

## Mineral and Energy Resources and Other Legislation Amendment Bill 2024

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Committee Secretary  
Clean Economy Jobs, Resources and Transport Committee  
Parliament House  
George Street  
Brisbane Qld 4000

By email: [cejrtc@parliament.qld.gov.au](mailto:cejrtc@parliament.qld.gov.au)

Dear Committee Secretary

### **Mineral and Energy Resources and Other Legislation Amendment Bill 2024**

Thank you for the opportunity to provide feedback on the Mineral and Energy Resources and Other Legislation Amendment Bill 2024 (**Bill**). The Queensland Law Society (**QLS**) appreciates being consulted on this important legislation.

QLS is the peak professional body for the State's legal practitioners. We represent and promote over 14,000 legal professionals, increase community understanding of the law and help protect the rights of individuals. QLS also assists the public by advising government on improvements to laws affecting Queenslanders and working to improve their access to the law.

This response has been compiled by the QLS Energy and Resources Law Committee.

QLS recommends that further consultation with key stakeholders occurs on the Bill before the Bill is progressed. Further detailed analysis is required of whether:

- The drafting in the Bill achieves its intended objectives;
- The legislation is consistent with the *Legislative Standards Act 1992*, given:
  - the significant matters proposed to be prescribed by regulation as part of implementing the subsidence management framework; and
  - The limited rights of review available to affected parties during the subsidence impact report process.

### **Short response timeframe for comments on detailed legislative drafting**

It is extremely disappointing that a Bill of 315 pages has been introduced without first releasing an exposure draft of the Bill for public comment.

The lack of opportunity to comment on a public exposure draft is compounded by the 9 business days allowed to respond to this Committee on the Bill.

QLS acknowledges the consultation undertaken by the Department of Resources in late 2023 which comprised a suite of consultation papers on a range of proposed legislative reforms. The details of this process are outlined in the Explanatory Notes.

QLS was pleased to participate in the Department's consultation process and was broadly supportive, in concept, of many of the reforms proposed.

In its submission responding to the consultation paper, QLS also noted that in relation to the framework for managing the impacts of coal seam gas induced subsidence:

“However, for a proposal such as this, it will be critical to carefully consider the detailed drafting of the legislation and any supporting materials to ensure the intended outcomes are achieved. This is particularly the case in the resources sector, where there is a multitude of inter-related legislation and regulation across different industries.

We would be pleased to review any draft legislation before it is introduced to Parliament.”

Whilst a consultation paper can provide an overview of proposals, the precise drafting of the legislative amendments are critically important.

The words used in a Bill determine the scope and impact of the legislative amendments. Consultation on the precise drafting leads to better legislation.

The Bill amends complex legislation and it has not had the benefit of public analysis before its introduction. As noted in our 2023 submission, “there is a multitude of inter-related legislation and regulation” in this sector.

In the time available, we have not been able to conduct a detailed review. We hold genuine concerns that the short time available for comment means there are likely to be unintended consequences arising from the changes in this Bill.

### **Framework for managing the impacts of coal seam gas induced subsidence – amendments to the *Mineral and Energy Resources (Common Provisions) Act 2014***

QLS is particularly concerned about the lack of opportunity to consider the detail in the Bill implementing the new framework for managing the impacts of coal seam gas induced subsidence.

Subsidence concerns have existed for many years and QLS is generally supportive of such a framework. However, this new framework will have significant consequences for both resource tenure holders and landholders.

The following is a snapshot of significant changes in the Bill altering parties' rights and obligations in the conduct of their business:

- Mechanisms for imposing obligations on relevant tenure holders to undertake land monitoring and assessments
- A compensation obligation for relevant tenure holders to compensate landholders for any compensatable effects suffered through CSG-induced subsidence



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- Limited rights of review following the preparation of a subsidence impact report, which is then relied upon to impose obligations on resource tenure holders
- A process for the chief executive to undertake compliance and enforcement action for breaches of legislative requirements
- New offences that relate to failing to comply with obligations to manage the impacts of CSG-induced subsidence. The maximum penalty units attached to each offence range from 100 penalty units (\$15,480) for lesser offences to 4,500 penalty units (\$696,600) for the most serious offence, noting that a body corporate found guilty of an offence can be exposed to penalties of up to 5 times these maximum amounts.<sup>1</sup>

In the time available, we have not been able to analyse the provisions to confirm the draft provisions achieve the intended outcomes.

However, we recommend that further consultation be carried out to enable detailed analysis of whether the legislation is consistent with the *Legislative Standards Act 1992*. In particular, further consideration is required of:

- the significant matters proposed to be prescribed by regulation as part of implementing the subsidence management framework. QLS recognises that it is appropriate for some technical matters to be prescribed by delegated legislation such as regulations. However, matters which have significant impact on parties' rights should be specified in the primary legislation particularly where those matters affect compensation rights and liabilities; and
- the limited rights of review available during the subsidence impact report process. QLS queries whether this process could be improved to better balance the rights of all affected stakeholders, including by providing for affected persons to make submissions directly to the Chief Executive before the Chief Executive approves the draft plan.

We look forward to continuing our review of the legislation following the closing date for submissions.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [policy@qls.com.au](mailto:policy@qls.com.au) or by phone on [REDACTED].

Yours faithfully



Rebecca Fogerty  
**President**

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<sup>1</sup> Section 181B *Penalties and Sentences Act 1992*