

LEGISLATIVE ASSEMBLY

Mining and Petroleum Legislation Amendment Bill 2022

First 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 **Expert Panel’s advice and recommendations**

Page 24, Schedule 1[123], proposed section 292W(5)(a)(ii), lines 6 and 7. Omit “if requested by the Minister”.

No. 3 **Royalties for Rejuvenation Fund**

Page 24, Schedule 1[123], proposed section 292W. Insert after line 11—

- (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.
- (5C) The Secretary must—
 - (a) keep a public register on the Department’s website of all payments made from the Rejuvenation Fund under subsection (5)(a), and
 - (b) update the register within 7 days of a payment being made.

No. 4 **“Follow the dollar” performance audits**

Page 24, Schedule 1[123]. Insert after line 29—

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
 - (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. 5 **Expert Panels—establishment**

Page 24, Schedule 1[123], proposed section 292X(1), line 31. Omit “may establish 1 or more advisory panels”. Insert instead “must establish at least 1 advisory panel”.

No. 6 **Expert Panels—constitution**

Page 24, Schedule 1[123], proposed section 292X. Insert after line 32—

- (1A) 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.
- (1B) The Minister must cause the membership of each Panel to be published on the Department’s website.

No. 7 **Expert Panels—constitution**

Page 24, Schedule 1[123], proposed section 292X(4)(a), line 40. Omit “the constitution of a Panel, including”.

No. 8 **Expert Panels—public consultation and reporting**

Page 24, Schedule 1[123], proposed section 292X(4). Insert after line 45—

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

No. 9 **Agricultural land**

Page 37, Schedule 1[171], proposed Schedule 2, clause 2A(2), line 40. Insert “, being a period of at least 28 days” after “objector”.

No. 10 **Agricultural land**

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