INDUSTRY, EDUCATION, TRAINING AND INDUSTRIAL RELATIONS COMMITTEE

Members present:

Mr K.G. Shine MP (Chair)
Mr S.L. Dickson MP
Dr B. Flegg MP
Mr S.A. Kilburn MP
Mrs D.C. Scott MP

Staff present:

Ms B. Watson (Research Director)
Ms S. Gregory (Principal Research Officer)

PUBLIC BRIEFING—RESOURCES LEGISLATION (BALANCE, CERTAINTY AND EFFICIENCY) AMENDMENT BILL 2011

TRANSCRIPT OF PROCEEDINGS

MONDAY, 12 DECEMBER 2011

Brisbane

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Committee met at 3.00 pm

BIRD, Mr Dennis, Acting Director-General, Mining and Petroleum, Department of Employment, Economic Development and Innovation

BLUMKE, Mr John, Director, LNG Industry Unit, Strategic Economic Projects (CSG), Department of Employment, Economic Development and Innovation

CRONIN, Ms Rachael, Executive Director, Service Delivery (Streamlining), Department of Employment, Economic Development and Innovation

DITCHFIELD, Ms Bernadette, Acting General Manager, Mining and Petroleum Industry Policy Division (Urban Restricted Areas), Department of Employment, Economic Development and Innovation

O'DONOGHUE, Mr Michael, Principal Adviser, Policy and Coordination—Safety and Health, Department of Employment, Economic Development and Innovation

SKINNER, Mr John, Acting Associate Director-General, Mines and Energy, Department of Employment, Economic Development and Innovation

CHAIR: Good afternoon everyone. I welcome departmental representatives presenting the briefing this afternoon: Mr Skinner, Ms Ditchfield, Mr Bird and Ms Cronin. Thank you for coming. We are a little bit light on in terms of committee members. We have Mr Dickson on the phone. He is with us in voice and that counts for being with us in person, so we have a quorum. Desley Scott, the member for Woodridge, is on her way. She will be here in about 10 minutes or so. Rather than hold people up, we thought we might start.

I formally welcome Mr John Skinner, Ms Bernadette Ditchfield, Ms Bernadette McNevin, Ms Rachael Cronin, Ms Kirsten Pietzner, Mr Michael O'Donoghue and other officers from the Department of Employment, Economic Development and Innovation and thank them for meeting with us today. We appreciate your assistance in increasing our understanding of the Resources Legislation (Balance, Certainty and Efficiency) Amendment Bill 2011. The bill obviously covers many areas of your department's operations, and we appreciate you all making yourselves available to assist us today.

The briefing is being recorded and will be transcribed by Hansard reporters. The intent is to publish the transcript of this briefing on the committee's web page when it is available. I do not think media are present. If anyone from the media is present, I would ask members of the media who might be recording any proceedings that they adhere to the committee's endorsed media guidelines. Committee staff have a copy of the guidelines available for you if you require them. I ask everyone present to please turn off their mobile phones or set them to silent mode.

Parliamentary privilege applies to all committee operations including this briefing. On the other hand, to mislead the parliament including this committee proceeding is a serious offence. If you are unable or unwilling to provide an answer to any question the committee might put to you, you should advise me accordingly giving your reasons. We will consider the reasons and provide ample opportunity for you to seek any advice or assistance you might require. You might also wish to take questions on notice if you do not have the information at hand. We understand that with the notice you have been given to attend to provide advice for a bill of this size you might need to do this. As well, you may request that any material you provide be kept private and again the committee will consider that request.

All of this is detailed in schedule 8 of the standing orders, which has been provided to you. As members of parliament and portfolio committee members, we are not the experts on the content of this bill. We are here as elected representatives of the Queensland people and as legislators, and we do our job of scrutinising legislation in that capacity. Committees aim to give parliament the benefit of greater information on proposed legislation than might otherwise be the case when it makes law. Because we are not experts in the field, we seek advice and information from experts—in this case from departmental officials who have been involved in the development of the bill and the implementation of government policy in respect of the content of this bill. This briefing today is the first step in that process.

I should also confirm that today's briefing is an introductory one and that we may request further briefings from the department. For today we have asked you to focus on a broad outline of the bill as well as a few key aspects of it—in particular, the balance element, which relates to establishing urban restricted areas, and others that you identify as being ones that we should understand at this early stage of our inquiry.

I ask departmental officers to please state your name the first time you speak for the benefit of the Hansard reporters. I now hand over to you to give us an overview of the resources legislation at your discretion.

Mr Skinner: I and my team thank the committee for the opportunity today to brief members about the amendments proposed in the Resources Legislation (Balance, Certainty and Efficiency) Amendment Bill 2011—hereafter I will refer to it as the bill. I would like to start by giving you a brief introduction to the essential components as requested and then we are available to take further questions the committee may have.

Before providing details about the proposed amendments I will make a couple of comments about the Queensland resources sector to provide some contextual information for the bill. The resources sector generates significant economic benefits for Queensland, and this sector is also experiencing unprecedented growth. It contributed some $3.5 billion in royalties in 2010-11 to the state. In 2007 some 34 per cent, or 59.6 million hectares, was covered by granted permits to explore for coal, minerals, gas and petroleum. In 2011 this has expanded to 43.3 per cent of the state, or 73.3 million hectares. A further 50.6 million hectares is subject to exploration applications.

The bill proposes five sets of amendments to Queensland's resources legislation. Firstly, the bill seeks to create a regulatory and policy framework for managing land use conflict between urban areas and resource activities. Again, given the context of the growth I have talked about, this has created particular challenges in this space. A key element of this initiative is the establishment of urban restricted areas to restrict resource activities close to urban centres.

Secondly, the bill includes amendments to improve the efficiency of assessment and management processes for resource permits. These amendments implement recommendations of the streamlining approvals project. Thirdly, the bill includes amendments designed to provide regulatory certainty for all parties affected by the emerging CSG-LNG industry and existing conventional gas industry. Fourthly, there are amendments that confirm existing jurisdictional arrangements for mine safety and health following the introduction of national workplace health and safety legislation in Queensland. Finally, some amendments seek to improve the efficiency and workability of certain provisions.

Turning firstly to the issue of urban restricted areas, which is the balance part of the legislation that was referred to, there is currently no specific legislative framework that manages resources and urban land use conflict. The urban restricted area amendments seek to address this. In August 2011, the Queensland government adopted a two-stage approach to finding a solution to the growing tension between certain communities in Queensland and exploration activities. Stage 1 put in place interim measures while a permanent solution was developed. Stage 2 was the process for developing permanent measures to restrict exploration in and around urban centres. The amendments proposed in the bill will establish the more permanent measures foreshadowed for stage 2.

The Department of Employment, Economic Development and Innovation released a consultation paper titled *Exploration and urban living* on 16 August 2011. Industry and members of the public were invited to identify their preferred solution to balance the interface issues. Some 414 survey responses, including about 50 from industry, were received. These contributed to the development of the proposed amendments which will allow the minister to declare urban restricted areas and to impose additional conditions on permits granted within urban restricted areas.

