sold leases. When they had the GMLs, I was a train driver. I am an ex-soldier as well; I have done everything. I am now a horse trainer; I have got a lovely horse—I would like to sell!

The CHAIR: You can give me a tip later!

Mr Renton: It is racing next week!

The CHAIR: What was it called?

Mr Renton: Scarborough Bay. I have to get out of here and go and swim her!

What I am saying is that some of these inspectors—your government is going to give them a role, and that will be a power role. I have seen that happen in Kalgoolie. I went to a meeting here about all this sort of stuff. I was sitting there, and then the chairperson—I forget his name—looked up at the back of the crowd and said, “Shall I?” I turned my head, thinking, “Who’s he talking to?” Then he said, “We’ve just fined a person \$20 000.” Then he says, “Shall I?” again, and looks up. I am turning my neck, and he said, “Yeah, we just fined a person \$8 000.” Now, he had women in that audience and one of them said, “Look, we’re out in the bush, working, and we’re that scared, we’re looking behind us all the time to see if there’s an inspector there.” That bloke, he was there to frighten every prospector at that meeting. Ray, you were there; you heard that bloke. Now we get regulations like this, so delete AZC section 2; get rid of it. We do not need that.

That was the main issue. What is this one about a fund? Clearing of native vegetation—the whole bush is native vegetation. It says that we may be required to make a monetary contribution to a fund to establish or maintain native vegetation. Look, we are not the cash cow of the department of mines. We are not and are never going to be.

Hon ROBIN CHAPPLE: But it was the Chamber of Minerals and Energy that wanted that section in.

Mr Renton: Yes. Like, inspectors—they are the things that you have got to delete. Delete them; get rid of them. As Ray was saying, this whole act—there was a politician many, many years ago, and when we had a problem, I went down to the main office and went to the computer and had the legislation. I said to this fellow, “Did you read the legislation?” He said no. I just put my hand up. So how many people in the lower house did not read this and it just got there because Marmion said, “This is the greatest bill”? I read his speech; they all put their hands up, and they call it democracy. This bill will go through the upper house, and how many people are going to read all this and understand his whole thing? Nobody.

Hon KATE DOUST: Actually, some of us will, because some of us will be handling the bill.

Mr Renton: I know you will, and I know you will, and I know you will, too, but the rest —

Hon ROBIN CHAPPLE: I will!

Mr Renton: And you will, too!

Mr Kean: I tell you what: you will be pretty good to understand it.

Hon ROBIN CHAPPLE: I would agree with you there.

Mr Renton: The raise of hands will happen again, and I do not believe that is democracy because it is going to affect each one in this hall, and a lot of us are young. I have a liquor store and I have got a lot of young blokes come in. They are worried about the \$5 000 program and works fee. Any government that starts talking about fees like that—Phil Gorey, he is talking about propping up

the mines department with the fees. It has just got out of hand. I have spoken to a lot of high-ranking people on both sides of the political fence, and he should have been stomped on many, many, many times, this Phil Gorey. He is a bureaucrat. What gives him the right, this guy that did his university degree in Adelaide, to come across to WA and then dictate to us? It is like *Yes, Minister* syndrome. What a great thing on TV—it is great. You can see actually how WA is going. Like yourself, if you are given a portfolio, go out and talk to the people who it is going to affect. Do not just get some bureaucrat to say it. Bob Stevens was the greatest bloke. He would ring you and he would talk to you, same as Norman Moore. Jack Evans when he was—a lot of Labor blokes. They were good guys, but at the moment a lot of this stuff, as I was saying, if we can get back to simplifying it. If you are going down to the metropolitan area, have this set in stone so we go to the Kalgoorlie office and say, “Here you go, mate. This is my program of works. Seven days.” At the end of the day you could say, “Look, can you come out and have a look at the dirt I’ve put back?” That is how it was, and you drew a little map, like that, to show them how to get to your lease, and that was it. It was simplified. Now we have got this fellow who wants to streamline everything, but it was already streamlined until they came along.

Mr Kean: It was a good bill before.

Mr Renton: But we worked with it, Ray, did we not?

