

Mineral Resources Amendment Bill 2008

Explanatory Notes

Short Title

The short title of the Bill is *Mineral Resources Amendment Bill 2008*.

Objectives of the Bill

The objective of the Bill is to amend the following Acts:

- *Mineral Resources Act 1989*

The Bill:

Prohibits the issuing of exploration permits and mineral development licences for uranium.

Policy Rationale

Uranium mining has been a very controversial activity in Australia for three decades because of its potential environmental impacts, the difficulties associated with storing its waste products and its links with nuclear weapons. A recent poll carried out for the Australian Conservation Foundation showed 62 per cent of Australians were opposed to our exporting uranium to countries which possessed nuclear weapons, with a substantial proportion also opposed to any uranium mining at all. Uranium mining also brings with it many ecological costs. At one mine alone – Ranger – there have been 130 spills since it opened in 1981. There are also many health and safety issues with workers exposed to radioactive material, as has also happened at Ranger. The Queensland population has demonstrated its concern with uranium mining on many occasions.

The *Mineral Resources Act 1989* is the legislation that gives the land use right to explore, develop and mine for uranium. While there is a Queensland Government policy to not allow uranium mining, it continues to issue exploration permits that allow for exploration of the mineral uranium. This presents a contradiction: if government policy is opposed to the granting of mining leases for uranium, it should also oppose the exploration for it. The granting of Mineral Development Licences for uranium also needs to be addressed by the Bill.

We note a 2007 report commissioned by the Queensland Coordinator General on the impact of uranium mining on coal mining, which states at page 12 that uranium “exploration is underway on a modest scale in Queensland”. The report, *Uranium and the Queensland Coal Industry*, was prepared by the Sustainable Minerals Institute at UQ and is available at: www.dip.qld.gov.au/docs/library/pdf/Uranium_and_Queensland_Coal_Industry_report.pdf.

The exploration for uranium in Queensland is of sufficient concern that its prohibition should be enacted and any government wishing to allow such activities, should be obliged to place its proposals before the Parliament.

How objectives are achieved

Uranium is not referred to specifically but is included in the definition of “mineral” in the *Mineral Resources Act 1989* (Qld) (MRA), because it is a ‘substance normally occurring naturally as part of the earth’s crust; or that may be extracted from a substance within that crust’ (s 6(1)(a) MRA). The *Mineral Resources Act*, therefore, covers uranium.

Uranium must be named in exploration permits. Currently exploration permits are granted for either (a) coal, or (b) all minerals other than coal. This means that an exploration permit would not need to specifically say it was for uranium, but uranium exploration would be permitted. This is worrying given the large amount of exploration permits across Queensland.

The Minister is permitted by s 130(2) and (3) of the MRA to specify minerals to which the exploration permit applies or does not apply, but the usual practice is just to use the catch-all “all minerals other than coal”. Therefore the *Environmental Protection Act 1994* must be amended to ensure the definition of a mining activity does not include uranium mining. The *Minerals Resources Act 1989* (s130 and s137) must be amended to ensure uranium is clearly identified and that exploration permits cannot be granted for uranium mining.

Mineral development licences are the land use right (tenement) that is applied for after exploration has occurred under an exploration permit, but before full scale mining is applied for under a mining lease application. An application for a MDL must specify the minerals for which it is sought (s 183(1)(f) MRA). Therefore, s 181 of the *Mineral Resources Act 1989* must be amended to ensure an activity relating to uranium can not be specified in a mineral development licence and s 197A(1) must have an insertion to ensure that the activities proposed to be carried out under the licence do not include those relating to uranium.

Alternative method of achieving policy objectives

There is no alternative method of achieving the policy objectives as all require amendment of existing legislation.

Estimated cost for Government implementation

There are no administrative costs to the Government in relation to this Bill.

Consistency with Fundamental Legislative Principles

It should be noted that existing exploration permits remain unaffected but any renewals or new permits would be subjected to the ban. This is so as not to offend the principle against retrospective operation and, therefore, breach a fundamental legislative principle. Therefore Transitional provisions for Mineral Resources Amendment Act 2008 have been added.

Consultation

The Wilderness Society was consulted about this Bill.