In summary, matters raised in the submissions included the following. Community concerns were raised about the impacts of open-cut coalmining activities, not exploration, and the dust, noise, amenity and traffic impacts from open-cut coalmining. Local government provided a range of differing views. Rural councils indicated support for exploration activities because of the economic benefits they bring to the region. Councils in the South-East Queensland region were more consistent in seeking 'protection' from open-cut coalmining in particular, along with other land surface activities.

Industry suggested that restrictions should apply to the type of activity, not to the tenure. Other suggestions included that subsurface activity such as underground mining and coal seam gas production activities should be allowed to proceed due to no surface impact. Other submissions argued that uniform application of 'blanket restrictions' were inappropriate and suggested flexibility to enable low-impact exploration to confirm resource potential on adjacent tenure areas. Peak industry bodies indicated that there should be compensation where existing rights were extinguished.

Exploration and certain mining activities within urban restricted areas will now require local government consent. The local government has 40 days to provide its consent. Where the local government does not provide consent, then the proponent may refer the matter to the Land Court for a hearing. Following the hearing, the Land Court will provide the minister with a recommendation on the matter. The minister must consider the recommendation in determining whether activities may be undertaken in an urban restricted area. Resource activities that will be able to continue on commencement

of the legislation are mining and petroleum leases where activities already have approval under a current environmental authority. This recognises the significant assessment process already undertaken for grant of a production permit.

The second part of the bill refers to the streamlining approvals process, which is very much about the efficiency component. Another set of amendments proposed by the bill seeks to streamline industry and government process for applications and requirements for permit holders. The Streamlining Mining and Petroleum Approvals Project was announced in January 2009. The project reviewed regulation and administrative processes for environmental, native title and land use assessments. These processes have been challenged by the marked increase in applications, which I referred to before, for permits and post-grant dealings from the growth of the resources sector. Proposed amendments will allow electronic lodgement of documents for assessment and management of all resource permits—companies will be able to lodge online; streamline processes for managing mineral and coal exploration permits—for example, relinquishment will not be required yearly but rather at fixed term intervals; provide a single process for changing the ownership of any resources tenure to replace existing separate processes and terminology under the different resources acts; and provide a single process to request additional information for assessing resources applications.

The other area that I will refer to as the certainty category under the changes will provide regulatory certainty for parties affected by the emerging coal seam gas to liquefied natural gas industry. The third set of amendments adjusts resources legislation in response to the emergence of this new CSG to LNG industry and existing conventional gas industry. The petroleum acts that regulate activities associated with coal seam gas were initially established to facilitate petroleum production. The proposed amendments do not establish any new policy positions for the gas industry but rather adjust the existing regulatory framework to provide clarity and flexibility.

The proposed amendments seek to resolve the following deficiencies in the current regulatory framework. Firstly, CSG-LNG proponents are negotiating easement option agreements with landholders along a 400-kilometre pipeline route between petroleum leases and state development areas. Under the current legislation, proponents are unable to register these easements. Secondly, there is no flexibility for leaseholders to adjust commencement dates where scheduling of production changes because of external factors such as unexpected production success or failure.

Thirdly, existing provisions restrict efficient transportation and treatment of produced water, including CSG water and brine, between lease areas and off-lease areas and the development of common-user water treatment and brine processing facilities on permit sites.

Finally, in terms of safety and health for mine sites, the bill also includes amendments to confirm the current jurisdictional arrangements for safety and health at mining and petroleum work sites. These amendments do not seek to change current operational arrangements but rather confirm them following the introduction of national legislation for work health and safety in Queensland.

The Council of Australian Governments regulatory reform priorities include the harmonisation of occupational health and safety legislation. There is agreement, however, for separate industry-specific legislation where this can be objectively justified. The regulation of safety in the mining industry will be regulated under separate specific legislation in the major mining states of Queensland, New South Wales and Western Australia. As part of this arrangement, the regulation of major hazard facilities and hazardous chemicals will be regulated under the mining-specific safety legislation in Queensland, New South Wales and Western Australia.

In May 2011, the Work Health and Safety Bill 2011 was passed and is scheduled to commence on 1 January 2012 as part of Queensland's commitment to a national work health and safety regime for occupations other than mine safety. This act includes a provision that will change the current jurisdictional arrangements for safety and health in mine sites. This is an unintended outcome and amendments proposed in the bill seek to amend the Work Health and Safety Act 2012 to ensure that existing jurisdictional arrangements are maintained.

That concludes my opening presentation. Mr Chair, I would like to seek leave, if possible, to table a detailed outline that the committee may like to refer to. It may find it useful in its deliberations if the committee is agreeable to that.

Public Briefing by the Department of Employment, Economic Development and Innovation to support review by:

Industry, Education, Training and Industrial Relations Committee of:

I thank the Committee for the opportunity today to brief Members about the amendments proposed in the Resources Legislation (Balance, Certainty and Efficiency) Amendment Bill 2011, hereafter I will refer to it as the Bill.

Before providing details about the proposed amendments I will make a couple of comments about Queensland's resources sector to provide some context for the Bill.

The resources sector generates significant economic benefits for Queensland. Queensland also benefits from the royalties to the State, some $3.5 billion in 2010-11, which are used to assist funding essential services and infrastructure throughout Queensland.

This sector is also experiencing an unprecedented growth. In 2007, 34% of the State (or 59.6 million hectares) was covered by granted permits to explore for coal, minerals, gas and petroleum. In 2011 this has expanded to 43.3 per cent of the State (or 73.3 million hectares). A further 50.6 million hectares is subject to exploration applications.

These figures demonstrate the resources boom in Queensland. The increase in resources activities has brought exploration activities much closer to urban and farming areas generating community concern about competing land uses.

Recent legislative changes such as the Strategic Cropping Land Act 2011 and the Land Access Framework have partly addressed some of these concerns.

Exploration and production of resources and related activities are regulated by the following pieces of legislation: the Mineral Resources Act 1989, the Petroleum and Gas (Production and Safety) Act 2004, the Petroleum Act 1923, the Greenhouse Gas Storage Act 2009, the Geothermal Energy Act 2010 and the Environmental Protection Act 1994.

The Bill proposes five sets of amendments to Queensland's Resources Legislation.

- Firstly, the Bill seeks to create a regulatory and policy framework for managing land use conflict between urban areas and resources activities. A key element being the establishment of Urban Restricted Areas to restrict resource activities close to urban centres.
- Secondly the Bill includes amendments to improve the efficiency of assessment and management processes for resources permits. These amendments implement recommendations of the Streamlining Approvals Project.
- Thirdly the Bill includes amendments designed to provide regulatory certainty for all parties affected by the emerging CSG/ LNG industry and existing conventional gas industry.
- Fourthly, there are amendments that confirm existing jurisdictional arrangements for mines safety and health following introduction of national work health and safety legislation in Queensland.
- Finally, some amendments seek to improve the efficiency and workability of certain provisions.

Urban Restricted Areas

There is currently no specific legislative framework that manages resources and urban land use conflict. The urban restricted area amendments seek to address this.

In August 2011, the Queensland Government adopted a two-stage approach to finding a solution to the growing tension between certain communities in Queensland and exploration activities.

Stage 1 put in place interim measures while a permanent solution was developed.

Stage 2 was the process for developing permanent measures to restrict exploration in and around urban centres.

The amendments proposed in the Bill will establish the more permanent measures foreshadowed for stage 2.

