

~~PHON, 1—Andrew.~~

~~Ind, 1—Costigan.~~

~~Resolved in the affirmative.~~

NATURAL RESOURCES AND OTHER LEGISLATION AMENDMENT BILL

Message from Governor



Hon. AJ LYNHAM (Stafford—ALP) (Minister for Natural Resources, Mines and Energy) (11.39 am): I present a message from His Excellency the Governor.

Mr SPEAKER: The message from His Excellency the Governor recommends the Natural Resources and Other Legislation Amendment Bill. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

MESSAGE

NATURAL RESOURCES AND OTHER LEGISLATION AMENDMENT BILL 2019

Constitution of Queensland 2001, section 68

I, PAUL de JERSEY AC, Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act to amend the Aboriginal and Torres Strait Islander Land Holding Act 2013, the Aboriginal Land Act 1991, the Aboriginal Land Regulation 2011, the Electricity Act 1994, the Foreign Ownership of Land Register Act 1988, the Geothermal Energy Act 2010, the Greenhouse Gas Storage Act 2009, the Land Access Ombudsman Act 2017, the Land Act 1994, the Land and Other Legislation Amendment Act 2017, the Land Regulation 2009, the Land Title Act 1994, the Land Title Regulation 2015, the Land Valuation Act 2010, the Mineral and Energy Resources (Common Provisions) Act 2014, the Mineral and Energy Resources (Financial Provisioning) Act 2018, the Mineral Resources Act 1989, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004, the Right to Information Act 2009, the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009, the South East Queensland Water (Restructuring) Act 2007, the Surveyors Act 2003, the Surveyors Regulation 2014, the Torres Strait Islander Land Act 1991, the Torres Strait Islander Land Regulation 2011, the Valuers Registration Act 1992, the Water Act 2000, the Water Regulation 2016 and the Water Supply (Safety and Reliability) Act 2008 for particular purposes

GOVERNOR

Date: 26 February 2019

Introduction



Hon. AJ LYNHAM (Stafford—ALP) (Minister for Natural Resources, Mines and Energy) (11.39 am): I present a bill for an act to amend the Aboriginal and Torres Strait Islander Land Holding Act 2013, the Aboriginal Land Act 1991, the Aboriginal Land Regulation 2011, the Electricity Act 1994, the Foreign Ownership of Land Register Act 1988, the Geothermal Energy Act 2010, the Greenhouse Gas Storage Act 2009, the Land Access Ombudsman Act 2017, the Land Act 1994, the Land and Other Legislation Amendment Act 2017, the Land Regulation 2009, the Land Title Act 1994, the Land Title Regulation 2015, the Land Valuation Act 2010, the Mineral and Energy Resources (Common Provisions) Act 2014, the Mineral and Energy Resources (Financial Provisioning) Act 2018, the Mineral Resources Act 1989, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004, the Right to Information Act 2009, the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009, the South East Queensland Water (Restructuring) Act 2007, the Surveyors Act 2003, the Surveyors Regulation 2014, the Torres Strait Islander Land Act 1991, the Torres Strait Islander Land Regulation 2011, the Valuers Registration Act 1992, the Water Act 2000, the Water Regulation 2016 and the Water Supply (Safety and Reliability) Act 2008 for particular purposes. I table the bill and explanatory notes. I nominate the State Development, Natural Resources and Agricultural Industry Development Committee to consider the bill.

Tabled paper: Natural Resources and Other Legislation Amendment Bill 2019.

Tabled paper: Natural Resources and Other Legislation Amendment Bill 2019, explanatory notes.

The Natural Resources and Other Legislation Amendment Bill 2019 delivers on several government commitments and ensures a number of key regulatory frameworks within the Natural Resources, Mines and Energy portfolio remain effective and responsive. As part of our Powering Queensland Plan, the government established CleanCo on 17 December 2018 as a publicly owned clean energy generator. CleanCo delivers on the government's objectives for a clean energy future, affordable energy electricity prices and growing investment and jobs. It will achieve this by supporting

the growth of Queensland's renewable energy industry and increasing competition in the wholesale electricity market.

The bill aligns CleanCo with Queensland's other government owned energy generators, CS Energy and Stanwell, by providing it with a partial exclusion under the Right to Information Act 2009, to protect its competitive interests in the national energy market. The partial exclusion will provide that CleanCo's commercial-in-confidence information will not be provided under the Right to Information Act 2009. This exclusion does not apply to providing information on CleanCo's community service obligations. Changes to the Electricity Act 1994 will enable CleanCo to be designated as a state electricity entity, which will ensure that CleanCo is subject to government directions and provide legislative protection of employees' entitlements.