Mr Kean: The other point, Darby—you just touched on an area about Phil Gorey. From what I understand, Phil Gorey is from over east, and his comments were, apparently, to one of the submission parties—apparently they asked him, and he identified that he is trying to bring things in line with the eastern states. Well, the eastern states is a failure. They have got no mining in Victoria anymore, so that is what is probably wrong with the thing. From everyone I have spoken to, Phil Gorey has been a major problem since he has been here. When we were speaking to the minister at one of the sessions when he came to Kalgoorlie, he said, “I realise I’ve been speaking to the wrong people. I’m going to go back and I realise that Phil Gorey and a few others there are a major problem.” His words were, “I’m going to go back and try and get rid of them—work a way out to get rid of them, because I realise that what they are doing is causing the problem.” It is not for me to tell you a lie; I heard it with my own ears. I cannot remember the exact words, but that was at one of the meetings with about 20 or 30 people there at that meeting. That demonstrates that the minister came up constructively—we had to drag him, kicking, to come, but when he did, he suddenly realised that the goldfields people, first people, were honourable people. In other words, they constructively set out their case, something that he could not deny, and the same with the fees. He came to Kalgoorlie and constructively sat down and we convinced him he had to change the fees. But with Phil Gorey, he is a danger to the industry.

The CHAIR: That is what happens from our point of view. I was a minister for four and a half years, so if I had a bill, I would go out and I would consult. Then, when it was ready, I would get it drafted how I wanted to. It would go into cabinet, and cabinet looked at the bill and either passed it or it went back; most times it was passed. Then we would get it drafted and into Parliament. The minister has control. If a minister does not want a bill to go through, then the minister does not put a bill through.

Mr Kean: But in your position, if you had not consulted, would you feel that you had not done your job?

[4.00 pm]

The CHAIR: Some things I did not have to consult on; they were straightforward bills. But when there is a huge industry behind you, I agree that you should consult widely. But as I said before, consultation, what it means to me might be different to what it means to another person, so there is no strict criteria for consultation. Consultation may be just sending a letter out to everybody, which is not enough, I agree, but it is what your interpretation of consultation is, depending on what minister you have.

Mr Kean: It is frightening indeed to hear that in consideration of the fact that we are about to lose our livelihoods, and it will decimate towns and the environment. All this is going to happen if this bill is passed, and people just do not seem to realise it.

The CHAIR: But politicians do realise, because enough politicians arced up so that your fees disappeared. The \$6 900—that went because there were a lot of politicians on both sides who said it was no good. We are here because this bill is deemed to be controversial, so your politicians have listened and we are all here, across party politics, and we are looking at the legislation, so something in the system works because we are here.

Mr Kean: It worries me. Just in final—I will not say anymore—it worries me that there is going to be anarchy in regard to it. I can see it happening. Somebody is just going to click out there in the industry, that does not like this thing, particularly if you come out and he has just done a bloody week's work and he has got a pile of gold, and this bloke comes out and says, "You're on the wrong spot, it's my gold; I'm taking it off you." Can you imagine that for a minute? There is going to be a bloke somewhere who is going to click. I have heard quite a few prospectors say, "Well, you come out and try and take my machinery off me, if they come out here." They are already saying that, but they are just saying it colloquially, or whatever it is. They do not really mean it, but I can see that some of them are dangerous enough to probably do it, so to speak. You do not know, and it should not be like this.

Hon KATE DOUST: I think it is fairly clear from the evidence we have been given that there is a very strong desire particularly for the prospectors to have a wideranging approach in terms of recommendations for amendments, picking up on a list of matters that have come from different people today and last week, and through a range of submissions. Fortunately, people have given us specific examples, which is very helpful to us. I do not know where we will go with these amendments, but I think if the committee were to make recommendations for change that could accommodate your concerns, you could still have this bill, but with the appropriate adjustments to fit in with your needs, and then the bill could pass.

Mr Kean: Just quickly, why can we not go back to the old system? What is wrong with the old system? It was not broken; why can we not go back to it? That would serve us all.

Hon KATE DOUST: Unfortunately, I am not a member of the government, so I did not get to make those calls. I am just saying to you that the bill is here now, and as a committee, hopefully, the government will listen to anything we put forward, and there might be some sort of accommodation made.