The Department of Employment Economic Development and Innovation released a consultation paper titled Exploration and Urban Living on 16 August 2011. Industry and members of the public were invited to identify their preferred solution to balance the interface issues—one that would protect urban areas from the negative effects of exploration while at the same time ensuring that highly prospective land was preserved from urban encroachment for the benefit of all Queenslanders.

Specific questions in the consultation paper targeted the following:

- personal experience and impact
- proposed State Government course of action
- perceived impacts from strategy
- local government planning processes
- getting the balance right
- buffer distance
- role of communities and local government

414 survey responses were received. Most of the respondents self-identified as members of the community. Around 50 industry submissions were received either as part of this process or in response to the voluntary relinquishment request.

Submissions were also received from the following industry peak bodies: Australian Petroleum Production and Exploration Association (APPEA), Queensland Resources Council (QRC), Association of Mining and Exploration Companies (AMEC) and Australian Geothermal Energy Association (AGEA).

In summary, matters raised in the submissions included:

Community concerns were raised about impacts of open-cut coal mining activities (not exploration) and the dust, noise, amenity and traffic impacts from open-cut coal mining.

Local Government provided differing views. Rural councils indicated support for exploration activities because of the economic benefits they bring to the region. Councils in the South East Queensland region were more consistent in seeking 'protection' from open-cut coal mining in particular along with other land surface activities.

Industry suggested that restrictions should apply to the type of activity not to the tenure. Other suggestions included that sub-surface activities such as underground mining and coal seam gas production activities should be allowed to proceed due to no surface impact.

Other submissions argued that uniform application of 'blanket restrictions' were inappropriate and suggested flexibility to enable low impact exploration to confirm resource potential on adjacent tenure areas.

Peak industry bodies indicated that there should be compensation where existing rights were extinguished.

The amendments propose in the Bill will allow the Minister to declare urban restricted areas and to impose additional conditions on permits granted within urban restricted areas.

Exploration and certain mining activities within urban restricted areas will now require local government consent.

The local government has 40 days to provide its consent. Where the local government does not provide consent then the proponent may refer the matter to the Land Court for a hearing. Following the hearing, the Land Court will provide the Minister with a recommendation on the matter. The Minister must consider the recommendation in determining whether activities may be undertaken in an urban restricted area.

Resource activities that will be able to continue on commencement of the legislation are mining and petroleum leases where activities already have approval under a current Environmental Authority. This recognises the significant assessment process already undertaken for grant of a production permit.

A notable exception for Urban Restricted Areas policy framework is geothermal permits. These will be exempt from the restrictions as a means of supporting this emerging clean energy industry and its need for close proximity for its end use.

Industrial minerals are also exempted to prevent impacts on the availability and subsequent price of material for the construction industry.

Amendments creating the framework for Urban Restricted Areas may breach the fundamental legislative principle requiring sufficient regard to the rights and liberties of individuals. The proposed amendments will diminish existing 'rights' of exploration permit holders to undertake resources activities in Urban Restricted Areas that the holder was entitled to at the time the permit was granted.

The purpose of the Urban Restricted Areas policy amendments is to make clear that in specific land use conflict situations characterised by resources activities in close proximity to urban centres, the optimum outcome is to prevent exploration and potential high impact surface mining activities.

The amendments for urban restricted areas proposed in the Bill will take effect on assent. At the time of commencement, maps declaring urban restricted areas will be gazetted.

Other Australian States with resource activity comparable to Queensland have in place equivalent legislation to exclude land from exploration and to manage potential urban impacts.

In Western Australia, the responsible Minister has the power to exempt land from exploration and/or mining. Land classified as a town site under the Land Administration Act 1997 may only be granted an exploration licence over it with the consent of the Minister. Before consenting, the Minister must consult the Minister responsible for administering the Land Administration Act 1997 and the relevant local government to obtain recommendations.

New South Wales has recently introduced additional measures, including placing a 60 day moratorium on the granting of all new coal, coal seam gas and petroleum exploration licences, and requiring that all new licences be exhibited for public comment.

Streamlining approvals processes

I will now outline another key set of amendments proposed by the Bill aimed at streamlining industry and government processes for applications and requirements for permit holders.

In 2009 the former Department announced the Streamlining Mining and Petroleum Approvals Project to review approvals processes. The project reviewed the legislative requirements and administrative systems for environmental, native title, and land use assessments. These processes have been challenged by the marked increase in applications for permits and post grant dealings.

In November 2009, the former Department released a report titled Streamlining Approvals Project—Mining and Petroleum Tenure Approval Process. Key findings were that the assessment process is heavily reliant on paper files constraining the flow of information between proponents and regulatory agencies and between agencies. The report recommended scoping and costing of an integrated management information and electronic document workflow system.

The report stated an electronic document system would be an opportunity to transform tenure administration for mining, petroleum and gas to best practice technology and presented:

- a more flexible service delivery model,
- opportunity to improve transparency, and
- reduce processing time for applications.

An Industry Working Party was established in December 2009 to review the efficiency of Government tenure approval and regulatory processes. The working party included representation from exploration, mining and petroleum leaders.

In April 2010, the Industry Working Party submitted its findings in a report titled Supporting resource sector growth—Industry Proposals for Streamlining Queensland's Approval Processes. The report highlighted that each component of these complex decision-making processes needed to be systematically considered so that time savings could be achieved and investment could occur without undue delay.

The industry report endorsed the findings of Government's report and made a further 23 recommendations designed to deliver certainty of pace, certainty of scope and regulatory certainty.

The joint Government Industry Implementation Group was established to develop an implementation plan to deliver the recommendations from the reports by Government and industry. In October 2011, the report On the right track—Progress on the Streamlining Mining and Petroleum Approvals Project recommended amendments proposed in the Bill.

Other streamlining amendments were derived from interaction with industry through business reference groups used in development of the new online lodgement system for tenures management by the Department.

In May 2011, the Department gave two presentations to industry about the proposed direction of the streamlining amendments and in June 2011, a Streamlining discussion paper was distributed to peak industry representative bodies to distribute to their membership. These groups included the Queensland Resources Council, Australian Petroleum Producers and Exploration Association, the Association of Mining and Exploration Companies and the Queensland Small Miners Council.

Three submissions were received in July 2011 that generally supportive of all initiatives outlined in the paper. Copies of draft legislation and briefing sessions were provided to industry in October 2011.

Industry responses received during this stage were largely supportive. However there was some general concern about how some of the proposed provisions were to be implemented. The Department will develop guidelines for how these provisions will be implemented and will consult with industry representatives to develop the guidelines.

Proposed amendments will:

- allow electronic lodgement of documents for assessment and management of all resources permits—companies will be able to lodge online;
- streamline processes for managing mineral and coal exploration permits—eg relinquishment will not be required yearly but rather in fixed term intervals;
- provide a single process for changing the ownership of any resources tenure to replace separate processes and terminology under the different resources Acts;
- provide a single process to request additional information for assessing resources application; and.
- allow the Minister to grant and renew mining lease and petroleum lease applications (under the Petroleum Act and Mineral Resources Act) rather than the Governor-in-Council;
- reduce the initial term of a mining claim from 10 years to five years to align with other reforms to support small scale mining; and
- designate the powers and functions of a Mining Registrar to the Chief Executive to allow the Chief Executive to make decisions or provide directions to a tenure holder, without referral to Mining Registrar.

