Speech By

Michael Hart

MEMBER FOR BURLEIGH

Record of Proceedings, 15 March 2016

MINERAL RESOURCES (AURUKUN BAUXITE RESOURCE) AMENDMENT BILL

Mr HART (Burleigh—LNP) (8.44 pm): I too rise to speak briefly about the Mineral Resources (Aurukun Bauxite Resource) Amendment Bill 2016. At the outset I thank the members of the committee for their investigation of this particular bill, and I particularly thank our secretariat staff. While the members spoke to the department and looked at the submissions, it is the secretariat who have gone through and pulled out the important information that was contained in those submissions and answered the questions of members. They pulled the important information out of that and they put together what is a really very comprehensive report.

We only made one recommendation: that the bill be passed. Unfortunately, we had quite a short time frame to look at this particular bill, and that meant that we only had one week for submissions. I think the reasons for that are quite clear. We do have a High Court case pending in the next couple of weeks, so the time frame was very short. We had a week for submissions. We received nine submissions, and unfortunately most of those were not really relevant to the purpose of the bill. The submissions that we did receive were quite supportive of the outcome of the bill, but they wanted to take the bill one step further. I will talk briefly about that shortly.

I would like to cover some things that are in the committee's report regarding the inquiry process. The report states—

The committee's ability to consider the bill in detail from the submissions received was limited. The committee appreciates that submitters had only one week to prepare submissions. Nevertheless, we were disappointed that the majority of submissions did not review the bill but focused upon issues which were outside the committee's inquiry.

That is basically what I was saying before. It goes on—

The purpose of the bill is to amend the special provisions in the *Mineral Resources Act 1989* that apply to an Aurukun project (the Aurukun provisions) to give communities the opportunity to object to resource projects and have the Land Court consider those objections.

We heard from a number of submitters who did make submissions that the Wik and Wik Way people are the native title holders of the Aurukun area and the prescribed body corporate is the NAK. They felt under certain circumstances that they were missing out on the opportunity to protest about these particular approvals by way of the Land Court.

We have already heard from the minister and the shadow minister that there is a massive resource out there that is available at some stage to mine bauxite. There are 730,000 hectares of land and there is lots of bauxite on those hectares—or, as I like to put it, 'hectacres'. There are hectares and hectares of bauxite out there. For 30-odd years this land has been sought to be mined for the benefit of Queensland and the local Indigenous groups. That has not come to fruition yet, but we are hoping that that will shortly happen.

There are a number of things in the Mineral Resources Act that this bill seeks to change. The original act restricts who can apply to hold a mineral development licence or a mining lease to only parties who have a development agreement with the state. That provision stays in place, but the act

also excluded the right to seek judicial review on decisions of a mineral development licence or mining lease for an Aurukun project. This bill will reverse that situation. It also sought to modify the type of conditions that could be included on the mineral development licence or mining lease for an Aurukun project. That stays in place, but the act excluded the usual process for public notifications of applications for a mining lease and the right to object to the application and have that objection heard by the Land Court, and that is what we are fixing up now.

We heard the shadow minister tell us that these provisions were put in place in 2006 by a Labor government—a Labor government that has a policy in place now that it will let basically every man and his dog complain about mining leases. People can live 1,000 miles away from a mining lease or a mining tenure and take that particular company to court. That is the policy of the Labor Party. It is not the policy of the LNP, but it is the policy of the Labor Party. However, the policy of the Labor Party in 2006 was to stop the Indigenous owners of this land from taking these decisions to court in any fashion. While I do not support the right of every man and his dog to take these provisions to court, I do however support the local Indigenous groups having that right. They deserve some sort of—

Mr Rickuss: What about Broccoli Broccoli? Do you support Broccoli Broccoli?

Mr HART: Will we talk about Broccoli Broccoli? I guess we can. That is what happens when you put a petition to a parliament to make some changes and you cannot identify who the people are that are putting in those submissions, but we are not seeing that in this particular area.

There was quite a feeling from the submitters that the Aurukun provisions were discriminatory, and we heard from the Wik and Wik Way peoples via submission and the Balkanu Cape York Development Corporation. It argued that—

The 'Aurukun Provisions' were unique in Queensland—

these are its words—

targeted specifically at the area's Indigenous land holders. The Provisions removed rights normally enjoyed by other Queensland Indigenous and non-Indigenous landholders, delivering Chalco certainty at the expense of the Indigenous owners. After the withdrawal of Chalco from the Aurukun project, the Aurukun Provisions were never removed from the legislation.

We did, however, hear from the department during our briefing that the Aurukun provisions were never intended to have a discriminatory effect and it remains the state's position that these provisions are valid and consistent with the current government's public policy commitments to ensure that the community has the right to object to the resource projects. The bill will amend the Mineral Resources Act 1989 to include notification and objection rights for the broader community for the Aurukun project. In doing so, the bill will nullify the High Court challenge and make grounds of the High Court challenge fall away. I think that that is the important thing that members here tonight need to understand and that is the reason that this bill is in fact in front of the House at the moment—not because the government really wanted to change this but it is basically being forced to change this in case the High Court rules against it.

As I said before, most of the submissions received were not really relevant to the bill. They actually sought to reopen the whole process of determining the company that has been selected to develop this resource. Even though it is outside the scope of the bill, we did ask the department to give us some feedback on that for our own use. The Department of State Development noted that, while the competitive bid process was conducted to select the preferred developer for the Aurukun project with whom an Aurukun agreement could be agreed, the competitive bid process was not conducted under the Aurukun provisions. The previous government undertook a competitive process to identify a suitable developer for the bauxite resource of Aurukun. The current government sought independent legal advice on the process and was satisfied that the competitive bid process for selecting Glencore was appropriate and conducted lawfully. The process was also overseen by a probity auditor. The Department of State Development noted that on this basis there is no intention to reopen the competitive bid process, and we have already heard that reinforced tonight by the minister.

We also heard that there was some concern that Glencore may endeavour to warehouse the bauxite resource for a future date. In short, we asked the Department of State Development about that also and were told that the development pipeline Glencore is proceeding with will take a number of years before it is ready to develop. Its work will be ongoing in relation to developing the mining lease and the department does not expect that this would have an impact in delaying it. The bill before the House today adds some additional conditions to the MDL but not ones that would allow them to delay activity. Similarly for the mining lease, the bill imposes conditions on the mining lease but not ones that would allow them to delay. The tenure of the amendments could cause delays to Glencore because now it will have to go through the Land Court objection process but, as the department said before, the development agreement with Glencore contains a number of milestones that it just has to meet.

I have said several times tonight that a number of the submissions received were not really targeted at the particular bill and unfortunately we could not consider those any further. I do note that the member for Dalrymple has put in a dissenting report to the committee's report which deals with those irrelevant factors that were brought up in the submissions. It is disappointing to see that that is the case. The committee system, as I have said many times in this place before, is working very well, but as a committee we need to look at the particular bills put in front of us, seek submissions that apply to that particular bill and try to stay relevant to the bill rather than drifting off into a whole lot of other issues. For those reasons that I have outlined, I support this bill.