

~~Hon. AJ LYNHAM (Stafford—ALP) (Minister for Natural Resources, Mines and Energy) (4.02 pm), by leave, without notice: I move—~~


~~That under the provisions of standing order 137, the Electricity and Other Legislation (Batteries and Premium Feed-in Tariff) Amendment Bill be declared an urgent bill and that the State Development, Natural Resources and Agricultural Industry Development Committee report to the House on the Electricity and Other Legislation (Batteries and Premium Feed-in Tariff) Amendment Bill by 15 March 2018.~~

~~Question put—That the motion be agreed to.~~

~~Motion agreed to.~~

MINERAL, WATER AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. AJ LYNHAM** (Stafford—ALP) (Minister for Natural Resources, Mines and Energy) (4.02 pm): I present a bill for an act to amend the Coal Mining Safety and Health Act 1999, the Geothermal Energy Act 2010, the Greenhouse Gas Storage Act 2009, the Mineral and Energy Resources (Common Provisions) Act 2014, the Mineral Resources Act 1989, the Mineral Resources Regulation 2013, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004 and the Water Act 2000 for particular purposes. I table the bill and the explanatory notes. I nominate the State Development, Natural Resources and Agricultural Industry Development Committee to consider the bill.

Tabled paper: The Mineral, Water and Other Legislation Amendment Bill 2018.

Tabled paper: The Mineral, Water and Other Legislation Amendment Bill 2018, explanatory notes.

I wish to advise the House that this bill was introduced in the 55th Parliament and this explanatory speech is essentially the same. The Mineral, Water and Other Legislation Amendment Bill 2018 was previously introduced into parliament on 22 August 2017; however, it lapsed when parliament was dissolved. This version is largely the same as the bill introduced last year, with some minor modifications that improve on the statutory conduct and compensation process and correct minor identified errors.

In relation to the proposed amendments to the statutory conduct and compensation process, some stakeholders thought 10 business days for a party to accept or reject an arbitration election notice was too short. Fifteen business days was proposed as a viable alternative. This proposal has been accepted and the change will allow parties a more appropriate time frame to consider whether a binding arbitration process is suitable for their situation and needs. Secondly, we have put it beyond doubt that only non-determinative types of alternative dispute resolution can be utilised for clause 45 of the bill. These include, but are not limited to, case appraisal, conciliation, mediation or negotiation. This change reflects the policy intent outlined in the bill's explanatory notes. The other changes update definitions and correct minor and technical issues.

During the then Infrastructure, Planning and Natural Resources Committee's consideration of this bill, some stakeholders asserted that the proposed redrafting of section 81 of the Mineral and Energy Resources (Common Provisions) Act 2014 would reduce the compensation entitlement of affected landholders where resources activities do not occur on their land. This was claimed to be a significant policy shift. I would like to clarify that this is not the case. The policy intent of section 81 is that compensation should be payable for any compensatable effect suffered by a landholder on the land on which the resource activities are being carried out. This is borne out by the explanatory notes to the Mineral and Energy Resources (Common Provisions) Bill 2014, which state—

A compensatable effect is a cost or impact that arises from the authorised activities being carried out on the land or entering an agreement for the chapter.

In addition, when the section is read in conjunction with the other provisions in the act, the view that this redrafting changes the policy intent of the section is not supported. There is nothing in the redrafting of section 81 that changes this policy intent, and in fact the redrafting will further clarify the parliament's intent in relation to these provisions.

This bill proposes amendments to the Mineral and Energy Resources (Common Provisions) Act 2014 and the Water Act 2000 to improve the statutory negotiation and dispute resolution processes for parties negotiating conduct and compensation agreements and make-good agreements. The amendments will, amongst other things—

- clarify the options that are available for parties entering into a non-determinative alternative dispute resolution process and ensure that the resource authority holder is responsible for paying the costs of the ADR;
- allow parties to use arbitration where a CCA or MGA has not been agreed as an alternative to having the matter determined by the Land Court—arbitration may only be accessed by agreement between the parties;
- ensure that any professional fees reasonably and necessarily incurred by landholders during the negotiation of a CCA will be paid by resource authority holders, even if a CCA cannot be reached;
- expand the reasonably and necessarily incurred professional fees that can be recouped by a landholder to include the cost of an agronomist; and
- provide the Land Court the explicit power to determine the amount of any reasonable and necessary professional fees incurred during the negotiation of a CCA.

These amendments are in line with recommendations of the independent review of the GasFields Commission Queensland.

The bill also proposes amendments to the Mineral Resources Act 1989. I would like to particularly draw members' attention to the changes that—

- amend the process to refer compensation matters for mining claims and mining leases to the Land Court;
- confirm the activities that can be undertaken on land necessary for access to a mining claim, mineral development licence or mining lease;
- allow certain coal mining projects to apply for an exploration permit for coal without a tender process in limited circumstances;
- establish a process to add restricted land to the area of a mining lease application or existing mining lease at any time—landholder consent will still be required; and
- establish a head of power to apply confidentiality periods for geological data provided by mining companies and publish reports submitted under the act.