Some of the streamlining amendments will align with proposed reforms introduced in the Environmental Protection and Other Legislation (Greentape Reduction) Amendment Bill 2011. An outcome of this will be that the mines online portal will provide a whole of government view about processes for resource and environmental assessment.

The upfront costs to develop the resources assessment online system have already been allocated by the Government through its budgetary processes. Costs associated with implementing the amendments are expected to be met within existing Departmental resources. It is anticipated that as greater efficiencies are realised by streamlining assessment and management processes that there will be reduced costs to Government and to industry.

The proposed amendment to transfer the power to grant and renew mining leases and petroleum leases under the MRA and the PA from the Governor-In-Council to the Minister does not include an appeal provision. The lack of an appeal provision for the decisions made by the Minister has raised the possible breach of the Fundamental Legislative Principle that requires legislation to have sufficient regard to the rights and liberties of individuals.

Appeal rights for mining and petroleum lease decisions under these Acts do not align with the State's stewardship responsibilities for State resources. Appeals on a refusal decision by the applicant would either significantly delay the State progressing alternate arrangements for development of the resource leading to impacts on social, economic and employment benefits, or further protract community uncertainty regarding significant social impacts where the Minister has decided that the grant or renewal is not in the public interest. An appeal right for a decision made in the public interest would put at risk the Minister's prerogative to make this judgement.

Transferring the power from the Governor-in-Council to the Minister to grant or renew mining leases brings Queensland into line with all other states.

Regulatory certainty for parties affected by the emerging Coal Seam Gas to Liquefied Natural Gas industry

The third set of amendments adjusts resources legislation in response to the emergence of this new CSG to LNG industry. The petroleum acts that regulate activities associated with coal seam gas were initially established to facilitate petroleum production. The proposed amendments do not establish any new policy positions for CSG but rather adjust the existing regulatory framework to provide clarity and flexibility for application to an emerging industry.

CSG to LNG proponents are negotiating easement option agreements with landholders along a 400 km pipeline route between petroleum leases and State Development Areas. Under the current legislation, LNG proponents are unable to register these easements.

The current regulatory framework does not provide flexibility for petroleum lease holders to adjust commencement dates where scheduling of production needs to respond to unexpected production success or failure and conflicting schedules for resources (coal and gas) production.

The current legislative framework does not facilitate efficient transportation and treatment of produced water (including CSG water and brine) both between lease areas and off lease areas. Neither does it support development of common user water treatment and brine processing facilities on permit areas.

The policy objective to provide regulatory certainty for the emerging CSG/LNG industry will be achieved by amending the P&G Act to:

- Enable the registration of pipeline easements which is expected to provide certainty of property rights for both landholders and pipeline licence holders. It also provides an ongoing record of the pipeline when land is sold.
- Allow lease holders to seek Ministerial consent for changing production commencement where a relevant arrangement is in place;
- Allow permit holders to adapt production schedules to facilitate access by coal parties to land held by the lease holder, to optimise development of the State's resources (by enabling gas extraction prior to coal extraction);
- Extend provisions for pipeline licence instruments to allow the transport of produced water (including CSG water and brine) between lease areas and off lease areas;
- Apply existing provisions for environmental approvals, water regulation, land access and health and safety to infrastructure associated with the transport and treatment of CSG water and brine.
- Allow the construction and operation of common user water treatment and brine processing facilities on petroleum leases—together these amendments are designed to support improved environmental outcomes such as avoiding large salt fills from CSG water. It is also possible that economic benefits may be realised from ancillary commercial products such as soda ash and soda bicarbonate. Industry has also indicated community benefits for regions from long term employment in salt recovery plants.
- Allow for incidental activities, such as roads, electricity lines, and fibre optic cables to be constructed across adjacent petroleum permit areas; and
- Require a lease holder to submit an annual infrastructure report for incidental activities to support authorised activities between permit areas. This will ensure that the Department maintains a comprehensive record of incidental and authorised activities.

An amendment is also proposed to the Environmental Protection Act 1994 as a consequence of the expansion to incidental activities on petroleum permit areas. The amendment would obligate existing permit holders who choose to undertake these expanded incidental activities to submit an annual environmental return to ensure the environmental impact of these incidental activities are appropriately considered by the regulator.

Imposing the requirement for annual infrastructure reports on existing lease holders does impose a new obligation and may breach the Fundamental Legislative Principle requiring consideration of whether the amendments adversely affect rights and liberties, or impose obligations, retrospectively. The requirement will apply retrospectively to existing lease holders however it is balanced with a new entitlement for incidental activities, such as roads, electricity lines, and fibre optic cables to be constructed across adjacent petroleum permit areas. The intention of the new requirement will provide a public benefit through by way of the Department holding and maintaining a comprehensive record of the authorised activities and incidental activities undertaken on petroleum lease areas.

Safety and Health for mine sites

The Bill also includes amendments to confirm the current jurisdictional arrangements for safety and health at mining and petroleum work sites. These amendments do not seek to change current operational arrangements but rather confirm them following the introduction of national legislation for work health and safety in Queensland. The Council of Australian Governments regulatory reform priorities include the harmonisation of occupational health and safety legislation. There is agreement however for separate industry specific legislation where this can be objectively justified. The regulation of safety in the mining industry will be regulated under separate specific legislation in the major mining states of Queensland, New South Wales and Western Australia. As part of this arrangement the regulation of major hazard facilities and hazardous chemicals will be regulated under the mining specific safety legislation in Queensland, New South Wales and Western Australia.

In May 2011, the Work Health and Safety Act 2011 was passed and is scheduled to commence on 1 January 2012 as part of Queensland's commitment to a national work health and safety regime for occupations other than mine safety. This Act includes a provision that would change the current jurisdictional arrangements for safety and health on mines sites. This is an unintended outcome and amendments proposed in the Bill seek to amend the Work Health and Safety Act 2012 to ensure existing jurisdictional arrangements are maintained.

Current jurisdictional arrangements are for Workplace Health and Safety Queensland to regulate health and safety of work sites other than specified sites under mine safety legislation and for mine safety to be regulated by Mines Safety and Health under mine safety legislation.

The proposed amendments clarify that hazardous chemicals and major hazard facilities at mines are regulated by the Mining and Quarrying Safety and Health Act 1999, Coal Mining Safety and Health Act 1999 and relevant pieces of subordinate legislation.

Workability amendments

The final set of amendments included in the Bill seeks to improve the efficiency and workability of resources legislation. They propose adjustments to existing provisions in order for them to better achieve their intention. In some cases amendments are required to respond to other legislative changes. They include:

- Amending the P&G Act to provide a closing date for applications transitioning from the PA will enable the Minister to decide these applications;
- Amending the P&G Act to empower the Minister to decide an appropriate term for a lease transitioning from the PA whether it is granted before or after the end of the term under the PA;
- Amending the MRA to make clear that environmental studies are an entitlement under an exploration permit;
- Amending the resources acts to empower the Minister to reject or refuse a resources application where the applicant fails to take all reasonable steps to progress the application to the point where the decision-maker can make a decision on the application within a reasonable time;
- Amending the MRA to clarify that a written objection to the grant of a mining lease may be withdrawn by giving written notice to the Mining Registrar and the Land Court (if the objection has been referred to the Land Court); and
- Amending the MRA to change the definition of properly made objection under section 265 to include an objection made under section 260 that has not been withdrawn.

