




Speech By
Michael Berkman

MEMBER FOR MAIWAR

Record of Proceedings, 15 May 2019

NATURAL RESOURCES AND OTHER LEGISLATION AMENDMENT BILL

 **Mr BERKMAN** (Maiwar—Grn) (12.06 pm): I rise to make a brief contribution on the Natural Resources and Other Legislation Amendment Bill 2019. Certainly we welcome a number of elements of this bill. In particular, we welcome the way it modernises the Water Act to encourage greater gender diversity on water boards. The Greens support and welcome that, given that only 10 per cent of category 2 water board directors are female. It is the kind of initiative that the government should be commended for. Certainly we welcome the adoption of this kind of initiative far more broadly.

Unfortunately, there are some elements of the bill that we do not support. In particular, we oppose clauses 213, 214 and 215 of the bill. This part of the bill changes the Mineral and Energy Resources (Financial Provisioning) Act 2018 so that it refers to the remediation of rather than rehabilitation of abandoned mines. The government has provided the rationale that this is necessary to distinguish between the rehabilitation obligations that a mine operator must meet under the Environmental Protection Act and the activities that the government undertakes on legacy and abandoned mine sites.

We share the concerns that have been raised by stakeholders in respect of this aspect of the bill. As the WWF says, rehabilitation is the act of restoring something damaged to its former condition whereas remediation is the process of correcting a situation that is dangerous. Under this proposed change, only dangerous things would need to be addressed and the current requirement is that they be restored to pre-mining condition. We believe that that should remain.

Further, as the Environmental Defenders Office and the Lock the Gate Alliance pointed out in their joint submission, a review of the abandoned mines program is currently underway. That is a key element of our ongoing mining rehabilitation framework. As those organisations say, the existing program has consistently failed to deliver a measurable and sustained reduction in the state's exposure to environmental, social and economic risks posed by the state's abandoned mines. Currently a review is underway to see how we can improve the standard of how we manage those abandoned mines. It makes no sense to legislate a drastic change while the review is underway. As those submitters say, the proposed amendments are a retrograde step.

The state needs to raise the bar with respect to the rehabilitation of abandoned mines, not lower it. It is well established that Queensland has a serious problem with 15,000-odd abandoned mine sites around the state and they were not covered in the government's recent legislation on mining rehabilitation. That legislation only covered mines that are yet to be approved. Even most of the currently operating mines are left largely untouched by the government's new legislation with respect to final voids. We are talking about mines where the owner has walked away or gone bust, or where the mine was dug decades ago before any regulation at all existed. When you have that kind of issue, where the abandoned mines program is so underfunded that it is completely failing, the answer is not to relax the rules; the answer is to improve your performance.

One issue on which I would seek clarification is around the amendments to the Aboriginal Land Act. This bill proposes to replace what is currently a process of declaration by regulation with a ministerial declaration process, enabling the minister administering the act to make a declaration about land available for grant as inalienable Aboriginal freehold and other matters.

The Cape York Land Council expressed concerns that this ministerial delegation process will prompt the declarations made to be characterised as administrative in character and so be subject to judicial review rather than parliamentary oversight. It seems clear from the explanatory notes that this is what is intended. I am seeking clarification from the minister around the policy rationale for abandoning parliamentary oversight in favour of judicial review which is, as we all know, expensive, time consuming and difficult.