Speech By

Christian Rowan

MEMBER FOR MOGGILL

Record of Proceedings, 24 May 2016

MINERAL AND OTHER LEGISLATION AMENDMENT BILL

Dr ROWAN (Moggill—LNP) (4.10 pm): I rise to address the Mineral and Other Legislation Amendment Bill 2016 which is currently before the Legislative Assembly. This legislation proposes amendments to the Mineral and Energy Resources (Common Provisions) Act, the MER(CP) Act, which was passed by the previous LNP government in late September 2014, but the majority of the provisions in the act had not yet commenced at the time of the January 2015 state election. The delay in their commencement occurred primarily because of the work that was required to develop the subordinate legislation and regulations to support the implementation of the then act.

At that time this act was part of the comprehensive and long overdue reform and modernisation process which had been undertaken by the previous LNP government into the complex legislative framework under which the resources sector operates in Queensland. The importance of such reform was clearly recognised by the previous LNP government which understood, like all current LNP members, the key role of the resources sector to the Queensland economy and the consequent necessity of striking a difficult, but necessary, balance between protecting the interests of the environment; our agricultural sector; regional, rural and remote communities as well as the public at large, whilst also not imposing needless and wasteful legislative burdens on the resources sector in Queensland.

Whilst there is bipartisan agreement on the need for reform, it is clear from the new bill that there is a difference in emphasis with respect to its implementation. It is from that perspective that I comment on the following changes that are proposed. The content of the bill relates primarily to: firstly, objections to mining leases; secondly, restricted land; and thirdly, overlapping coal and CSG tenements. While the bill proposes extensive changes to the act, many changes merely seek to preserve the status quo by repealing provisions of the Mineral and Energy Resources (Common Provisions) Act 2014 which have not yet commenced.

With respect to public notification requirements and community objection rights the bill retains much unchanged, particularly: public notification and objection rights as they relate to mining leases provided for by the Queensland Environmental Protection Act 1994; public notification via newspaper notice of mining lease applications as required by the Queensland Mineral Resources Act 1989; and that any person can object to a mining lease application on essentially any ground. Whilst I agree with the notion that, with respect to mining endeavours, potentially affected individuals should have the right of appeal to protect their lifestyle, local environment and relevant assets, in essence I can see only as a retrograde step the change enabling any individual or organisation located anywhere to object to some development which does not even tangentially directly affect them. If the Land Court is not meticulous in striking out frivolous or vexatious objections, the retention of this well-meaning but ill-conceived provision will lead to lost mining opportunities, poor economic outcomes, reduced job growth in Queensland and protracted court proceedings with significant and often prohibitive legal costs for all parties concerned.

I can certainly reassure the member for Mirani that there are LNP members in Brisbane, including myself, who have a detailed understanding and appreciation of rural and remote Queensland and their associated communities. It is highly desirable and proper that environmental objections can be raised on genuine environmental grounds; however, potentially assisting professional protesters and activists to indulge their radical agendas via this legislation is a mark of poorly considered public policy. It is certainly acceding to the socialist left of the Australian Labor Party.

This legislation also proposes changes to the restricted land framework so that: firstly, the minister can no longer extinguish restricted land for a mining lease; secondly, the minister cannot grant a mining lease over restricted land irrespective of the landowner's consent but that the landowner can give consent for a mining lease; thirdly, the protections for key agricultural infrastructure provided by the Mineral Resources Act 1989 Queensland are retained; fourthly, that the definition of restricted land is expanded to include within 50 metres of a principal stockyard, dam, bore and artificial water storage connected to a water supply; and finally, that the restricted land distances are to be incorporated directly in the amended act rather than being separately prescribed by regulation. As before, these provisions reflect little more than a different balance between the interests of various parties who are potentially affected by this legislation; however, one provision again requires more careful consideration.

In expanding the definition of restricted land to include dams, bores, artesian wells and artificial water storage facilities, the legislation explicitly excludes interconnecting pipelines. Does this mean that the bill sanctions resource activities disrupting existing agricultural infrastructure, or did serious consideration of this simply go into the too-hard basket?

The other major section of the bill seeks to clarify the regime managing overlapping coal and coal seam gas tenure to: clarify the operation of relevant provisions; align the act with the provisions of the Queensland Resource Council's May 2012 white paper; and also respond to stakeholder concerns. The bill proposes significant changes to the act which in itself have materially altered the preceding arrangements. These changes do in fact align the act more closely with the white paper. This area of the bill is concerned with resolving conflicts between industry stakeholders who seek simultaneous access to the same land. These stakeholders, and presumably their legal advisers, appear satisfied with such proposals to date.

In summary, this bill seeks to make amendments to the existing act and is driven by the election commitments made by those opposite during the last state election. The previous LNP government's comprehensive reform agenda to modernise the legislative framework within which the resource sector operates was positive for Queensland. Maintaining the delicate balance between the differing interests of our vital resource industries, our agricultural sector and urban and other state infrastructure is essential for Queensland's economy. In my view, elements of this bill move the balance too far in favour of protest and objection rights. The Mineral and Other Legislation Amendment Bill 2016 will increase the regulatory burden of red tape on some of our key resource industry sectors; however, I accept that these views are not universally endorsed. The LNP will always deliver a balance with respect to environmental protections, mining and/or resource sector interests and those of the broader community.

Finally, I would encourage all members opposite to read and truly understand the LNP's statement of reservation which is part of the parliamentary committee's report. I conclude by congratulating the member for Burleigh and the shadow minister, the member for Hinchinbrook, on clearly articulating the growing sovereign risks to Queensland of the Palaszczuk government's legislative agenda.