During drafting of the Bill, the Office of the Parliamentary Counsel noted the opportunity to restructure the MRA to simplify it and make it more consistent with other resources acts.

CHAIR: Yes, fine. Thank you. Have you copies of that?

Mr Skinner: We will have. We have not got them here now. We will make them available later today. I thought I would check whether that was acceptable with the committee.

CHAIR: That is fine. Thank you.

Mr Skinner: It goes into more detail and expands on the comments that I just made.

CHAIR: Yes, I understand. Does that conclude your presentation?

Mr Skinner: That concludes my presentation.

CHAIR: Okay.

Mr Skinner: We are happy to take questions from the committee.

CHAIR: My understanding of what was to be achieved was in relation to protected areas, particularly areas that are close to my electorate, for example, townships with over 1,000 people two kilometres from the external boundary of those townships and also anything within the South East Queensland Regional Plan. That seems to have not been the case here in this legislation. Are you familiar with that?

Mr Skinner: Yes. The restricted area is the south-east regional plan area plus two kilometres. So in the case of Toowoomba, the South East Queensland Regional Plan covers Toowoomba but also it extends further in terms of environs. So the South East Queensland Regional Plan covers, as far as my recollection is, slightly beyond Kingsthorpe—

CHAIR: Yes, it does.

Mr Skinner: And other towns.

CHAIR: It includes Kingsthorpe and Cambooya—places like that.

Mr Skinner: Wyreema—those sorts of towns.

CHAIR: Highfields et cetera.

Mr Skinner: That is correct.

CHAIR: But it also includes most of the Lockyer.

Mr Skinner: Correct.

CHAIR: And around Ipswich where there have been other controversies in relation to exploration.

Mr Skinner: The Scenic Rim—those areas.

CHAIR: So there is no doubt that anything within the South East Queensland Regional Plan is included in the legislation.

The Urban Restricted Area Policy will address the interface between resource activities and urban development. It will also address the growing resource development pressures in both the urban and rural parts of South East Queensland.

The interim solution, known as Restricted Area 384 (RA 384), covers towns across the state with a population of 1000 or more. It also covers the entire South East Queensland area.

When the legislation commences, RA 384 will be removed and replaced with urban restricted areas for these towns PLUS a new restricted area covering the rural parts of South East Queensland.

While still largely rural, this part of the state is under intense development pressure and requires this additional measure. This new RA will continue to manage the development pressures in rural remainder of South East Queensland by preventing any new exploration permits from being accepted within its boundaries.

New land under the Petroleum and Gas (Safety and Production) Act 2004 will also not be released in the new restricted area. This will prevent any new coal seam gas authorities from being granted within the new restricted area.

Mr Skinner: It is covered.

CHAIR: I have not read the detail at all.

Mr Skinner: That is correct.

Ms Ditchfield: That is correct.

CHAIR: That is reassuring.

Mr Skinner: Also I should mention—and I did not mention it earlier—that the provisions here in relation to urban community, which are particularly relevant in some parts of the state, should also be read in the context of the strategic cropping land legislation, which also applies in a number of those areas. Also, the important part, which is the point that industry also is making, is that even with the buffer in terms of predominantly exploration there is still an environment impact statement to be applied. So in some areas, therefore, the buffer may be quite considerable, depending upon any environmental impact statement that is undertaken.

As we have indicated many times in correspondence, approval to explore is not approval to mine. Normally by the nature of exploration it covers a very large area until the explorer narrows down where the resource is. Historically that has been the case in this state and in some of these areas there have been many explorers in the past who have looked at areas and relinquished those areas. That has been a normal occurrence over time. I just make those comments.

CHAIR: Thank you for that. Can you clarify for me when this will take place and the passage of the bill when it comes law? What is the status of applications or EIS procedures currently underway? For example, in my area at Felton there is a controversial proposal there. There is the extension of the New Hope mine at Acland. All of those things are in a process that is yet to be finalised. Does this legislation affect those procedures or is it only in relation to exploration yet to be undertaken or an application yet to be lodged?

Mr Skinner: If there is already an approval for development, but if there is not, again, the question would be with some of those developments do they come within the restricted area. That is the first question.

CHAIR: Assuming they did.

Mr Skinner: If they did, then they would have to engage and seek consent of the local government area in terms of whether they support the development. In some parts of the state we have had local government areas which have actually indicated that they wished to opt out. So they are quite comfortable with development coming in close to the town, because they have a history of development. In fact, some of those towns are there because of the industries. The other one in terms of what you have just referred to is the strategic cropping land legislation. I suppose, thinking of Felton, how do they fit in the criteria of strategic cropping land.

CHAIR: That would be more relevant I think to Felton.

Mr Skinner: Not knowing the exact distances, to be honest, but from proximity—and you would have to look at the population of the town—but what we see this transitioning also over time is as regional plans develop certainly in some centres there is a need for regional local government plans to give a better idea of where the urban boundary occurs. As I indicated, some local governments are quite comfortable with activity coming in close and some are quite comfortable, particularly with low-impact activity, and also with technology and ways of extracting resources it is possible for activities to come up in proximity without necessarily affecting the amenity of the urban population.

CHAIR: Can you recall those councils that are keen?

Mr Skinner: Yes, I think we can do that. In terms of opting out, eight local governments request that 10 towns be removed from the restricted area, or what they call restricted area 384. These towns include Blackall, Charters Towers, Cloncurry, Clermont, Mount Isa, Gayndah, Mundubbera, Monto, Mount Morgan and Herberton.

CHAIR: Thank you. Desley Scott, the member for Woodridge has joined us.

Mrs SCOTT: Apologies.

Dr FLEGG: I have a question in relation to the granting of power to the minister to override the Land Court. If a decision comes through the Land Court, at ministerial discretion the minister can either include or exclude that area. It seems to me that that is a bit of an unusual power to give—the discretion of a minister over a court. Is that something that is prevalent in other legislation?

Mr Skinner: Sorry, we might need to take that on notice, Dr Flegg. We could answer it but, given other legislation, it would probably be best to do some—it is the minister—

Dr FLEGG: It seems like a separation of powers issue.

Mr Skinner: It is a recommendation. It is a reserve type of power, I suppose. But to the extent of how it widely it is used or it is used in other jurisdictions, I do not have that specific information in front of me today. So we can take that on notice, if that is all right.

CHAIR: My colleague's point that the executive has power to overrule or determine an appeal, if you like, from the judiciary is very unusual, I would have thought. It is a fair point to make. Perhaps while you are at it, you might provide us the constraints or the fetters on the minister's powers when he exercises those powers. What constraints are there? Is it just totally unfettered power or is he restricted in some way in what he can or cannot do?

Mr Skinner: Any criteria.

CHAIR: Thank you.

Mr Skinner: That might be better to come back to you with all of that.

Dr FLEGG: The only other question I wanted to ask was in relation to CSG/LNG, which is probably the controversial area. The legislation is to enable the registration of pipeline easements. It seems to me that with LNG/CSG you have an awful lot more wellheads than you have with the traditional gas or petroleum industry. Without being any sort of an expert at all—not even an armchair expert—it seems to me that you would have an awful lot more collection pipes running around from the various wellheads. Is this reflected in the fact that you need an easement from each of those wellheads?

