

Mineral Resources and Other Legislation Amendment Bill 2026

Statement of Compatibility

Prepared in accordance with Part 3 of the Human Rights Act 2019

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, the Honourable Dale Last MP, Minister for Natural Resources and Mines, Minister for Manufacturing, and Minister for Regional and Rural Development make this statement of compatibility with respect to the Mineral Resources and Other Legislation Amendment Bill 2026 (the Bill).

In my opinion, the Bill is compatible with the human rights protected by the *Human Rights Act 2019* (HR Act). I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The Bill amends the *Mineral Resources Act 1989* (MR Act) and *Environmental Protection Act 1994* (EP Act) to improve the efficiency of the objections and approvals processes for mining lease applications (MLA) and associated environmental authority (EA) applications.

The purpose of the amendments is to ensure objection rights are focussed on local matters relevant to statutory decision-making and reserve Land Court of Queensland (Land Court) hearings for matters where independent recommendations regarding complex or contentious issues will meaningfully assist decision-makers. The amendments will also remove duplication and simplify decision-making criteria between ML and EA applications.

The Bill seeks to achieve this by:

- limiting who can object to MLAs and site-specific applications for an EA to ‘eligible entities’ that include affected persons and local communities for the MLA and EA;
- introducing grounds upon which an objection can be made which align with the decision-making criteria for an MLA or site-specific application for an EA;
- providing that instead of objections to an MLA or draft EA being automatically referred to the Land Court for hearing, the decision-maker may decide what matters are referred to the Land Court;
- removing ‘environmental impacts’ from matters the Minister and Land Court must consider in relation to MLAs to instead rely on the EA to inform the Minister on these matters;
- removing ‘any good reason to refuse’ from the Land Court’s considerations in relation to an MLA;
- providing for combined public submission and objection processes for site-specific and certain major amendment EA applications; and
- removing public notification and objection processes for standard or variation applications for an EA for an ML.

The Bill also seeks to support certainty for the Byerwen Coal Mine by repealing specific workforce accommodation obligations in the MR Act for the coal mine. Prescribing such obligations are inconsistent with a contemporary, principles-based regulatory framework.

Human Rights Issues

Human rights relevant to the Bill (Part 2, Divisions 2 and 3 of the *Human Rights Act 2019*)

I have considered each of the rights protected by Part 2 of the HR Act. In my opinion, the human rights that are relevant to the Bill are:

- Equality before the law (section 15 of the HR Act);
- Right to life (section 16 of the HR Act);
- Freedom of movement (section 19 of the HR Act); (relevant to Byerwen Coal Mine only)
- Freedom of expression (section 21 of the HR Act);
- Taking part in public life (section 23 of the HR Act);
- Privacy and reputation (section 25 of the HR Act);
- Protection of children and families (section 26 of the HR Act);
- Cultural rights of Aboriginal peoples and Torres Strait Islander peoples (section 28 of the HR Act);
- Fair hearing (section 31 of the HR Act); and
- Rights associated with climate change (including sections 16, 25, 26, and 28 of the HR Act)

Mining lease objections reforms

Recognition and equality before the law (section 15)

Section 15(3) of the HR Act is known as the right to equality. It ensures that all laws and policies are applied equally, and do not have a discriminatory effect. Public entities, as well as courts and tribunals, are required to treat all people equally when applying the law. It also requires that the laws themselves provide equal protection for everyone. Sometimes it will be necessary for certain groups to be treated differently in order to have equal protection of the law. Section 15(4) provides a right to equal and effective protection against discrimination. It gives people a separate and positive right to be effectively protected against discrimination.

The definition of discrimination under the HR Act includes discrimination as defined under the *Anti-Discrimination Act 1991* (AD Act).

The features of the Bill that engage and potentially limit this right are:

- *Clause 21* replaces chapter 5, part 5, division 3 of the EP Act. Under new section 183 only eligible entities are entitled to make an objection on a proposed authority for a site-specific application for an EA for an ML. New section 180 defines ‘eligible entity’ as an eligible entity for an MLA under section 260(6) of the MR Act. Under the pre-amended framework, anyone could lodge an objection.

- *Clause 41* amends section 260 of the MR Act so that only ‘eligible entities’ are entitled to make an objection about an MLA. Previously, anyone could lodge an objection.

