MINERAL AND OTHER LEGISLATION AMENDMENT BILL 2016

DEPARTMENT OF NATURAL RESOURCES AND MINES

Advice to the Infrastructure, Planning and Natural Resources Committee regarding submissions to inquiry

Date: 21 April 2016

Response in Submission Order

Sub No.	Submitter	Cl.	Section/initiative	Key Points	Departmental Response
1	**George Houen**	N/A	Restoration of public notification and community objection rights.	Commends the Minister's introduction of the MOLA Bill and strongly supports its repeal of specified parts of the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act).	The Department notes Mr Houen's support of the proposed amendments.
		89	Replacement of s434 (Replacement of ss252-252D) New mining lease notice framework	Due process and natural justice (and fairness) for affected landholders requires that the very owner whose land is affected by a mining lease application be promptly notified within a short time (e.g. two weeks) of the lodgement of a mining lease application, and the details of it.	The Department notes Mr Houen's concerns regarding the issue of the certificate of public notice and the new mining lease notice. The *Mining and Energy Resources (Common Provisions) Act 2014* establishes a new mining lease framework that will replace the existing framework that provides for the issue of a Certificate of Application (CoA) and Certification of Public Notice (CPN) under the *Mineral Resources Act 1989*. The new framework replaces the CoA and CPN with one notice: a Mining Lease Notice. The MOLA Bill does not change the intent of this framework, but rather ensures that the relevant provisions reflect the Government's commitment to restore notification requirements. The requirement for an applicant for a mining lease to directly notify relevant persons will be retained. These include:: • the owner of the land that is the subject of the mining lease; • the owner of land necessary for access to the area of the mining lease; and • a relevant local government.
		101	Amendment of s460 (Insertion of new s386R – 386V) New boundary identification framework	Physical and readily visible markers at all corners of a mining claim or mining lease application area are essential so that affected owners and their associates as well as miners may recognise the boundaries by sight. Stakeholder argues that the Bill introduces very complicated new provisions concerning entry to private land for supplementary or enhanced marking out, as directed by the chief executive. The proposal to do away with physical marking of the boundaries of mining claims and mining leases is an aberration – it demonstrates the Department has conceived this change for the unwarranted benefit of the miners and without regard for the owner and others disadvantaged by the change. I ask the Committee to recommend the current requirements of the *Mineral Resources Act 1989* for marking out be reinstated.	The Department notes Mr Houen's concerns regarding the marking out of mining claim and mining lease applications. This matter relates to amendments made in the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) and does not relate to the content of the MOLA Bill. The provision for alternatives to the marking of the boundaries of a mining lease and claim mining contained in MERCP Act will ensure that the proposed tenement is clear and unambiguous and capable of being realised on the ground. The MOLA Bill also provides discretionary power for the chief executive to require physical monuments in individual circumstances or to apply generally across areas of land.
2	**Peter and Rhonda Selmanovic**	N/A	Restoration of public notification and community objection rights.	Fully support the proposed amendments to restore public notification and community objection rights.	The Department notes Mr and Mrs Selmanovic's support for the proposed amendments.
3	**GVK Hancock Pty Ltd**	N/A	*Mineral and Energy Resources (Common Provisions) Act 2014* – Chapter 9, Part 3 Amendments to the *Environmental Protection Act 1994* Restoration of public notification and community objection rights	Part 3, amendment of the *Environmental Protection Act 1994* (EP Act) which is being amended by the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act 2014) deals with removing the duplication of process. We support keeping this section as it is currently drafted.	The Department notes Hancock Coal Pty Ltd's comments regarding amendments to the *Environmental Protection Act 1994* (EP Act). The amendments to the EP Act in the MOLA Bill remove the limits placed on notification requirements contained in the *Mineral and Energy (Common Provisions) Act 2014* (MERCP Act) and restores the EP Act to the status quo, in line with Government policy, meaning that all environmental authority (EA) applications will have to be publicly notified. The exemption to the requirement to publicly notify an EA application where an Environmental Impact Statement (EIS) has been completed under the EP Act remains unchanged. In addition, with the changes to section 150 of the EP Act by section 260 of the MERCP Act and section 115 of the *Environmental Protection and Other Legislation Amendment Act 2014* (EPOL Act), where an EIS is completed under the *State Development and Public Works Organisation Act 1971* (SDPWO Act) the public notification requirements for the EA application will not apply in certain circumstances. These circumstances include where the draft EIS is publicly notified under section 33 of the SDPWO Act and the EIS is not amended during the process (for example to address public submission made on the draft EIS).

