




Speech By
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MEMBER FOR MAIWAR

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MINERAL AND ENERGY RESOURCES (FINANCIAL PROVISIONING) BILL

 **Mr BERKMAN** (Maiwar—Grn) (2.50 pm): I rise to make a contribution on the Mineral and Energy Resources (Financial Provisioning) Bill. If you make a mess you clean it up. It is a simple concept. Even most kids understand that. The need for serious reform on mining rehabilitation has been clear for years. This is an issue that the Greens have been pursuing long before taking a seat in this House. We welcome the small steps taken by Labor in this bill, but there is no doubt that much could be improved in the bill and much remains to be done. It is vital that we get this right. Good steady jobs in rehabilitation are one incredibly important part of a jobs-rich transition to clean energy. They are located at the former mine sites and they generally require similar skills to mining. Digging up coal creates a lot of jobs pushing dirt out of a big hole. We have a big opportunity to create thousands of more jobs pushing it back in. In our fight for a cleaner future, which is also a fairer one, we cannot afford to leave mining communities behind.

For the last week big mining companies have been throwing a massive tantrum chucking their toys out of the pram and all of this because there was a hint—just a hint—that they would be forced to clean up their own mess. Their bullying has worked. Labor seems to have rolled over and is leaving a few massive loopholes in these laws that will let big companies walk away leaving toxic final voids for Queensland taxpayers, local communities and the environment to deal with.

There are certainly some things to applaud, but Labor looks like it is set for yet another big cave-in to big coal. One could indeed drive a mining truck through some of the loopholes in Labor's bill. Even after the government's amendments the bill will allow almost any existing mine to leave behind a massive final void. The companies and Labor have talked endlessly about how we cannot make existing mines clean up their own mess because that would amount to retrospectivity. That is complete rubbish. By bringing on this legislation Labor has admitted what we have said for years: the mining rehabilitation system in Queensland is fundamentally broken. That means we need to fix it, not lock in out-of-date approvals. There is nothing retrospective about saying to a company, 'Times have changed. The community will no longer accept massive holes in the ground that leach toxic chemicals and pollute local rivers.'

The vast bulk of mines in Queensland in terms of area of land disturbed by mining are currently operating. Months ago I had made inquiries with the Minister for Environment about how many voids there are in Queensland as a consequence of past and current mining operations. Surely having this information to hand is essential for us as legislators when we are considering changes like those proposed in the bill. Minister Enoch replied to me advising that she would not and could not provide this information even after the bill had been introduced. Just today we find out, based on independent analysis, that 218 final voids will be unaffected by this reform. That is 218 final voids that industry will not be required to clean up. Industry groups tell us that this clean-up would cost \$20 billion, far too much for them to be able to pay for. Instead, either that mess is left behind completely or that is \$20 billion that Queenslanders are left to pay.

On the issue of financial assurance, we have some concerns about moving away from mining rehabilitation bonds for big miners and moving towards an insurance model which could continue to expose the public purse to big risks. For example, the thermal coal sector is at huge risk of going bust as the world switches to clean energy in time to avoid catastrophic global warming. In these circumstances there is a real risk that the scheme fund will not be sufficient to cover downturn in an entire sector and once again Queenslanders are left holding the baby.

The bill totally leaves out the massive CSG and fracking industry, despite the fact that Labor is currently going hell for leather expanding fracking. Public notification and consultation on rehabilitation plans are weak and should be strengthened because local communities have a huge stake in the future of their own places. We are concerned that shonky operators or companies owned by corporations with dodgy track records overseas will get an easy ride because of loopholes in the bill. When an old mine gets sold to a \$1 shelf company there must be proper oversight. As it stands, it is not clear that there will be any way for regulators to check whether companies can actually do the work to rehabilitate old mines. These weak laws are what the billionaire mining companies get in return for their massive donations to Labor and the LNP. The boom and bust of corporate greed is leaving Queenslanders behind. I am calling on Labor to finally stand up to their donors, the billionaire mining companies.

Labor's amendments are totally focused on what happens in the future. There is already an obligation to rehabilitate existing mines under our existing laws, but Labor's bill allows these companies to continue to get away with shoddy rehabilitation. The amendments I will move today go some way to addressing the shortcomings of the bill. Firstly, they remove the exemption that would allow automatic approval to leave behind decades of industry waste, toxic final voids, waste rock dumps and tailings dams. Secondly, they would require that no coalmine be allowed to leave a final void. In the USA it has been 40 years now since this practice was allowed, yet nothing in the bill brings Queensland up to that standard. Companies that operate in both Australia and the US can readily meet this requirement overseas but not in Australia since they are not required to. Finally, my amendments would delete the outrageous gag clause that keeps vital information about risks to the taxpayer secret from the public.

Labor's big cave-in to big coal will cost thousands of jobs in rehabilitation in Central Queensland and the south-east. This is at a time when we know we need a jobs-rich transition away from coal. My amendments would create 5,000 jobs in just the 10 biggest coalmines in Queensland and Lock the Gate have estimated that they would create 12,000 across Queensland. It is a crying shame that Labor continually fails to stand up to these billionaire coalmining companies and refuses to create these rehabilitation jobs for Queensland. Jobs in rehabilitation are one important part of a just transition away from coal: they are steady, they are located at the former mine site and they require similar skills to coalmining. By failing to apply to existing voids, this legislation misses a massive opportunity to create 12,000 jobs.

The Greens welcome the government's commitment to a mining rehabilitation commission. In fact, the Greens announced a policy calling for a mining rehabilitation commissioner in 2016, if members would believe it. The commission must be adequately funded and it must have real oversight powers, including reviews and audits, of both the Department of Environment and Science and the mining industry. It must also have the responsibility to define best practice mine rehabilitation for non-use management areas and more generally. We welcome the proposed amendments in response to the information commissioner's criticism of the bill, but the proposed exemption through schedule 3 of the RTI Act is still overreach and an unnecessary capitulation to the resources sector. There is ample provision in the RTI Act to protect genuinely confidential information and this carve-out for private commercial interests is an unusual and perhaps even an unprecedented use of the schedule 3 exemption.

I will speak to my amendments in some more detail if time permits in consideration in detail, but whatever the outcome regarding these amendments I will support the bill.