Restricting objection rights to eligible entities may have the potential to impact Aboriginal peoples and Torres Strait Islander peoples as they may not be able to make an objection based on concerns about how the MLA will impact on their cultural connection to the relevant land. Persons holding native title rights and interests outside the 125km radius from the MLA will not be able to make an objection. Where native title has been determined and confers possession of the land on native title holders to the exclusion of all others, the holders of that native title are taken to be ‘affected persons’ by virtue of the operation of section 10 of the *Racial Discrimination Act 1975*. Aboriginal peoples and Torres Strait Islander peoples with a cultural connection to the relevant land falling short of an exclusive native title right or interest will be able to make an objection under the legislation if they are an owner or occupier of land.

However, the criteria for who may make an objection, and the associated geographic limits, apply to all persons equally. Therefore, the amendments do not directly or indirectly discriminate based on race. This right is not engaged or limited by this aspect of the Bill.

Freedom of expression (section 21) and taking part in public life (section 23)

The right to freedom of expression protects the ability of all persons to hold opinions without interference and to seek, receive and impart information and ideas of all kinds, whether orally, in writing, in print, through art, or by other means. The right is broad in scope and underpins the free flow of information and ideas, particularly on public and political matters, which is essential to a free and democratic society. It also supports transparency and accountability in government by enabling access to information and facilitating informed public discussion and participation.

The right to take part in public life protects the ability of individuals to participate in political and public affairs without discrimination. This includes the right to take part in the conduct of public affairs directly or through freely chosen representatives, to vote and be elected at genuine periodic elections, and to have access to the public service. The right promotes inclusive and representative decision-making and supports opportunities for individuals and communities to engage in consultation, make submissions, and contribute to processes that affect them.

The features of the Bill that engage and potentially limit these rights are:

- *Clause 6* amends section 149 of the EP Act so that the notification stage will no longer apply to EAs for an ML. Since section 181 states that the new ML objection process will only apply to site-specific applications for EAs for MLs, this means that for standard or variation applications for an EA for an ML, there will be no entitlement for any person to make a submission on or objection to the application. Public consultation is part of the process for making each ERA standard upon which a standard or variation application must be based, providing the process for any person to participate.

- *Clause 21* replaces chapter 5, part 5, division 3 of the EP Act and limits who can object to a site-specific application for an EA. Under new section 183, only ‘eligible entities’ are entitled to make an objection on a proposed authority for a site-specific application for an EA for an ML. New section 180 defines ‘eligible entity’ as an eligible entity for an MLA under section 260(6) of the MR Act. An ‘eligible entity’ can only object in relation to the draft documents or the site-specific application decision criteria. Therefore, there are now restrictions as to who can make an objection and what the objection can address.

In deciding whether to approve, refuse or refer the matter to the Land Court, the administering authority needs only reconsider these decision criteria to the extent they relate to a properly made objection, or to a recommendation of the Land Court (or advice thereon).

New section 184 of the EP Act allows any person to make a submission about the draft EA. However, the administering authority may exercise discretion in whether to have regard to such a submission. The administering authority is required to have regard to all properly made objections, and submitters previously had the right to turn their submission into an objection.

Under new section 186 of the EP Act, only a site-specific application for an EA for an ML can be referred to the Land Court by the administering authority. Neither the applicant nor any objector will have the right to have their objection referred to the Land Court for a standard or variation application for an EA.

New section 192(4) of the EP Act limits what the Land Court can take into account and consider when conducting a hearing referred to it under new section 188(2) of the EP Act. Therefore, the Land Court is not entitled to take anything raised by an objector into account if it falls outside the matters referred to it.

- *Clause 32* amends section 540 of the EP Act to require draft EAs issued under section 182(2)(a) and draft PRCP schedules issued under section 182(2)(b) to be included in the registers kept by the chief executive. This will enhance the rights to freedom of expression and participation in public life by making relevant information available to the public.
- *Clause 34* inserts new chapter 13, part 37 containing transitional provisions for the EP Act. Under the transitional provisions, site-specific applications for EAs for MLs are treated the same way that MLAs are treated. Standard and variation applications for EAs for MLs will be decided under the new provisions unless the Land Court has already made its recommendation.
- *Clause 38* amends section 252 of the MR Act to remove the requirement for an applicant for a proposed ML to publish spatial data or a sketch plan. This will not limit rights to freedom of expression or taking part in public life because the applicant is required to publish the ML notice which now must include where certain documents may be accessed, including a document that shows the boundary of the proposed lease area and the 125km

eligibility zone for the proposed ML. People will therefore have information to determine whether or not they are entitled to make an objection.

