

~~retained include animal cruelty, child protection, fire and building safety, public health and safety in areas including nuclear facilities, water and energy production and supply, waste services and disposal, food safety, pest management and radiation sources, revenue protection, protection of identity of complainants and defendants in sexual offence proceedings, transport of dangerous goods, marine pollution, environmental and heritage protection and unauthorised mining activities.~~

~~Directors will remain liable for offences where they have personally committed an offence or are deemed to have committed an offence under the Criminal Code. For some amended acts, the bill provides for strengthened deemed liability where the executive officer authorised or permitted the corporation's conduct constituting the offence or was directly or indirectly knowingly concerned in the corporation's conduct.~~

~~Because the nationally agreed milestone was for legislation to implement these reforms to be introduced by the end of 2012, there has been limited opportunity for ministers to consult with the public or stakeholders in the preparation of the bill. Because of the short time frame for preparing the bill, the amendments for the removal and retention of directors liability have been prepared as an overlay on the existing offence framework under individual statutes. Ministers may also subsequently, in more fundamentally reviewing their portfolio legislation, consider opportunities for better targeting and streamlining offences to which liability of directors is appropriate and whether that liability should be imposed directly or indirectly as a result of corporate offending.~~

~~This bill represents a significant reduction in red tape and the regulatory burden placed on directors and other corporate officers. I would like to thank all of my ministerial colleagues for their cooperation in achieving this result. I am reliably informed that the number of offences under statute has gone from 3,800 to around 280. I thank all of my ministerial colleagues for getting on with the job and further reducing the red tape burden across Queensland. I commend the bill to the House.~~

First Reading



~~**Hon. JP BLEIJIE** (Kawana LNP) (Attorney General and Minister for Justice) (3.49 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 Legal Affairs and Community Safety Committee

~~**Mr DEPUTY SPEAKER** (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.~~

MINING AND OTHER LEGISLATION AMENDMENT BILL

Introduction



~~**Hon. AP CRIPPS** (Hinchinbrook—LNP) (Minister for Natural Resources and Mines) (3.49 pm): I present a bill for an act to amend the Environmental Protection Act 1994, the Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012, the Fossicking Act 1994, the Geothermal Energy Act 2010, the Greenhouse Gas Storage Act 2009, the Mineral Resources Act 1989, the Mines Legislation (Streamlining) Amendment Act 2012, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004 and the Wild Rivers Act 2005 for particular purposes. I table the bill and explanatory notes. I nominate the Agriculture, Resources and Environment Committee to consider the bill.~~

~~*Tabled paper:* Mining and Other Legislation Amendment Bill 2012.~~

~~*Tabled paper:* Mining and Other Legislation Amendment Bill, Explanatory Notes.~~

~~The Newman government continues to deliver on its commitment to reduce the regulatory and financial burden on Queensland's resources sector. Today I am introducing a package of proposed reforms to Queensland's mining legislation and the Environmental Protection Act 1994. These include a suite of amendments to reduce red tape and green tape for operators of small scale mining of opal and gemstones, fossicking and additional amendments to clarify and modernise mining legislation and measures to expand and improve the competitive tendering framework for coal and petroleum and gas exploration permits. Together these reforms support the government's commitment in its six-month action plan to review legislation and regulation for the resources sector to reduce red tape and give investment certainty to industry.~~

Small scale mining operations for opal and other gemstones are an important industry in regional Queensland. They deliver economic benefits to small towns through local employment and tourism. They are the lifeblood of small communities in regional Queensland—places like Yowah, Quilpie, Emerald, Rubyvale, Sapphire, Anakie and Winton. Unfortunately, these small scale miners have faced increasing pressure from a steady increase in fees, compliance costs and red tape over many years which has driven down participation in the industry. The reforms I am introducing today address these issues and will reduce ongoing administrative processes and fees for the industry.

This bill simplifies applications and removes ongoing administrative processes and fees for these miners who operate on a scale between that of mining leases and activities on mining claims. Mining claims are currently limited in area and must be mined by hand. Eligible small scale miners for opal and gemstones currently operating on mining leases will be able to transition to the mining claim framework. Amendments proposed by this bill will allow mining claims for these minerals to be granted, or converted from a mining lease, for larger areas. These amendments will also permit machine mining and allow small miners to enjoy the reduced administrative and financial burdens under this tenure type. This will rectify the one-size-fits-all approach that currently requires these operators to be subject to the same requirements of a large coalminer, which is both unreasonable and unnecessary. For existing mining claims, the limitations of only mining by hand on one hectare will continue.

These new arrangements will allow the industry and the Queensland government to differentiate between small opal and gemstone mining and large mining operations and therefore apply a more appropriate level of regulation. There will be a statutory Small Mining Code as a condition of grant for activity impact management and a work program must be provided to the state government. By choosing to convert a small mining lease operation to a mining claim, an eligible person mining opals or other gemstones may opt for a much more simplified and low-cost framework in which they may hold up to two mining claims of up to 20 hectares each, will no longer be liable for annual rental payments and will not be required to lodge royalty returns if the value of the operation is under a reportable threshold.

