

STANDING COMMITTEE ON LEGISLATION

MINING LEGISLATION AMENDMENT BILL 2015

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

SESSION THREE

Members

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

Hearing commenced at 9.56 am**Mr AUBREY LYNCH****Prospector, Al Consulting, 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.

[Witness took the oath.]

The CHAIR: Are you appearing on behalf of yourself or on behalf of others?

Mr Lynch: I am appearing on behalf of myself, and the Aboriginal people.

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

Mr Lynch: Yes.

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. 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 like to make a statement to the committee? Would you like to give us some information?

Mr Lynch: I do not care if it is a public notice or not.

The CHAIR: No, no. Would you like to now make a statement to the committee?

Mr Lynch: No.

The CHAIR: You would just like us to ask you questions?

Mr Lynch: Yes. I would like to read something out to you, if I can.

The CHAIR: Yes.

Mr Lynch: These notes that I wrote last night are straightforward and showing our concerns for the amendments to this act being proposed. First of all, I would like to thank you, Madam Chair, for having me here this morning, and the honourable members here as well. I am here representing well over 300 to 400 Aboriginal people who do not have the literacy skill to put in a submission and appear before you. I would also like to say welcome to my country in Kalgoorlie. I know most of you in the audience here—some of you I have already met. I also remind you that although this is my country, it is also mining country as well, which has made this country such a great place for development of mines and employment, so it creates employment in mining as well.

[10.00 am]

I am nearly 80 years old. I am a bit over 79—nearly 80 years of age—and very proud of my culture but, importantly, also my mining culture as well. If you look at the photos, which I would like to hand out to the members here, you can see my old dad and others working at Mt Margaret as a prospector during the old days, way back in the 1940s. He was sinking shafts. We had our own battery at Mt Margaret, where he was putting the crushings through. He actually was sinking shafts and panning during the old days amongst old prospectors that actually taught us. During that period, the old prospectors taught us how to dig the shafts out, where to load all the ore onto the truck by shovel and take it into the battery and shovel it off. It was very hard work during the gold time period. Nowadays you have got machinery doing all the work for prospectors, but in the old days, I mixed with those old people and I know what it is like to be out there in the bush and work hard for your dollars and things like that.

If you look at the photos, you will see the lady also there digging with the kids, digging shafts and things. That happened to be a lady called Trilby Cooper. If you know Kalgoorlie very well, up the top end of Hannan Street, there is a hostel named after Trilby Cooper, a well-known lady who was a prospector during that period. All of us were prospectors. In the old days, most of us here relied on the old prospectors—Aboriginal people; we used to speck for gold. We used to go out there. We did not have detectors like nowadays. The gold was actually on the surface. We were picking it up and putting it in bottles and giving it to prospectors to get a fee. During that period it was very difficult in the old days—in the '40s. I lived through all that; I have experienced it all. If we had to go from A to B, we had to rely on the old prospectors to take us in the old vehicle across to another spot there and back again if we wanted to. We had that connection. As a matter of fact, some of the old prospectors may have fathered some of our children, so we had a strong connection with the prospectors, but we were connecting as a family as well. So, we all connected. As a matter of fact, there is one guy here called Crowley. He is sitting in here now. I was with his old uncle, old Bob Crowley, who has passed on now. Those are the old people that I used to mix with. Us kids, we were taught to pan for gold, sink shafts and crush out the dirt through the battery. In those days we did things with our own hands and we were taught a strong work ethic during that period.

The mining amendment bill—I might outline some of the concerns that we have with this bill going through. If this mining bill passes without having significant amendments, they will want a say. In the early days in Kalgoorlie, if you know the history of Kalgoorlie, there was a big uprising here because of big fights around the streets. Houses were smashed up in Kalgoorlie. Even when the government wanted to tax the gold, they marched down the street, with Graeme Campbell organising all the marches down the street. He had the Kalgoorlie-Boulder community marching on the street. That could happen if this thing does not come into line with us as prospectors.