The bill strengthens the compliance and enforcement provisions under the Water Act 2000, to deliver on Queensland's commitments under the Murray-Darling Basin Compliance Compact and the government's response to the independent audit of Queensland's non-urban water measurement and compliance. These changes will help ensure that water users are taking water in accordance with their entitlements, increasing confidence that Queensland is sustainably managing its water resources. This supports a program of work to deliver more transparent, sustainable and equitable rural water management in the Queensland Murray-Darling Basin region and across the state.

Other amendments to the Water Act 2000 will facilitate balanced gender representation on category 2 water authorities, demonstrating the government's ongoing commitment to achieving gender parity for statutory boards by 2020. Specific criteria for the ratepayer selection process will be established to ensure that these authorities have balanced gender representation and the representatives have the appropriate skills, knowledge and experience for the authority to operate effectively. This approach aligns with the governance models for other statutory boards in Queensland. Other water legislation changes will improve operational efficiency, reduce the regulatory burden and improve or clarify the operation of existing provisions for Queensland's Bulk Water Supply Authority, water service providers and make operational improvements for dam safety and emergency action plans provisions.

At the last election the Palaszczuk government committed to continue improving the state's resources tenure management system. This bill delivers on that commitment, focussing on improvements for the exploration sector through amendment to the Mineral Resources Act 1989 and the Petroleum and Gas (Production and Safety) Act 2004. The activities of the exploration sector are vital to increase the state's knowledge of its resource potential, driving the discovery of new minerals and energy resources and for the continued growth of the resources sector across regional Queensland.

These amendments will support the efforts of genuine explorers by providing flexibility to respond to on-ground findings and adequate time to make informed investment decisions. To achieve this flexibility and responsiveness, the bill introduces a new outcomes based work program. The outcomes based work program enables petroleum and gas, minerals and coal explorers to adjust their exploration strategies quickly without prior approval from the department. This will result in administrative savings for both industry and government.

Activities based work programs will continue to apply to the initial term of a new exploration authority awarded through a competitive process. This will ensure that the integrity of these competitive processes is maintained. Once that initial term is complete, the authority holder may then choose to adopt an outcomes based work program as part of their renewal application.

Relinquishment requirements for exploration authorities will also be adjusted. The additional time given will allow for more exploration to be undertaken and the findings of these activities to be analysed before a holder is required to decide on the areas to be relinquished. The new provisions will require 50 per cent of the exploration area to be relinquished after five years for coal and mineral explorers and after six years for petroleum and gas explorers.

Further, that area to be relinquished can now be selected from across a group of authorities that are being worked together. Also, for mineral and coal explorers, the area of an exploration permit that is converted to a mineral development licence or mining lease, can be counted towards their relinquishment requirement. The area to be relinquished may also be reduced in the case of an exceptional event, such as a natural disaster or another global financial crisis.

The bill also includes powers for the minister to impose, vary or remove conditions in the case of an exceptional event, as I have just mentioned. Where one of these exceptional events has impacted on the ability of the authority holder to deliver on their exploration programs, the minister can vary or

remove conditions. This can be used to provide some industry relief or assistance to one or more particularly impacted projects.

To provide greater certainty for the communities and landholders that interact with the coal and mineral exploration sector, exploration permits will be capped at an overall life of 15 years. This will usually be through three renewable terms each of five years. An extension of the final term by up to three years may be granted, where an exceptional event has interrupted an exploration program.

Specific amendments to the Petroleum and Gas (Production and Safety) Act 2004 provide for the amalgamation of either multiple potential commercial areas or petroleum leases and remove the current area limits for these authorities. Other minor amendments to all resources acts are also being made to improve their operation, effectiveness and clarity for the resources sector.

The bill will amend the Aboriginal and Torres Strait Islander Land Holding Act 2013 to provide a more efficient process for the transmission of leases under that act, where the lessee has died intestate. These changes will complement the government's commitments in response to the Stolen Wages Reparations Taskforce report on reconciling past injustice to resolve the Aboriginal and Torres Strait Islander Land Holding Act 2013 leases.

A number of amendments to the Land Act 1994 will improve its operation and ensure state land is appropriately managed and allocated. These amendments include administrative changes to: clarify that the prescribed terms framework only applies to interests created under the Land Act; add matters relating to government commitments and undertakings, and previous evaluations, to be considered when assessing state land's most appropriate tenure and use; transfer a number of administrative decision-making responsibilities from the minister to the chief executive administering the Land Act; and simplify the procedures and clarify the notification requirement for road closures.