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		87	Replacement of s 431 (Omission of s 238 (Mining lease over surface of restricted land)) Restoring requirement for the consent of the owner to grant a mining lease over restricted land	The *Mineral Resources Act 1989* (MRA) currently requires a mining lease applicant to have a compensation agreement with each affected landholder concerning the area of the proposed mining lease and if an agreement cannot be obtained then some parts of the property can be excluded from the grant of the mining lease. The excluded land is called restricted land and cannot be used for mining purposes. This has the effect of giving the landholder significant leverage to use such agreement to obtain a significant premium above what would be considered a fair commercial valuation. Such an outcome can affect the commercial viability of a project, and equally, operating a mine with such restrictions can also be unviable. This can prevent the exploitation of the resource, or sterilisation, and such situations are clearly in contradiction to the object of the MRA. We are concerned anti-mining activists might persuade some landholders to withhold their consent in such restricted areas even if a significant premium is available, and then frustrate the ability of the proponent, and the State, to develop mineral resources to the benefit of all Queenslanders.	The Department notes Hancock Coal Pty Ltd's comments regarding the restoring of the requirement for land owner consent to grant a mining lease over restricted land. The Government has committed to restoring the requirement for land owner consent to grant a mining lease over restricted land. The amendments in the MOLA Bill reinstate section 238 of the *Mineral Resources Act 1989* to ensure the status quo is retained.
4	**Ergon Energy**	N/A	Reinstate community objection rights	Supports the provisions of the Mineral and Other Legislation Amendment Bill 2016 which will repeal the provisions which would have removed community objection rights.	The Department notes Ergon Energy's support of the proposed amendments regarding the restoration of community objection rights.
		89	Replacement of s 436 (Replacement of ss 252-252D) Section 252A Restoration of public notification and community objection rights – mining lease applications	Ergon also notes that the Bill proposes to replace the uncommenced amendments to s252A of the *Mineral Resources Act 1989* (MRA). In the original *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act), s252A required that an infrastructure provider such as Ergon would require direct notification of a mining lease application. Not all of Ergon's infrastructure is located on land owned by Ergon. Rather, it can be in easements or take its tenure from statutory rights. These difficulties place Ergon Energy at the disadvantage of not always being aware of an application for a resource authority and not always having a level playing field from which to negotiate co-use arrangements with a resource company. While Ergon supports the restoration of public notification and community objection rights, they would like the requirement for infrastructure providers to be directly notified about mining lease applications retained.	The Department notes Ergon Energy's support for the restoration of public notification and community objection rights and their concerns relating to the proposed amendments. The Government's commitment to restore notification requirements has resulted in the removal of the amendment contained in the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) which required an applicant for a mining lease to give certain documents to an entity that provides infrastructure within the area of the mining lease. This is because in ensuring that the status quo for notification is retained, the MERCP Act is proposed to be amended to reinstate the intent of the existing provisions in the *Mineral Resources Act 1989*. These provisions do not provide for infrastructure holders to be directly notified by the mining lease applicant. The Department will discuss this matter further with Ergon Energy and the Department of Energy and Water Supply.
		7	Amendment of Section 68(What is restricted land) Definition of restricted land	Have difficulties with the definition of restricted land as electricity infrastructure such as power lines, poles and towers do not always meet the definition of restricted land. Stakeholder would like to see definition of restricted land expanded to include power lines, poles, towers and substations.	The Department notes Ergon Energy's concerns regarding the definition of restricted land. The land access framework maintains the status quo for this infrastructure. Any inclusion of electricity infrastructure such as power lines as restricted land could significantly restrict resource activities. It is also noted that there are restrictions and penalties already in place under the *Electricity Act 1994* and associated regulations for proposed works near electricity infrastructure.
5	**Rosewood District Protection Organisation Inc**	N/A	*Mineral and Energy Resources (Common Provisions) Act 2014* - General	The *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) in its original form was draconian and should never have been passed as it is designed to take away the rights of all citizens in Queensland.	The Department notes Rosewood District Protection Organisation Inc's comments.