Mr Skinner: Certainly, there are some major easements. As I mentioned before, you are looking at pipelines of something in the order of 400 kilometres. So whilst the companies negotiate their agreements with the landholders and the appropriate compensation, the important registration of easements—and certainly one good reason for the safety of the pipeline—is that it clearly delineates it for any new owner. If you look at the substantial investment from the companies in those pipelines, if you have a large pipeline—some of these pipes are a metre in diameter and cover a long distance—some security of that certainly in terms of that level of investment is important. Obviously, it is also important that landholders know where they are so that if they are undertaking activity on land they know where the pipelines are, because it is registered—there is a pipeline there—and also if you are a purchaser of that land.

So whilst in the main the pipelines would be at a depth where you could do normal agricultural activity over the top, I use the analogy of having a sewage pipe in your backyard: it is important to know that it is there if you go to do something. So the registration of the easements gives certainty to not only the companies in terms of their investment but also the landholder and any purchaser of that land in that that pipeline exists.

Dr FLEGG: I think all of that sounds as it should be because you have to have clarity, but I think your answer to my question was, yes, that you would need an easement from each wellhead. We are going to have a lot more easements than we have ever had before, I presume.

Mr Bird: Could I answer that, Dr Flegg? No, you do not need easements. You do not need an easement for the gas gathering lines; you only need it for the pipelines.

Dr FLEGG: Okay.

CHAIR: Are any of them above ground—the gas gathering or the pipeline? I envisaged pipes running visibly on the surface. That is wrong, is it?

Mr Bird: Most should be buried.

CHAIR: Okay, because I thought that that was one of the reasons that some farmers were concerned about the interruption to their activity because they were on the ground as opposed to under the ground. But most are buried?

Mr Bird: Yes.

CHAIR: Will there be any likelihood that the easements will have standard content? In other words, most easements can vary depending on what is written in the easement as to what the rights are that are granted. Do you envisage that they will be of standard wording or up to the individual case?

Mr Bird: I cannot say that I am an expert on easements, but I imagine that it will be standard. We can find out definitely for you if you would like us to answer that question further, but I do not see any reason why it will not be anything but normal.

CHAIR: There are different companies of course; it is not the same parties involved.

Mr Bird: No, that is true. They will negotiate with each landholder in terms of compensation, but as to whether or not that impacts on the detail of the easement, I will have to come back to you about that.

CHAIR: This legislation does not enter into the area of whether these arrangements are made public or not? It is not relevant to this legislation?

Mr Bird: They should be registered on the title.

CHAIR: The easement is, but in terms of the—

Mr Bird: Compensation?

CHAIR: In terms of the cost consideration, for example, for the grant of the easement.

Mr Bird: The arrangements currently in place are that if the landholder wishes to make the compensation arrangements public then the companies are quite happy for that to occur, but basically it is up to the landholder.

CHAIR: Okay.

Mr Skinner: That applies both for the wells and the pipes, so in essence any agreements.

Mr Bird: Sorry, but if I could just go on about that. I have just been advised that there will be differences depending on the agreements with the landholders, but there will be no prescribed width or size or shape or nature or whatever.

CHAIR: I might get Steve Dickson to ask some questions.

Mr DICKSON: My question is directed to John, and I have a couple of them actually. My first question relates to the population of 1,000 people and also the two-kilometre buffer zone. Tell me about an area like Jandowae? Where does it stand?

Mr Skinner: I am not sure of the population of Jandowae but—

Mr DICKSON: It is not going to meet the 1,000 people. It might have 150 or 200 people, but it makes no difference. It is still a little town in our part of Queensland. It has a school and it has families. How will it be impacted?

Mr Skinner: I suppose the important point which goes to the heart of why towns of 1,000 or greater were chosen is that a population of 1,000 is the smallest population that the Australian Bureau of Statistics identify as an urban centre and populations smaller than this are considered to be rural. The initial declaration for populations of 1,000 or more is 163 towns and cities.

Mr DICKSON: John, I get that. I am just wondering what sort of protection will be available for these people because, regardless, they are still our brothers and sisters and cousins and uncles. Will there be any protection, or are they out in the cold?

Mr Skinner: What I am getting to is that this legislation is part of a transition arrangement which then is meant to be a staged process towards an arrangement where regional government develops plans for identifying, as part of its planning, urban areas. The problem with areas below 1,000 is the challenge of identifying the town boundary in many places. Therefore, the challenge was if it is towns of 200, 100 or 300, how do you identify the boundary to have a two-kilometre buffer? So the answer to your question in—

Mr DICKSON: I have just thrown that into the mix. If you could have a look at that I would greatly appreciate it.

Mr Skinner: I say again that Jandowae is not covered by this, but it may be though because of, for example, the changes in relation to strategic cropping land.

Mr DICKSON: John, the only reason I brought up Jandowae is that it was the name of a town that I knew had a smaller population than 1,000 people. I want to move on, because I do not want to waste your time this afternoon. The second question I have relates to the borrowing capacity of people. Let us say, hypothetically, they have bought a farm and paid $2 million, or whatever the case may be, for that farm. You get the gas company come on—or whoever may come on to their property. They drill holes all over the place and take away the productivity. How does the person continue to have the capacity to pay their loan? Is there compensation built into that to negate the loss of income from the gas company or mining company coming on to their property and devaluing their capacity?

Mr Skinner: With regard to the provisions in terms of the compensation agreement, which apply in this case, part of the provisions is that the companies actually fund reasonable costs associated with development of that compensation agreement. That covers things like, if it is necessary, getting some business planning advice or a valuer. So the objective is that the landholder, before entering into the compensation agreement, obtains that advice and then that influences the price that the landholder should obtain per well. So the compensation agreement takes into account land use impacts and other compensatable effects. Should the issues you raise be appropriate, some landholders see this as a positive for them in terms of income and return on their property. So depending upon whether you see it as a positive or negative, the compensatable effects are part of the compensation agreement that you sign to ensure that any of those factors, whatever they may be—impacts or other factors—are factored into the compensation agreement that the landholder gets from the company.

Mr DICKSON: So there is no minimum ceiling or maximum ceiling on those negotiations?

Mr Skinner: It depends upon the circumstances at the time and it will vary depending on the type of country and the type of business on the property. There is not one set figure that that should be the figure for that land. As I said, each business—

Mr DICKSON: Thanks very much. I really appreciate that. The last question I have relates to wellheads connecting pipes and how that will affect broadacre activities. Are we looking at making gas companies or mining companies actually do angle boring so that they are not putting bore heads down all over the paddock but are actually doing it on the perimeter of the property so that we can still allow the farmers to farm their land appropriately?

Mr Skinner: Yes; thank you. Certainly a number of companies are doing that—that is, the minimal footprint—because they can do what is called lateral or horizontal drilling and the companies are using those techniques. So in the more intensively farmed activities, that is what should be the case. Again, they certainly cannot, on what is called strategic cropping land, engage in activity which would permanently alienate the land. So the objective certainly from their perspective is one of minimal footprint and using those sorts of techniques that you just described, and they are the sorts of things that the landholders should negotiate with the company and also in the context of ensuring that any compensation paid is appropriate to any impacts.