Mr Kean: Well, those are some of the things you could suggest to them.

Hon KATE DOUST: Yes.

Hon ROBIN CHAPPLE: I think it is quite often very difficult for the general public to understand how committee systems work. Our role is to listen to you and to go back and review the evidence and the information and take some time. It is a very short-time committee, which is why we are constrained, but having said that, hopefully, at the end of the day—we are not going to give you any commitments here and now on what we are going to do; we cannot do that—the committee as a whole will go back and look at all the evidence that has come before us, and we will make a deliberation of what our recommendations are, coming out of this committee hearing, back to government, and the government has to respond to that. But I would point out that, at the very end of the day, it will come down to a vote of the upper house. As the house, we will vote for or against the legislation, or for or against any amendments that might arise out of this. We cannot tell you what we are going to do, because we do not know, but at the end of the day we will most probably put forward a set of recommendations, and I think all the committee has heard the angst out there in the community. Having done that, it will then be up to the government of the day to listen to our recommendations, to take up on your concerns and our concerns, and make a decision around that. If the government wants to progress this legislation in the way it is, or with amendments, it will

always come down to the vote of the members in the house, so that is where we end up. I will leave this up to the chair to say, but having listened to you all today, I think we have become classically more aware of the issues that face you. I am lucky because I have spent a lot of my life out here, so I am sort of grounded in it to a large degree. I worked for Hancock, I worked for BHP, I worked for mining corporations, so I sort of get it, but am in essence an oddball in the Parliament in that sense. Kate has done a lot of work in the social sphere, so she gets your concerns. Robyn has worked in issues of public concern, so I can assure you we will listen. We cannot tell you what we are going to do, but at the end of the day it will be up to us. Watch this space and see what the outcome is.

Mr Kean: Do your best.

Mr Renton: Just one thing before we go on the electronic lodgement of information. Like the MRF, you have to lodge the MRF online and make the mines department even do your form 5 on it; everything has to be online. When all this came to be, I had a colleague down Esperance way who is a farmer. He does not have a computer. I rang the people involved with MRF to say, “Look, my colleague doesn’t have a computer.” She just said, “Go out and borrow one.” I mean, that is the attitude of the department—just go and borrow one. These guys are farmers in Esperance. Is there a way the government can look at the electronic lodgement of data from us, like the MRF? That has to go; it must go, otherwise the government is going to go with it. That is true blue. They are the issues. Plus, like I say, delete item 162, the regulations. Delete it, get rid of it. You do not need it—that is, the 162 regulation.

Hon KATE DOUST: What is your view on the guidance notes?

Mr Renton: As I say, the whole situation has just got out of hand, and my view is that I am not happy with any of it. I just want you people to go back, talk to all your colleagues, and say, “Look, Kalgoorlie, there’s going to be an election. The government wants the National Party to win; Labor wants Labor to win. If this bill goes through, this is political.” I tell you what, the prospectors—I will march them down the street again, like I did all those years ago, 20 years ago. I will do that again, as long as all the fellows follow me, but I am not a member of the association anymore because you have to abide by their constitutions. I am just an individual like Ray and a few other chaps here, and we are prepared to fight right down the line until this bill is put through the shredder.

Mr Fitzgerald: Amen.

Mr Kean: Hear, hear.

Mr Renton: That is it.

Hon ROBIN CHAPPLE: Your final word.

The CHAIR: Yes, I presume that was the final word.

Mr Renton: That was my final word.

The CHAIR: Thank you. Before we finish today, I would just like to thank Mike Charlton for taking us out to the bush yesterday. He took us out to working mines and showed Robin and myself, and David went out. He was very informative about rehabilitation and the work he did, so we saw firsthand what happens in Kalgoorlie, which was very, very helpful, so I would like to thank you, Mike.

In closing today, thank you all for attending. A transcript of this hearing will be forwarded to you for correction. If you believe that any correction should be made because of typographical or transcription errors, please indicate these corrections on the transcript. On behalf of the committee, I would like to thank you all for being here today.

[Applause.]

Mr Renton: I would like to thank you guys for listening to us. We are a bit of a rabble, but that is us. We are Kalgoorlie people, and from outside the areas.

Hearing concluded at 4.09 pm