		89, 90	Replacement of s436 (Replacement of ss252-252D) Omission of s438 (Replacement of s260 (Objection to application for grant of mining lease)	Raised concerns regarding clauses 418 and 420 of the Mineral and Energy Resources (Common Provisions) Bill 2014 (note these two clauses are now sections 436 and 438 of the *Mineral and Energy Resources (Common Provisions) Act 2014* which replace sections 252-252D and section 260 of the *Mineral Resources Act 1989* respectively). Does not support the removal of existing public notification and community objection rights to mining lease applications. Mining projects have broad impacts on the community and excluding neighbours, community groups or people in the water catchment from the right to object, is absurd. Notes that other land use decision making processes for other industries provide for community submission and appeal rights and this same standard should apply to the granting of mining leases.	The Department notes that the comment provided relate to the *Mineral and Energy (Common Provisions) Act 2014* and not the MOLA Bill. The sections in question are replaced by clauses 89 and 90 of the MOLA Bill restoring it to its original intent in line with Government commitments.
		74	Omission of s259 (Amendment of s149 - When notification stage applies)	Submitter raised concerns regarding clause 245 of the Mineral and Energy Resources (Common Provisions) Bill 2014. This clause which is now section 259 of the *Mineral and Energy Resources (Common Provisions) Act 2014* which	The Department notes that the comment provided relate to the *Mineral and Energy (Common Provisions) Act 2014* and not the MOLA Bill. The section in question is omitted by clause 74 of the MOLA Bill restoring section 149 of the *Environmental Protection Act 1994* to its original intent in

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				amends section 149 of the *Environmental Protection Act 1994*. Limiting community notification and formal objection rights to the Land Court to "site specific" environmental authorities will, in conjunction with the above clauses, remove all existing public rights to lodge formal objections to the Land Court in up to 90% of mining projects in Queensland. This is unacceptable and fails to recognise the positive impact of community objection rights.	line with Government commitments.
		92, 93	Amendment of s 442 (Amendment of s 269 (Land Court's recommendation on hearing)) Omission of s 443 (Amendment of s 271 (Criteria for deciding mining lease application))	Submitter raised concerns with clauses 423 and 424 of the Mineral and Energy Resources (Common Provisions) Bill 2014. These clauses are now sections 442 and 443 of the *Mineral and Energy Resources (Common Provisions) Act 2014*t which amend sections 269 and 271 of the *Mineral Resources Act 1989* respectively. It is inappropriate to restrict matters that the Land Court can consider and give these powers, such as to consider the 'public interest', to the Minister. Decreasing judicial oversight, increasing ministerial powers and shutting out community participation has worrying implications for corruption.	The Department notes that the comment provided relate to the *Mineral and Energy (Common Provisions) Act 2014* and not the MOLA Bill. The sections in question have been omitted by clauses 92 and 93 of the MOLA Bill restoring section 269 and section 271 of the *Mineral Resources Act 1989* to their original intent in line with Government commitments.
		94	Omission of s 448 (Amendment of s 279 (Compensation to be settled before grant or renewal of mining lease))	Submitter raised concerns with clause 429 of the Mineral and Energy Resources (Common Provisions) Bill 2014. This clause is now section 448 of the *Mineral and Energy Resources (Common Provisions) Act 2014* which amends section 279 of the *Mineral Resources Act 1989*. Removal of restricted land status when the miner is granted exclusive surface rights to access land removes one of the few rights of vulnerable landholders. No-one should have the land surrounding their house destroyed by an open-cut mine yet this would be possible under this clause. I call on the Committee to approach the proposed legislation with a view to empower, rather than disempower, our communities to take responsibility for our State. In Queensland for decades any person or group has been entitled to object to any mining proposal in open court, to have the evidence scrutinised about the benefits and detriments of a proposed mine. I request that you do not accept these changes but instead keep existing provisions that require public notification of all proposed mining projects and that allow any person or incorporated group to object to all mining leases and environmental authorities on all the existing grounds.	The Department notes that the comment provided relate to the *Mineral and Energy (Common Provisions) Act 2014* and not the Bill. The section in question has been omitted by clause 94 of the Bill restoring section 279 of the *Mineral Resources Act 1989* to its original intent in line with Government commitments.