Mr DICKSON: John, thank you very much. I greatly appreciate your answers.

Mr Skinner: Pleasure.

CHAIR: Just in terms of compensation and so on, does this bill refer to or set out the matters that are to be taken into account in terms of compensation, or is that left to the individual—

Mr Skinner: That is in previous bills. This bill is addressing just the areas that I outlined previously—the urban interface issues and the streamlining in terms of processes. This bill is not specifically about the compensation issue in terms of the process. The minister has announced a land access review, and that is being chaired by Dr David Watson and consisting of Gary Sansom, Geoff Dickie, Alice Clark and John Cotter, the former AgForce president. That land access review will be reporting in a couple of months time or thereabouts, so they are currently talking to key stakeholders. In terms of the issues around compensation and access in that sense, they are reviewing the legislation that was put in place some 12 months ago. There was an undertaking to review after 12 months. That legislation dealt specifically around land access. It was in that legislation that the issue of compensation and reasonable costs in terms of landholders being able to have them funded by companies in terms of determining compensation was addressed. So that was addressed in that legislation and passed through the parliament.

CHAIR: So Mr Dickson's question was more related to that subject matter than to what is in this bill here, I would have thought?

Mr Skinner: Correct.

CHAIR: Earlier—I think in your summary—you referred to easements. Just looking at the bill, it seems to repeatedly refer to caveats. Are we using the term 'easements' as an alternative to that? I cannot find where there is easements mentioned in the bill, but there are a lot of caveats mentioned. They might have the same effect at the end of the day.

Mr Blumke: No, it is intended to be easements in the classical sense. The companies are currently trying to use caveats but it is not working very well. They are seeking to register standard easements. As I said, the issue is the companies currently have easement option agreements and they are seeking to register standard easements for these pipelines. There was some discussion that lawyers were using caveats. They do not believe it is the best option. They are seeking standard easements to give them the certainty moving forward for their investment and also giving the landholders the certainty that they need.

CHAIR: That sounds desirable, but I just make the observation that the bill refers repeatedly to caveats. I just make that observation.

Ms Cronin: The reason caveats are in the bill is that it is part of the streamlining amendments so that we have a consistent framework across all of the acts. Caveats are part of the Mineral Resources Act, but they are not existing in the petroleum and gas act or other acts, hence the reason they are in the bill.

CHAIR: Okay. Thank you.

Mr KILBURN: I just have a couple of questions. You mentioned—and this is a comment that is quite often made—that an exploration licence is not a licence to mine and therefore once they narrow that down they then have to do an environmental impact study. Who is looking at what damage may be done during the exploration process? You do not have to do an environmental impact study, I take it, to start exploration, so who or what guides what can be done during the exploration process as far as potential damage to the environment or areas that may be of high value?

Mr Skinner: Approval for exploration is really just approval for minimal activity—walking the country, driving across land et cetera. It is not approval for advanced activity. I will ask Rachael Cronin to give a bit more detail.

Ms Cronin: All resource permits under all acts require an environmental authority. So exploration permits are granted an environmental authority for a reduced amount of activity. Under an EP you typically cannot undertake activities that would warrant an EIS.

Mr KILBURN: The explanatory notes state that you undertook a consultation process in relation to the urban restricted areas and a total of 414 responses were received. Given the amount of media attention and angst that coal seam gas creates, that does not seem to be a lot. How was that consultation process advertised and how were people given an opportunity to respond to that?

Mr Skinner: Obviously this was quite a specific consultation exercise. I should add that we received quite extensive presentations, deputations et cetera—for example, at the Toowoomba community cabinet meeting there were many, many views expressed.

CHAIR: There were hundreds of demonstrators, in fact.

Mr Skinner: Yes, hundreds of demonstrators. We have received a very large amount of correspondence in terms of input to this. We have also had requests from local government. They wish to be more involved in this exercise and what is occurring. Being aware of these exploration permits in their area was one of their major concerns. There has certainly been a lot of input into this area in terms of views. What we were trying to do there with that process, which generated, as I said, 414 responses, was at least try to narrow down to some segments what were the real concerns and making sure we covered off a breadth of stakeholders in that space. Certainly though there has been a very high level of correspondence expressing views on this area. There has certainly been no shortage of input of views. This particular survey that we talked about was really a very structured consultation process. That would be the best way to describe it. We were also getting vast amounts of other information coming to us.

Mr KILBURN: So when you say it was a survey, was it specifically sent to certain stakeholder groups or was it advertised in the newspaper?

Mr Skinner: I will ask Bernadette Ditchfield to talk further.

Ms Ditchfield: It was a web based survey. So when the RAs were declared, we put a survey online and we had 414 responses to that survey.

Mr KILBURN: In relation to the streamlining part of the consultation process, the explanatory notes state—

There was general support for the policy direction taken by the Department with some concerns raised regarding proposals for post-grant dealings ...

Can you clarify what post-grant dealings would be?

Mr Skinner: I will ask Rachael Cronin to talk about that.

Ms Cronin: Post-grant dealings typically refer to any activity that happens on a permit after it has been granted. Examples of that are transfers, changes to permit conditions after the permit has been granted, subleases—that sort of activity.

Mr KILBURN: So where it says that 'concerns were raised regarding post-grant dealings', in what way were they concerned? They do not want things to change afterwards, I suppose.

Ms Cronin: The purpose of the streamlining amendments is to align the various resources acts. So transfers work differently under the Mineral Resources Act from the way they work under the petroleum and gas act, the geothermal act and the greenhouse gas act. In the process of aligning them there are some people who are supportive and some people who would like to see things remain as they are. One example was the removal of indications that form part of the process. It appeared in two acts but not in two of the other acts. We made a judgement call as to what was the most appropriate, and we removed indications from the acts as proposed.

Mr KILBURN: Streamlining is always good and it is always something that everyone agrees with—getting rid of red tape. However, some red tape is there to give people an opportunity to have a say and to make sure that things do not go wrong. Have any concerns been raised that this streamlining is not taking away the rights of people to legitimately raise their concerns and to have input into the process?

Mr Skinner: I think the general answer was to move to a more online process, an electronic type process as distinct from a very labour intensive paper based process. I outlined before the growth of the industry in the state. One of the impacts of that is a significant workload. This was about streamlining but without diluting standards in terms of environmental and other standards. It is more about having processes that assist industry. The time it takes to get a development up is often highlighted as an issue. Without cutting corners, if that time line of getting a project up falls well beyond other areas, other states or other jurisdictions, then you become less competitive in terms of investment. So the objective was to bring that process up to today's expectations in terms of process issues more or less. But I will ask Rachael to comment further on that.

Ms Cronin: Nothing proposed in the bill affects public notification periods at all. Most of the changes are largely administrative in their basis. So it is to align the processes so that we can gain some internal administrative efficiencies and so that there is a clear and consistent process for industry to undertake certain activities regardless of the resource type where there is no resource benefit for there to be a difference.

Mr Skinner: The other clear benefit for industry is transparency—it can see where its application is at and what is happening in terms of that.

Mr KILBURN: You talked about the health and safety amendments which are aimed at ensuring that we maintain that safety level when the national laws come in. Is there a suggestion then that the national laws are weak and that we have to specifically put amendments in this bill to maintain mine safety laws? What is the intent of these amendments particularly?