- *Clause 41* amends section 260 of the MR Act so that only ‘eligible entities’ are entitled to make an objection about an MLA. An ‘eligible entity’ can only make an objection on grounds that relate to a matter the Minister can consider under new section 271(1) of the MR Act. There is no provision for any other person to make an objection.
- *Clauses 42, 44, 46 and 47* omits sections 265 and 267A to 269, amends 271A, inserts new section 271C, and replaces section 272 of the MR Act. An MLA will now only be referred to the Land Court where the Minister, after considering all relevant material for the application, decides to refer the application or a specific matter to the Land Court (instead of approving or refusing the application). If a referral is made about a specific matter, only those objectors who made an objection that the Minister considers relevant to the specific matter will have their objections referred and be notified of the referral. Applications will no longer be automatically referred to the Land Court where an objection is made.
- *Clause 43* replaces section 271 of the MR Act that sets out the criteria the Minister must consider when deciding an MLA, including having regard to all properly made objections. This may enhance the rights to freedom of expression and participating in public affairs.
- *Clause 56* inserts new chapter 15, part 24 containing transitional provisions for the MR Act. Under the transitional provisions, for an MLA made under former section 232 and for which an ML notice had been given under section 252, but which has not been decided by the Minister under former section 271A, former section 260 continues to apply. However, if an objection lodged by an entity (before or after commencement) under former section 260 is taken to be an objection under the new section 260, the Minister must decide the application under new sections 271 and 271A. For a referral of an MLA to the Land Court under former section 265(2) or (5) prior to commencement, but the hearing has not started, the referral and decision is taken never to have been made and the Minister must decide the application under new sections 271 and 271A. An objection under the former section 260 is taken to be an objection under the new section 260.

Cultural rights of Aboriginal peoples and Torres Strait Islander peoples (section 28)

Section 28 of the HR Act recognises that Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights, including the right to maintain and strengthen their spiritual, material and economic relationship with land, waters and resources with which they have a traditional connection. Section 28 details several distinct cultural rights.

Relevant to the Bill are the rights of Aboriginal peoples and Torres Strait Islander peoples to maintain and strengthen their distinctive spiritual, material, and economic relationship with the land, territories, waters, coastal seas and other resources with which they have a connection under Aboriginal tradition or Island custom (section 28(2)(d)) and conserve and protect the environment and productive capacity of their land, territories, waters, coastal seas and other resources (section 28(2)(e)).

To the extent that the Bill makes changes to eligibility for making submissions or objections to an MLA or EA application, it may limit the rights of Aboriginal peoples and Torres Strait Islander peoples to be free to practice their culture as it will limit eligibility to object to ‘affected persons’ and owners or occupiers of land within 125km of the boundary of the proposed ML. By virtue of the operation of section 10 of the *Racial Discrimination Act 1975*, this includes native title holders where there is a determination to the effect that the native title rights and interests confer possession of the land to the exclusion of all others for land on, adjoining or providing access to the ML.

Right to a fair hearing (section 31)

The right to a fair hearing in section 31 of the HR Act entitles a party to a civil proceeding to have the proceeding decided by a competent, independent, and impartial court or tribunal after a fair and public hearing. This includes a right of access to a court or tribunal. The right to a fair hearing is relevant to restrictions imposed on a person’s ability to commence proceedings as well as restrictions on a person’s ability to continue or properly conduct proceedings already commenced.

The features of the Bill that engage and potentially limit these rights are:

- *Clause 6* amends section 149 of the EP Act so that the notification stage will no longer apply to EAs for an ML. Since section 181 states that the new ML objection process will only apply to site-specific applications for EAs for MLs, this means that for standard or variation applications for an EA for an ML, there will be no entitlement for any person to make a submission on or objection to the application. The applicant will still have the right to appeal the decision where it adversely affects their rights.
- *Clause 21* replaces chapter 5, part 5, division 3 of the EP Act and limits who can object to a site-specific application for an EA. Under new section 183, only ‘eligible entities’ are entitled to make an objection on a proposed authority for a site-specific application for an EA for an ML. New section 180 defines ‘eligible entity’ as an eligible entity for the MLA under section 260(6) of the MR Act. An ‘eligible entity’ can only object in relation to the draft documents or the site-specific application decision criteria. Therefore, there are now restrictions as to who can make an objection and what the objection can address.
- *Clause 34* inserts new chapter 13, part 37 containing transitional provisions for the EP Act. Under the transitional provisions, site-specific applications for EAs for MLs are treated the same way that MLAs are treated. Standard and variation applications for EAs for MLs will be decided under the new provisions unless the Land Court has already made its recommendation.
- *Clause 41* amends section 260 of the MR Act so that only ‘eligible entities’ are entitled to make an objection about an MLA. An ‘eligible entity’ can only make an objection about a matter the Minister can consider under new section 271(1) of the MR Act.