The bill will also improve the process under the Land Act to resolve disputes between a lessee and sublessees of state land. The improved framework provides a safety net dispute resolution process for disputes that may arise under a sublease. Where a sublease does not include a dispute resolution process capable of being used to resolve the dispute, the new framework provides a process of mediation or arbitration that the parties to a dispute can use.

Under the framework, parties must first attempt to resolve the dispute through mediation, unless they both agree to seek arbitration of the dispute. Where parties cannot jointly agree on who to appoint as a mediator or arbitrator, the bill provides a process for independent mediators and arbitrators to be appointed to ensure disputes are resolved in an appropriate, unbiased and professional fashion. These options will be available in addition to the existing court process under the Land Act.

As a responsible land manager, the Department of Natural Resources, Mines and Energy is keen to ensure that land under its direct control is well managed. However, this is difficult for parcels of land that have no direct access or the access has been removed or damaged, as in the case when a river changes its course and inundates a road. While the department always seeks the consent of neighbouring landholders to enter their land in order to access these otherwise difficult to access parcels, there are times when gaining consent has been difficult or consent has been refused. This can mean that actions such as pest and weed management and fire hazard reductions cannot be undertaken, as well as compliance action for illegal dumping and unauthorised occupation.

This bill provides powers for authorised officers to enter and cross adjoining land to access state land in certain, limited circumstances where it has not been possible to negotiate consent, or where no other point of access can be found. The new powers balance the rights and interests of affected landholders with the requirements to effectively administer and manage state land by ensuring a number of safeguards are in place.

The bill provides that adequate notice is given of any proposed entry, including its purpose, duration and any relevant information about the number of people or equipment that are to be taken across the adjoining land. Authorised officers will also be required to take all reasonable steps to ensure as little damage and inconvenience is caused when exercising the entry power and will not be permitted to enter any residential buildings or structures under any circumstances. If damage is caused by the actions of an authorised person exercising this power, the bill includes provisions to enable the department to make good any damage that has occurred. These new powers may be applied where the adjoining land is leasehold, freehold or trust land.

The bill will also make minor, technical and administrative amendments to a number of acts. The bill amends the Surveyors Act 2003 to clarify the Surveyors Board of Queensland's delegation powers and increase the board's membership to add a qualified mining survey expert to advise on the

increasing numbers of mining surveyor registrations. Further, the bill makes clarifying amendments to provisions relating to the appointment of an investigator; who may carry out a cadastral survey; and who may provide surveying services. These will allow the Surveyors Board to appoint an investigator with expertise and qualifications relevant to an alleged noncompliance and ensure the high standard of surveying practises is maintained in Queensland.

Minor amendments to the Land Title Act will improve the operation of the act and clarify processes. The Land Title Act amendments will align the witnessing requirements for paper titling transactions, such as a transfer, with the verification of identity requirements for electronic conveyancing.

The bill also increases the defined area of a 'small' lot for high-density development easements to 450 square metres in response to industry feedback. This change will enable statutory easements to be utilised in a wider range of high-density developments.

An amendment to the Foreign Ownership of Land Register Act 1988 will remove the need to table an annual report of foreign ownership of land in Queensland to parliament. The Queensland Registrar of Titles will continue to collect data on foreign ownership of land which can be reviewed and reported on when necessary.

A range of other minor, technical and administrative amendments to the Land Valuation Act 2010, the Valuers Registration Act 1992 and each of the acts I have mentioned will ensure the state's statute book remains up to date and is more effective. I commend the bill to the House.

First Reading

Hon. AJ LYNHAM (Stafford—ALP) (Minister for Natural Resources, Mines and Energy) (11.53 am): 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 State Development, Natural Resources and Agricultural Industry Development Committee

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

~~MINISTERIAL STATEMENT~~

~~Milk Prices~~

~~ **Hon. ML FURNER** (Fornly Grove—ALP) (Minister for Agricultural Industry Development and Fisheries) (11.54 am): I rise to make a short ministerial statement. I rise to reiterate my unequivocal support for the Queensland dairy industry. I encourage all Queenslanders to drink Queensland branded milk and consume Queensland produce to help our farmers. Consumers should be supporting and buying our local produce.~~

~~In response to the question from the member for Gympie this morning, I acknowledge that I misspoke in responding to a question on milk prices on ABC Radio. What my statement on the issue that same day made clear is that I welcome the announcement by Woolworths. It means more money in our dairy farmers' pockets. I am a 100 per cent supporter of that. I table that statement for the benefit of the House.~~

~~Tabled paper: Media release, dated 26 February 2019, by the Minister for Agricultural Industry Development and Fisheries, Hon. Mark Furner, titled 'Movement of \$1 milk welcomed'.~~

~~DEPUTY SPEAKER'S STATEMENT~~

~~School Group Tour~~