In the simpler process, new applicants will notify the relevant local government and all underlying landholders rather than engaging in a wider public notification process. The rights of the underlying landholders and relevant local government will be protected by retaining their right to have objections heard in the Land Court. The Newman LNP government is committed to restoring clear, stable regulatory frameworks for the resources sector, including with respect to environmental regulation. Given that opal and gemstone miners and small scale exploration have a relatively low impact on the landscape and environment compared to large scale mining operations, changes are proposed to regulation relating to the environment as they apply to small scale mining operations. I want to acknowledge the contribution and support that I have received and my department has received from the Minister for Environment and Heritage Protection and his department in the preparation of the provisions of this bill.

Risk based criteria are being introduced to determine which low-risk small scale mining activities will be exempt from the requirement to hold an environmental authority. This will take into account a number of factors, including the area of land to be disturbed, whether the activity is carried out in a watercourse or riverine area or on strategic cropping land, or whether it is located on or adjacent to environmentally sensitive areas. If an environmental authority is not required, the holder will be exempt from relevant application and annual fees and certain administrative requirements. The operator must still comply with their general environmental duty under the Environmental Protection Act 1994 to take all reasonable and practicable measures to prevent environmental harm. Financial assurance and rehabilitation requirements will continue to apply. These changes will benefit the small mining sector and so encourage growth and provide opportunities for more jobs and economic benefits in regional Queensland communities.

The bill will also achieve other significant improvements to the regulation of mining, including:

- clarifying the definition of 'occupier' in all resource acts so that it recognises a broad range of legitimate business arrangements such as family trusts, partnerships and companies associated with managing rural businesses on freehold and leasehold land;
- streamlining the terminology used to describe regulatory officers and transferring the statutory powers of mining registrars under the Mineral Resources Act to the minister or chief executive;
- removing the previous native title restrictions to obtaining fossicking licences to enable this tourist activity to occur more freely where native title has not been determined to exist to the exclusion of all others, and where exclusive native title has been determined the native title holders have the same rights as freehold owners to grant access to fossicking licence holders; and
- enabling LNG proponents to construct and operate their infrastructure to minimise impact on overlapping tenure holders, underlying landholders and the environment, and where tenure holders have been granted pipeline licences linear project infrastructure such as electricity and telecommunications related to the operation of other petroleum authorities will be able to be co-located in the area of a pipeline licence. This change facilitates the streamlining of project approvals.

The Newman LNP government recognises the importance of all players in the resources industry, including the exploration sector. The amendments in this bill seek to improve the way in which coal and petroleum and gas exploration rights are allocated in Queensland. Amendments to the Mineral Resources Act will facilitate a contemporary stewardship approach for managing exploration, involving:

- the controlled release of land and competitive tendering for coal exploration, including inserting improved Petroleum and Gas (Production and Safety) Act 2004 provisions into the Mineral Resources Act;
- competitive tendering, with a cash bidding component, for highly prospective areas to ensure an adequate return on the state's resources, reflective of in-ground value; and
- a direct allocation option for coal resources in specific circumstances.

Additional amendments to the Petroleum and Gas (Production and Safety) Act 2004 are also sought to improve the effectiveness of the existing competitive tendering approach following the introduction of cash bidding as a criteria in the tendering process. These amendments will allow a consistent regulatory framework to be applied across the state's two largest resource industries and provide greater certainty and transparency in the allocation of exploration rights. This new framework will also allow the Queensland government to ensure those most capable of developing the state's resources are given the opportunity to do so and ensure the community receives an appropriate return on this development based on the in-ground value of Queensland's resources.

On 16 September 2012 the Newman LNP government announced its new plan for the development of the Aurukun bauxite resource in Far North Queensland. The bill includes amendments to support the state government's development of this project on Cape York. The amendments to the Mineral Resources Act will make it clear the process for the cancellation of a mineral development licence and a mining lease and also ensure that the state is able to enter into arrangements with one or multiple Aurukun bauxite proponents at the end of the tender process.

The Newman LNP government stands for removing unnecessary regulation and red tape in the resources sector. We stand for encouraging resources sector investment, particularly in emerging industries and for our small miners. We are committed to the resources sector as one of the four pillars of Queensland's economy. This bill will confer significant benefits on small scale miners and larger mining projects generally. It delivers on our commitment. Importantly, this bill contains a number of measures that will benefit economic development in regional and rural areas of Queensland. I commend the bill to the House.

First Reading



Hon. AP CRIPPS (Hinchinbrook—LNP) (Minister for Natural Resources and Mines) (4.00 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 Agriculture, Resources and Environment Committee

Mr DEPUTY SPEAKER (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Agriculture, Resources and Environment Committee.

~~MOTION~~

~~Order of Business~~



~~**Mr STEVENS** (Mermaid Beach—LNP) (Manager of Government Business) (4.00 pm), by leave, without notice: I move—~~

~~That government business orders of the day Nos 3 and 4 be postponed.~~

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

~~Motion agreed to.~~

~~RACING AND OTHER LEGISLATION AMENDMENT BILL 2012~~

~~Resumed from 1 November (see p. 2377).~~