Mr Skinner: I think the intent is predominantly around the fact that other states do not have the level of mining that we do and that Western Australia and New South Wales do. I can provide you more information from our mines group if you wish. Obviously harmonisation is a noble idea in terms of achieving that, but equally it is about ensuring that we do not lose the key emphasis in our legislation because of the particular nature of the mining industry in this state as distinct from other states where it is less significant. It is ensuring that that emphasis remains.

Mr KILBURN: I am glad it is remaining. I am just concerned about why we need do it.

Mr Skinner: Perhaps we can give you some further information on that.

CHAIR: We would like that.

Mr Skinner: I will ask Stewart Bell, who heads up our area, to provide some more information to the committee on that.

CHAIR: There would be a real concern if there was a diminution of safety measures applying to this industry. If we have adopted the national framework or the national policy in terms of industrial safety legislation, I do not understand why there is a need to have specific legislation for this particular industry. There might be good reasons. We do not need to know today, John.

Mr Skinner: I think we might be able to answer it.

CHAIR: If you can answer it today, that is fine.

Mr O'Donoghue: When the Work Health and Safety Act was passed in May this year, it inadvertently included a change of jurisdiction for the regulation of major hazard facilities and hazardous chemicals on mine sites. The current arrangement under the Work Health and Safety Act and the mining safety legislation is that it is regulated by the Mines Inspectorate. So this amendment simply restores the status quo. It is intended to propose separate industry specific mine safety legislation in Queensland in line with the other major mining states of New South Wales and Western Australia.

CHAIR: There was a concern from sections of the workforce that the standards might have been dropping in order to comply with the national standards. That might be a different question. Can I ask a question in terms of the streamlining. I am just concerned that the process is changing from a Governor in Council procedure to ministerial approval only. That means that we do not see it in the *Government Gazette*, which everyone reads every week of course! So there is a lessening of the public scrutiny in a sense. What is proposed so that the public and interested parties are aware of what is happening in the minister's office in relation to these matters?

Mr Skinner: Rachael Cronin can comment on that.

Ms Cronin: The change to the minister for approval is consistent with all the other resources acts, first and foremost. Petroleum leases also currently do not go to Governor in Council; they are decided by the minister. The current practice is that as permits are decided and granted they are published on the departmental website every month, so they are available for the public at large to see. They are also available on our interactive tenures resources mapping site for the public. It is further proposed that a monthly cabinet matter to note be distributed to advise the government of decisions, and that would include petroleum leases and other major production leases which previously were not provided. So it is to provide a more consistent, more thorough, up-to-date analysis of the decisions.

CHAIR: I think you mentioned before that there has to be some advertisement in relation to applications so that a farmer or a resident or someone like that who would be concerned about the impact on their property or on themselves would become aware of it by some prescribed requirement for advertising.

Ms Cronin: No, that is not quite accurate. It varies under the various different acts for the various different permits. So it is not a very clear process. But mining leases do go through a public notification period under the Mineral Resources Act and environmental authorities go through a public notification period also under all the acts. The proposed greentape bill, which was introduced last month I believe, goes forward to try to standardise that process. That falls under the Department of Environment and Resource Management's responsibility. That is, by and large, where the public notification period occurs for resource activities under that act.

CHAIR: And that is designed to have consistency throughout the industry?

Ms Cronin: In terms of environmental authority, yes. In terms of the other resources acts, I believe that the only public notification prior to grant is under the mining lease—and maybe the pipeline licence.

Mrs SCOTT: Apologies for coming in late. In the overall view of what is happening where there are licences for exploration, do we know whether 20 per cent or 50 per cent of the total area now has agreements over it? Also, with the landowners who are being approached, we are used to having the press pick up on all the negatives, yet we know that there are landholders who are only too pleased to have that exploration on their property because that augments their income. Overall, what percentage of people are coming on board? Is the negativity that is portrayed in the media not what is really happening on the ground? How long might it be before the industry is fully in operation? For me, I just want an overview of what is happening there.

Mr Skinner: I will make a few opening comments and then I will pass to Dennis Bird to talk further. We do not have a specific number, but certainly there are many, many agreements signed by companies and there are examples of landholders who are very happy with those agreements. Certainly, the process of agreements and compensation agreements is occurring. Also, the government provided funding for AgForce to run programs to inform landholders in terms of their rights in this space. So I think we are

getting a better awareness of all parties of what relationships are about and good relationships and social licence. The discussion in some areas is moving on purely from an agreement to how can we work together in terms of how I manage my land and how I run my business so that no-one does anything that impacts on either party. That is where we are trying to get the relationship—to one of where it coexists in that context that it works for both parties. I will invite Dennis Bird to say a bit more about that space.

Mr Bird: I probably do not have a great deal more to add, except to say that there are large numbers of agreements. People do not put up their hand to say that they have an agreement. They are quite keen to keep it low key. Certainly, the companies come to us if they have a difficulty dealing with a landholder. That does not occur very often, I would have to say. I think most of them are working out ways to solve their problems. Certainly, the companies have come a long way in the last 12 months. The government has a number of consultative arrangements in place that are helping that particular process. One of the outcomes, for example, was that companies voluntarily agree to reveal the levels of compensation paid to landholders if the landholder so chooses to reveal it. So I think there has been a lot of movement and a lot of agreements and not too many sticking points at this point in time.

Mrs SCOTT: Thanks for that. It is really difficult for people reading media reports and so on to get a balanced view, because there is always that protest and that usually gains the public's attention, unfortunately. Thank you.

CHAIR: Steve, do you have any further questions?

Mr DICKSON: No. I am good.

CHAIR: From our point of view we will be far better informed when we receive the public submissions that we have called for. It is early days from our point of view. Personally, I find it rather complex because of the different types of legislation that are covered. Perhaps the department might be kind enough to prepare some easy-to-read documentation or a matrix or something which sets out what act covers what area—petroleum on the one hand and mineral exploration on the other—so that at a glance you can look at a sheet of paper that sets it all out easily enough in simple form.

Mr Skinner: We can do that.

CHAIR: I think it would help us as lay people to try to understand what we have to understand. Just for the record—I forgot to do this before—I note the apology of Jann Stuckey, the member for Currumbin, who is a member of our committee. Mr Skinner, I thank you for your assistance and I also thank the officers who assisted you today. It was very good.

As well as seeking advice from the department, the committee has called for public and stakeholder submissions on the bill. This will extend our knowledge to include stakeholder and public opinion and expert advice from other sources. Written submissions will be accepted until 20 January 2012, with the committee's report to be tabled in the House on 19 March 2012. Public hearings will be scheduled at a later date with a view to further exploring written submissions or for seeking additional advice as we see the need. Details of these will be determined and advertised after we have considered the written submissions we receive.

It would be a help to us to understand what might have been or what is being done in other jurisdictions in relation to this area—perhaps Western Australia or New South Wales, or both. It might be helpful to see what they have done and what ideas they have. I thank you for assisting us today. We understand and appreciate that we requested you to come and provide us with this briefing at very short notice and that you have had a lot on your plate leading up to today as well. We appreciate what you have done for us, but because of the Christmas break and certain cycles that we are involved in it has been helpful to us. Thank you very much.

Mr Skinner: Thank you.

The committee adjourned at 4.07 pm