6	**Oakey Coal Action Alliance Inc**	N/A	General	Recommends that the Committee supports the passing of those clauses of the Bill which ensure that: • community objections rights are fully reinstated for all mining proposals; and • the full list of criteria for consideration for the grant of mining leases are fully reinstated for the Land Court, as for the Minister, including the financial and technical capabilities of the proponent (for example clauses 92 and 93).	The Department notes Oakey Coal Action Alliance Inc.'s support of the proposed amendments.
		N/A	*Mineral and Energy Resources (Common Provisions) Act 2014* – section 260 Amendment of s150 *Environmental Protection Act 1994* (Notification stage does not apply if EIS process complete)	**Remove of the coordination of public notification periods which limit opportunities to provide submissions – repeal section 260 *Mineral and Energy Resources (Common Provisions) Act 2014*** Stakeholder does not support the efforts to coordinate public notification into one period for the mining lease, environmental authority and Environmental Impact Statement (EIS). This means that submitters have only one specific timeframe in which to provide their comment – removing any back up that they might otherwise have had should they not be able to provide a submission in time during the public notification on either the application for the mining lease, the EIS or the draft environmental authority, as was previously available. Many community members are used to mining leases being notified after the EIS has been finalised.	The Department notes Oakey Coal Action Alliance Inc's concerns regarding section 260 of *the Mineral and Energy (Common Provisions) Act 2014* (MERCP Act) and the matter raised is outside the scope of the MOLA Bill to implement certain Government policy commitments. Section 260 of the MERCP Act will, when commenced, amend section 150 of the *Environmental Protection Act 1994* (EP Act) to remove the requirement for the public notification of an EA where an EIS under the *State Development and Public Works Organisation Act 1971* (SDPWO Act) has been completed, subject to certain circumstances. This amendment is consistent with the current notification arrangements where an EIS is prepared under the EP Act. It is also important to note that section 115 of the *Environmental Protection and Other Legislation Act 2014* (EPOL Act) will, once commenced, make further amendments to section 150 of the EP Act. This amendment will commence immediately after the amendments contained in section 260 of the MERCP Act commence, replacing the amendments made by section 260. .
		N/A	*Mineral and Energy Resources (Common Provisions) Act 2014* – section 45 Right to elect to opt out	**Removal landholders' 'right to elect to opt out' of rights – repeal section 45 *Mineral and Energy Resources (Common Provisions) Act 2014*:** Opt out agreements open up the possibility for landholders to be bullied into giving up their right to obtain a Conduct and Compensation Agreement. This in turn would mean the landholder has no recourse to the Land Court if there is a material change to the activity. There is little benefit provided to landholders through this provision, and substantial risk. This section should be repealed.	The Department notes Oakey Coal Action Alliance Inc's concerns regarding a landholder's right to elect to enter into an opt-out agreement with a resource authority holder. It is also noted that matter raised is outside the scope of the Bill to implement certain Government policy commitments. Opt-out agreements were a recommendation of a recent independent land access review panel, including members of the agricultural sector. Section 45 of the *Mineral and Energy Resources (Common Provisions) Act 2014* is designed to implement a right which would enable a land owner or occupier, at their complete discretion, to elect enter into an opt-out agreement with a resource authority holder. A landholder cannot be forced to enter an agreement against their will. If a landholder does not believe that an opt-out agreement is suitable in their circumstances, they are under no obligation to sign an opt-out agreement,

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					and have the right to instead negotiate a conduct and compensation agreement or a deferral agreement.
		7	Amendment of s68 (What is restricted land)	**Prescribed distances for restricted land should be increased – amend clause 7 of the Bill:** While we support the insertion of prescribed distances within which certain resource related activities cannot occur, the proposed restricted distances are inadequate to truly protect landholders from the significant impacts of mining activities.	The Department notes Oakey Coal Action Alliance Inc's concerns regarding the restricted land distances to be prescribed in the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act), as amended by the MOLA Bill. The distances for the new restricted land framework are based on the existing restricted land distances under the *Mineral Resources Act 1989* (MRA) and *Geothermal Energy Act 2010* (GE Act). The restricted land distances included in the MOLA Bill were also the subject of a Regulatory Impact Statement (RIS). Both the consultation and decision RIS proposed the restricted land distances of 200 metres and 50 metres be included in the MOLA Bill. Restricted land distances are designed to provide the owner and occupier of restricted land certainty and the right to refuse to consent to a resource authority holder entering into restricted land areas. It is important to note that the restricted land areas or distances are not intended to be the only tools to manage the impact of resource activities on landholders, and that the restricted land distances do not mean that authorised activities will necessarily occur up to 50 metres from a stockyard or 200 metres from a permanent residence. All resource activities are regulated under the *Environmental Protection Act 1994*, which imposes conditions on resource authority holders to mitigate environmental impacts, such as noise, light and dust. Under the conditions of an Environmental Authority, activities authorised by a resource authority may require authorised activities take place at greater distances from buildings, infrastructure and areas which attract restricted land protections than the prescribed restricted land distances. Additionally, under the land access framework, landholders and resource companies must negotiate a conduct and compensation agreement (CCA) prior to entering land to conduct advanced activities. This process provides an opportunity for negotiating mutually beneficial arrangements between the parties which could include for example, the location of resource activities, the potential for relocation of impacted infrastructure or other arrangements.