In relation to other resources legislation, the bill clarifies that the safety provisions in the Petroleum and Gas (Production and Safety) Act 2004 apply to tenures under the Petroleum Act 1923 and will allow petroleum facility licences to be granted in more cases. It also makes amendments to ensure that the safety provisions for the overlapping tenure framework for coal and coal seam gas operate as intended and expands who a water observation bore can be transferred to before it is decommissioned. The bill also makes minor and consequential amendments to the resources legislation which will improve the operation of these acts.

Regarding amendments to the Water Act 2000, the bill addresses the consideration of climate change on water resources and the recognition of cultural values and uses of water resources to Aboriginal peoples and Torres Strait Islanders. The bill reaffirms the Queensland government's commitment to the Climate Change Adaptation Strategy, released last year by my colleague, Minister Miles, during the previous government.

The bill clarifies and strengthens the approach to climate change by making the consideration of water related effects of climate on water availability an explicit requirement when preparing a water plan. This will ensure that climate change is consistently and transparently considered in water planning processes. This will give Queenslanders the confidence that climate change risks to water resources have been identified and that strategies have been included in water plans to respond to these risks.

The bill also improves the way the water planning framework recognises the cultural values and uses of water resources of Aboriginal peoples and Torres Strait Islanders. This will ensure that future water management decisions will consider cultural outcomes and that water plans will include strategies to achieve these outcomes. This amendment will support existing mechanisms for Aboriginal peoples and Torres Strait Islanders to take and access water to support their economic development. Other proposed Water Act amendments include—

- supporting the productive use of unutilised allocations by providing temporary access to water that has been reserved for strategic water purposes;
- strengthening the water market by allowing water allocations to be traded multiple times per year;
- providing for collection and publication of price data for seasonal water trades;

- reinstating protections in water plans to mitigate potential risks when managing the capture and storage of contaminated agricultural water as growth of this take increases;
- providing a new direction power to take action to deal with certain urgent water quality incidents.

The water quality powers would only be used in exceptional circumstances and would take into account potential impacts on critical water supplies and the water security of water entitlement holders.

Finally, the bill also includes minor technical amendments to provide increased transparency and operational efficiencies in the Water Act. I commend the bill to the House.

First Reading

Hon. AJ LYNHAM (Stafford—ALP) (Minister for Natural Resources, Mines and Energy) (4.09 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the State Development, Natural Resources and Agricultural Industry Development Committee

Mr DEPUTY SPEAKER (Mr Stewart): Order! In accordance with standing order 131, the bill is now referred to the State Development, Natural Resources and Agricultural Industry Development Committee.

~~Portfolio Committee, Reporting Date~~

~~**Hon. AJ LYNHAM** (Stafford—ALP) (Minister for Natural Resources, Mines and Energy) (4.10 pm), by leave, without notice: I move—~~


~~That under the provisions of standing order 136, the State Development, Natural Resources and Agricultural Industry Development Committee report to the House on the Mineral, Water and Other Legislation Amendment Bill by 9 April 2018.~~

~~Question put—That the motion be agreed to.~~

~~Motion agreed to.~~

~~LAND, EXPLOSIVES AND OTHER LEGISLATION AMENDMENT BILL~~

~~Introduction~~

~~ **Hon. AJ LYNHAM** (Stafford—ALP) (Minister for Natural Resources, Mines and Energy) (4.10 pm): I present a bill for an act to amend the Aboriginal Land Act 1991, the Cape York Peninsula Heritage Act 2007, the Explosives Act 1999, the Explosives Regulation 2017, the Foreign Ownership of Land Register Act 1988, the Land Act 1994, the Land Regulation 2009, the Land Title Act 1994, the Mineral and Energy Resources (Common Provisions) Act 2014, the Mineral Resources Act 1989, the Petroleum and Gas (Production and Safety) Act 2004, the State Penalties Enforcement Regulation 2014, the Torres Strait Islander Land Act 1991 and the legislation mentioned in schedule 1 for particular purposes. I table the bill and the explanatory notes. I nominate the State Development, Natural Resources and Agricultural Industry Development Committee to consider the bill.~~

~~Tabled paper: Land, Explosives and Other Legislation Amendment Bill 2018.~~

~~Tabled paper: Land, Explosives and Other Legislation Amendment Bill 2018, explanatory notes.~~

~~I wish to advise the House that this bill was introduced in the 55th Parliament and this explanatory speech is essentially the same. This bill reintroduces, with minor changes, the Land, Explosives and Other Legislation Amendment Bill 2017, which lapsed with the dissolution of the 55th Parliament last October and before the previous infrastructure, planning and natural resources committee could complete its inquiry into the bill. The Land, Explosives and Other Legislation Amendment Bill 2018 covers a wide range of amendments that will streamline and ensure the effectiveness of certain key regulatory frameworks within what is now the Natural Resources, Mines and Energy portfolio. The government remains committed to increasing the ability of Aboriginal people and Torres Strait Islanders to access and utilise their land, as well as enhancing opportunities to achieve home ownership.~~