- *Clauses 42, 44, 46 and 47* omits sections 265 and 267A to 269, amends 271A, inserts new section 271C, and replaces section 272 of the MR Act. An MLA will now only be referred to the Land Court where the Minister, after considering all relevant material for the application, decides to refer the application or a specific matter to the Land Court (instead of approving or refusing the application). If a referral is made about a specific matter, only those objectors who made an objection the Minister considers relevant to the specific matter will have their objections referred and be notified of the referral. An application will no longer be automatically referred to the Land Court where an objection is made, along with all objections.
- *Clause 56* inserts new chapter 15, part 24 containing transitional provisions for the MR Act. For a referral of an MLA to the Land Court under former section 265(2) or (5) prior to commencement, but the hearing has not started, the referral and decision is taken never to have been made and the Minister must decide the application under new sections 271 and 271A. An objection under the former section 260 is taken to be an objection under the new section 260.

The above amendments are likely to limit the right as they will restrict access to the Land Court compared with what is currently available.

I do not consider the amendments to allow the Land Court to consolidate proceedings relating to referrals of MLAs or their associated site-specific applications or to order they be heard together will limit the right to a fair hearing.

Rights associated with climate change – right to life (section 16), right to privacy (section 25), children and families (section 26) and cultural rights of Aboriginal peoples and Torres Strait Islander peoples (section 28)

Clauses 18 and 20 amend section 169A of the EP Act and omit sections 170, 175, and 177 with the effect that a standard application for an EA for an ML is automatically approved at the start of the decision stage and is subject only to the standard conditions. There is a different process under the Act to allow for variation of one or more of the standard conditions (a variation application).

Clause 43 inserts a new section 271 in the MR Act that sets out the criteria the Minister must consider when deciding an MLA. The obligation to consider whether there will be any adverse environmental impact caused by those operations and, if so, the extent thereof, has been removed. Environmental impacts will only now be considered under the EA process under the EP Act.

Climate change, and the contribution made to it by the above expedited approval processes for mining activities, may limit various rights. This includes the right to life, privacy, children and families, and cultural rights of Aboriginal peoples and Torres Strait Islander peoples in sections 16, 25, 26, and 28 of the HR Act.

However, it is my opinion that there will be no limitation of the rights associated with climate change as the proposed amendments will not result in any change of substance to the matters that might contribute to climate change. Environmental impacts related to mining will be properly considered, managed and mitigated during the decision-making process for an application for an EA for an ML under the EP Act.

Byerwen Mine Provisions

The Byerwen mine amendments in the MR Act directly affect only Byerwen Coal Pty Ltd (Byerwen Coal) as the holder of ML700066 and related leases. Section 11(2) of the HR Act provides that only individuals have human rights. As Byerwen Coal is a corporation and does not have human rights, it is arguable that they have no effect on human rights. The amendments, however, affect the accommodation available to Byerwen Mine workers. This assessment proceeds on the basis that amendments may engage the following human rights of individuals:

- freedom of movement (section 19 of the HR Act); and
- privacy and reputation (section 25 of the HR Act).

The protection of freedom of movement (section 19 of the HR Act) provides that every person lawfully within Queensland has the right to move freely within Queensland, enter or leave Queensland, and choose where they live. The right protects a person against being forced to remain in, or move to or from, a particular place. The right also includes the freedom to choose where to live.

The right to privacy (section 25(a) of the HR Act) protects a person from having their privacy, family, home and correspondence unlawfully or arbitrarily interfered with. The purpose of this is ‘to protect and enhance the liberty of the person – the existence, autonomy, security and well being of every individual in their own private sphere’.

Although these rights may be engaged, they are not believed to be limited. The amendments remove the requirement in the MR Act that conditions Byerwen Coal, as the holder of ML 700066 and other MLs that form the Byerwen Coal Mine to accommodate progressively up to 75 per cent of their workers by 30 March 2029, and from 31 March 2029 accommodate all workers in Glenden. This means that individual workers who would prefer to live at the nearby workers’ camp while rostered to work on site may be able to. On this basis, I consider the Byerwen mine provisions in the Bill to promote the rights protected under sections 19 and 25 of the HR Act.