I have been a justice of the peace now for about 40 years, since 1975. We talk about fairness and equality. It is imperative in our society. The bill strikes at the heart of fairness and equality and it is very unfair and will create a huge regulatory burden on the small miners and prospectors. You cannot expect us as Aboriginal people to get on the laptop and start getting all our information across to the mines department. It cannot work. Some of us do not have those skills. During my time, when I was one of the stolen generation, I was placed in a home and we were not even allowed to go to school. Government law prevented us from going to school with the 1905 act that they had in place. That is what prevented us, so we only had a basic education. The skill that they require now for us to get this paperwork and everything, it is very unfair because we cannot go on doing these things against people like ourselves, Aboriginal people. We are all prospectors. Look at the old nan sitting in the back there now. He was part of the Rabbit Warren finding at Leonora. He found more gold. But he moved on. He is a prospector. He found a little bit here and there. So, we are all part of the industry.

The minister—actually, Marmion himself—has turned up here a lot. In correspondence dating back to May 2015, he has acknowledged that this bill will increase the regulation of prospectors. He also acknowledged on 21 June 2015 that we had not been properly consulted, but when he was saying

that here to us in Kalgoorlie, the bill was already being introduced in the Parliament, so we did not know what was really going on. For the past 20 years some mining companies have allowed us Aboriginal people to work on mining leases with what would be known as a simple POW—program of work—form. It is very simple and worked very well. That simple form of POW means that we can go to work on mining leases without mountains of paperwork, and also lots of us working on finding gold, we can actually move around and start finding gold for a mine of tomorrow. Prospectors have actually found all that. Mining companies going out into the field to take up tenements, they actually go to where prospectors have been in the past, where they have actually sunk a shaft. Then the driller goes down, which we did not have in the old days. I do not know if you know, but you should know, as parliamentarians, there is a prison being built out here in Boulder, which will be a 300-men prison. It is nearly completed and probably will be within a couple of months. We are concerned that the government, with this mining bill, is lining us up all to be put in prison. It is not because we have done anything wrong, but because they expect us to have computers for online lodgement of the mine rehabilitation data. They also expect us to have an online system just to lodge forms with the mines department that we can lodge completely manually. It is all very hard when these things are coming through and we are hearing about it, because we mix with other prospectors and we talk about a lot of things in the bush. They want to be able to keep us weak and penalise us, never mind telling us to go to the mines department office to get help. The department of minerals and energy must need to keep their manual system going so we can comply with the law, so no-one will be put in jail simply because they do not understand computers or know how to use one. It is like I was saying: we do not use computers. I just barely can use a laptop, but computers and things like that are very hard. A lot of our old prospectors are faced with the same problem. I can honestly say there is a bloke who I work with very closely—I am straightforward when I say something—there is a bloke called Phil Gorey; I do not know if he is an Italian bloke or what, but he came up here and he sat with the minister, and he is the executive director of environment in the department of minerals and energy. Most of the mining people do not like this guy; I do not know why. I am not being recorded on that, am I?

The CHAIR: Too late; yes, you are!

Mr Lynch: Most of us in Kalgoorlie, all of us know him because he is not doing the right thing. No consultation is being done by the mining company with us as Aboriginal people, and the old prospectors as well—no consultation on the mining amendment bill. We are in the year 2016; it is not like the old days when we had racial discrimination and we were treated like flora and fauna, because in the old days, in my day, when I used to kick around, we were treated like animals and plants. We are in the year 2016 now. We need to do something more constructive and put something in place. If you look at the newspaper article I have handed out to you, you will see that I called for a quorum meeting and called for a royal commission. In the early stage, I am the one that really alerted APLA here in Kalgoorlie to make them aware of what is really going on. I have hit the front page of the *Kalgoorlie Miner* and made the prospectors aware, because the chairman of APLA was not actually talking to the members of APLA; they were being left out. Correspondence was flying backwards and forwards from the chairman up to the minister and things like that. Then you get very frustrated with things like that and you are wondering where the hell you all are. We still want the royal commission called because we hear about a lot of things that are not being done right, so that is the concern that I have. That is why I wanted to raise it this morning and make sure that this bill does not even get through, because it is not in our favour and it is going to cause a lot of trouble for people. I would like to put this on public notice so it can be part of my submission, if I can.

