

Mineral Resources Amendment Bill (No. 2) 2008

Explanatory Notes

Short Title

The short title of the Bill is *Mineral Resources Amendment Bill (No. 2) 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 mining leases for the mining of 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. There is a Queensland Government policy to not allow uranium mining but this is simply a matter of policy and is not enshrined in legislation.

The mining of uranium in Queensland is of sufficient concern that its prohibition should be enacted and any government wishing to allow such an activity, 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.

Therefore, S 234 and s 286A must be amended to ensure a ban on new and renewed mining leases for 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 mining leases remain unaffected but any renewals or new leases 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 (No. 2) have been added.

Consultation

The Wilderness Society was consulted about this Bill.