If human rights may be subject to limitation if the Bill is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 of the HR Act)

In my opinion, any limits on human rights are considered reasonable and justified under section 13 of the HR Act as follows:

(a) the nature of the rights

- Freedom of expression in section 21 of the Human Rights Act protects the right to seek, receive and impart information and ideas of all kinds. The amendments introducing eligibility to lodge an objection may be considered to limit this right as they reduce the capacity for some members of the public to formally express views through objections to the ML and/or EA.
- Taking part in public life in section 23 is concerned with providing the opportunity for people to participate in political and public affairs. The amendments introducing eligibility to object, together with the removal of public submission processes for standard and variation applications for an EA for an ML, may limit this right by narrowing avenues for public participation in decisions relating to ML and associated EA applications.
- Cultural rights in section 28 recognise that Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights, including the right to maintain and strengthen their spiritual, material and economic relationship with land, waters and resources with which they have a traditional connection. The amendments may limit these rights where persons with cultural interests in affected land are not able to participate in objection processes unless they are an eligible entity.
- Right to a fair hearing in section 31(1) of the Human Rights Act protects the rights of parties in criminal or civil proceedings to a fair hearing by a competent court or tribunal. This includes the right to access the court or tribunal. The amendments introducing eligibility for making objections, discretion for referral of objections to the Land Court, and removal of notification and objection processes for standard and variation applications for an EA for an ML may be considered to limit the right to a fair hearing as it will restrict access to the Land Court.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the amendments is to improve the efficiency of the objections and approvals processes for MLs and associated EAs. This is a proper purpose consistent with a free and democratic society based on human dignity, equality and freedom.

(c) the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose

The amendments involve changing objection rights to focus on local matters relevant to statutory decision-making, reserving Land Court hearings for appropriate matters, and removing duplication across legislation. These amendments impose some limits on the human rights identified above for the purpose of improving the efficiency of the objections and approvals processes for MLs and associated EAs.

(d) whether there are any less restrictive and reasonably available ways to achieve the purpose

In my opinion, the amendments proposed by the Bill are the most effective means of achieving the purpose of improving the efficiency of the objections and approval processes for MLs and associated EAs. There are no less restrictive and reasonably available ways to deliver the same degree of efficiency for the objections and approvals processes for MLs and associated EAs.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

In my opinion, the limitation on the right to freedom of expression and taking part in public life is justified on the basis that members of the community in the eligibility zone that may be affected by the grant of an ML and approval of a high risk EA will be able to lodge an objection. The amendments do not prevent individuals from expressing views about mining projects, communicating concerns to government agencies, engaging with elected representatives, participating in public debate or making submissions in the EA submission process.

Public participation will be retained in the licensing framework, and the public will be able to have their views considered by government in the following ways: for significant and coordinated mining projects, through the public submission process on the environmental impact statement (EIS) or impact assessment report (IAR); for EAs for low risk activities, the mandatory public notification process when ERA standards are developed and prescribed in regulation; and for site-specific applications for an EA for an ML, through the public submission process on the draft EA. The limitation is also justified on the basis that there are no restrictions on the public having their say outside of the regulatory process steps as the EP Act does not limit the criteria or matters the decision-maker can consider in deciding an application for an EA.

Any limitation of the cultural rights of Aboriginal peoples and Torres Strait Islander peoples is also, in my opinion, reasonable and justified. The ability for certain individuals to raise concerns through objections may be limited as a result of individuals with certain kinds of cultural connection to certain land potentially not being considered an 'eligible entity.' However, any impacts on cultural rights will continue to be assessed and considered by decision-makers as part of the approval processes for MLA and associated EA applications. The amendments therefore limit access to one avenue of participation, rather than limiting consideration of cultural rights themselves.

For this reason, any limitation is reasonable, necessary, and proportionate to the legitimate objective of improving the efficiency and effectiveness of the regulatory framework by ensuring that objections are made by persons with a sufficient connection to the proposed activity.

The right to a fair hearing is only limited to the extent necessary to enable efficiencies in the approval process to support Queensland's economy. In relation to standard and variation applications for an EA for an ML where the objections process is proposed to be removed, the limitation is justified on the basis that public participation already occurs during development of eligibility criteria and standard conditions for the ERA standard for the relevant activity.

Judicial review mechanisms will remain available for all decisions. Accordingly, any limitation on the right to a fair hearing is proportionate to the objective of improving the efficiency and effectiveness of the regulatory framework.

(f) any other relevant factors

Not applicable.

Conclusion

In my opinion, the Bill is compatible with human rights under the *Human Rights Act 2019* because it limits human rights only to the extent that is reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

Dale Last MP
Minister for Natural Resources and Mines
Minister for Manufacturing
Minister for Regional and Rural Development

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