The CHAIR: Yes, it is being recorded. Everything you say is being recorded.

[10.10 am]

Mr Lynch: Madam Chair, I would just like to thank you because all I would like to bring across is a straightforward thing to make you aware of our concern, as Aboriginal people, about the amendments being made by the minister.

The CHAIR: Thank you. That was very succinct.

Hon ROBIN CHAPPLE: Aubrey, can I just ask you a couple of questions, if I may. The current POW is two pages, I think.

Mr Lynch: Yes.

Hon ROBIN CHAPPLE: Basically paperwork—or the old POW was just two pages. Did the mob have any problem with that at all?

Mr Lynch: No problem whatsoever.

Hon ROBIN CHAPPLE: And was the rehab good?

Mr Lynch: Rehab, good.

Hon ROBIN CHAPPLE: There are proposals to change it all. If we go down that path, you have already indicated that a lot of the Indigenous people would find it very, very difficult to do that. There have been some statements that it would drive people out of business. Do you think that would really occur?

Mr Lynch: That would really occur if the amendments changes are made.

Hon ROBIN CHAPPLE: So, in your case, you would most probably be able to deal with that a little bit, but most of the guys would not be able to.

Mr Lynch: Would not be able to do it.

Hon ROBIN CHAPPLE: Thank you.

The CHAIR: So, really the crux of your argument is the online —

Mr Lynch: The online thing, yes.

The CHAIR: That has been noted in here before, but it is a problem for a lot of people of a certain age anyway, and also, as we have heard in here, you do not get the signals on computers when you are out in the bush, let alone some people just do not have computers.

Mr Lynch: But not only out in the bush; even if you are in town, we cannot even do it.

The CHAIR: Yes, that is right. We understand that.

Hon ROBIN CHAPPLE: My colleague here has been trying to access her emails and cannot do it!

The CHAIR: It is very slow; we understand that. What do you think we can do to change the bill? You like the bill as it is now?

Mr Lynch: Just go back to doing it manually, like we always have been doing it.

The CHAIR: So stay manual and keep the bill as it is?

Mr Lynch: Of course.

Hon ROBIN CHAPPLE: But if the bill stays as it is, there are new things that you would have to fill in. So you would have a new form, and it would be a much bigger form. You really like the old POWs; that is what I am now hearing.

Mr Lynch: Yes. If you start getting into some other forms, it will be very confusing and things like that. We, as old people, only know the old forms that were actually being used in the past as well.

The CHAIR: I do not much like change myself; I think I must be of a certain age as well.

Hon KATE DOUST: Mr Lynch, are there any other parts of the bill that you think need to be changed as well?

Mr Lynch: There are a few other bills, and I think some of the other prospectors probably can highlight that to you when you ask them, but there are a lot of things that need changing as well.

Hon KATE DOUST: Okay.

Mr Lynch: But these, the ones that I am raising, concern us as Aboriginal people and the ones that are lower down the rank.

Hon ROBIN CHAPPLE: Just quickly on another point, Aubrey, how many prospecting leases do you have, or do you work mainly under a —

Mr Lynch: Well, I have had quite a few in my days. I have got an exploration licence now just out of Roebourne, and I have also got a prospecting licence near Redcastle, near Murrin. But I have been holding a lot in the past.

Hon ROBIN CHAPPLE: Is the prospecting one you have got a tribute or —

Mr Lynch: No, it is still—I think those are a bit crowded, you know.

Hon ROBIN CHAPPLE: Okay.

The CHAIR: I would like to thank you for attending today. 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. Thank you for being here.

Hearing concluded at 10.13 am
