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OPP--OPPOSITION

LEGISLATIVE COUNCIL

Mining and Petroleum Legislation Amendment Bill 2022

Second print

Proposed amendments

No. 1 **Royalties for Rejuvenation Fund**

Page 24, Schedule 1[123], proposed section 292W(5)(a)(i), line 5. Omit all words on the line. Insert instead—

- (i) written advice about the payment given by the Secretary, including advice as to—
  - (A) how the payment complies with the eligibility criteria specified under subsection (5A), and
  - (B) whether, in the Secretary's opinion, the payment is appropriate, and

No. 2 **Royalties for Rejuvenation Fund**

Page 24, Schedule 1[123], proposed section 292W. Insert after line 16—

- (5A) Money must not be paid from the Rejuvenation Fund under subsection (5)(a) unless it is paid in accordance with eligibility criteria specified in the regulations.
- (5B) If the Minister authorises that a payment be made from the Rejuvenation Fund under subsection (5)(a) against the written advice of the Secretary, the Minister must, within 7 days, cause a written explanation of the Minister's decision to be published on the Department's website.

No. 3 **"Follow the dollar" performance audits**

Page 24, Schedule 1[123]. Insert after line 41—

**292WA "Follow the dollar" performance audit**

- (1) The Auditor-General may, when the Auditor-General considers it appropriate, conduct an audit of activities of a non-government entity if—
  - (a) the non-government entity has received money under section 292W(5)(a), and
  - (b) the non-government entity is conducting or delivering an object of the Royalties for Rejuvenation Fund, and
  - (c) the audit of the non-government entity's activities only relates to conducting or delivering the object of the Royalties for Rejuvenation Fund, and

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- (d) the audit of the non-government entity's activities could not be conducted under the *Government Sector Audit Act 1983* or the *Government Sector Finance Act 2018*.
  - (2) The purpose of the performance audit of a non-government entity is to determine whether—
    - (a) the entity is carrying out the activities effectively, and
    - (b) the entity is doing so economically and efficiently and in compliance with all relevant laws.
  - (3) A performance audit of a non-government entity may also include the audit of any associated entities employed or engaged by the non-government entity to conduct or deliver the object of the Royalties for Rejuvenation Fund.
  - (4) In this section—

*non-government entity* means the following—

    - (a) an entity that is not a GSF agency within the meaning of the *Government Sector Finance Act 2018*,
    - (b) an entity of a kind prescribed by the regulations.

No. 4      **Expert Panels—establishment**

Page 24, Schedule 1[123], proposed section 292X(1), line 43. Omit “may establish 1 or more advisory panels”. Insert instead “must establish at least 1 advisory panel”.

No. 5      **Expert Panels—constitution**

Page 25, Schedule 1[123], proposed section 292X. Insert after line 2—

- (3A) A Panel is to consist of persons appointed as members by the Minister, including at least 1 person from the each of the following—
  - (a) employees in the mining sector and their representatives,
  - (b) employers in the mining sector and their representatives,
  - (c) mining industry associations,
  - (d) persons who have expertise in at least 1 area of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration,
  - (e) if the Panel is constituted for a particular locality—
    - (i) Local Aboriginal Land Councils in the locality, and
    - (ii) local business associations, and
    - (iii) local community groups, and
    - (iv) local community members.
- (3B) The Minister must cause the membership of each Panel to be published on the Department's website.

No. 6      **Expert Panels—constitution**

Page 25, Schedule 1[123], proposed section 292X(6)(a), line 10. Omit “the constitution of a Panel, including”.

No. 7      **Expert Panels—public consultation and reporting**

Page 25, Schedule 1[123], proposed section 292X(6), lines 13 to 15. Omit all words on those lines. Insert instead—

- (b1) public consultation required to be undertaken by a Panel before giving advice or making recommendations under this section,
- (b2) reporting on the activities of a Panel,

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No. 8      **Agricultural land**

Page 38, Schedule 1[171], proposed Schedule 2, clause 2A(2), line 15. Insert “, being a period of at least 28 days” after “objector”.

No. 9      **Agricultural land**

Page 38, Schedule 1[171], proposed Schedule 2, clause 2A(4), line 19. Insert “, being a period of at least 28 days” after “Secretary”.