7	**Whitsunday Residents Against Dumping**	N/A	MOLA - General	Recommends that the Committee supports the passing of those clauses of the Bill which ensure that: • community objections rights are fully reinstated for all mining proposals; and • the full list of criteria for consideration for the grant of mining leases are fully reinstated for the Land Court, as for the Minister, including the financial and technical capabilities of the proponent (for example clauses 92 and 93).	The Department notes Whitsunday Residents Against Dumping's support of the proposed amendments.
		N/A	*Mineral and Energy Resources (Common Provisions) Act 2014* – Section 260 Coordination of public notification requirements	**Remove coordination of public notification period which limit opportunities to provide submissions**: Recommend the repeal of section 260 of the *Mineral and Energy Resources (Common Provisions) Act 2014*.	The Department notes Whitsunday Residents Against Dumping's concerns regarding section 260 of *the Mineral and Energy (Common Provisions) Act 2014* (MERCP Act). It is also noted that matter raised is outside the scope of the Bill to implement certain Government policy commitments. Section 260 of the MERCP Act will, when commenced, amends section 150 of the *Environmental Protection Act 1994* (EP Act) to remove the requirement for the public notification of an EA where an EIS under the *State Development and Public Works Organisation Act 1971* (SDPWO Act) has been completed, subject to certain circumstances. This amendment is consistent with the current notification arrangements where an EIS is prepared under the EP Act. It is also important to note that section 115 of the *Environmental Protection and Other Legislation Act 2014* (EPOL Act) will, once commenced, make further amendments to section 150 of the EP Act. This amendment will commence immediately after the amendments contained in section 260 of the MERCP Act commence replacing the amendments made by section 260.
		N/A	*Mineral and Energy Resources (Common Provisions) Act 2014* – Section 45 Opt-out agreements	**Removal landholders' 'right to elect to opt out' of rights – repeal section 45 of the *Mineral and Energy Resources (Common Provisions) Act 2014*:** Recommend the repeal of section 45 of the *Mineral and Energy Resources (Common Provisions) Act 2014.*	The Department notes Whitsunday Residents Against Dumping's concerns regarding a landholder's right to elect to enter into an opt-out agreement with a resource authority holder. It is also noted that matter raised is outside the scope of the Bill to implement certain government commitments. Opt-out agreements were a recommendation of a recent independent land access review panel, including members of the agricultural sector. Section 45 of the *Mineral and Energy Resources (Common Provisions) Act 2014* is designed to implement a right which would enable a land owner or occupier, at their complete discretion, to elect enter into an opt-out agreement with a resource authority holder. A landholder cannot be forced to enter an agreement against their will. If a landholder does not believe that an opt-out agreement is suitable in their circumstances, they are under no obligation to sign an opt-out agreement, and have the right to instead negotiate a conduct and compensation agreement or a deferral agreement.
		7	Amendment of s 68 (What is restricted land)	**Prescribed distances for restricted land should be increased – amend clause 7 of the Bill:** While stakeholder supports the insertion of the prescribed distances within which certain resource related activities cannot occur, the stakeholder considers the proposed restricted land distances are inadequate to truly protect landholders from the significant impacts of mining activities.	The Department notes Whitsunday Residents Against Dumping's concerns regarding the restricted land distances to be prescribed in the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act), as amended by the MOLA Bill. The distances for the new restricted land framework are based on the existing restricted land distances under the *Mineral Resources Act 1989* (MRA) and *Geothermal Energy Act 2010* (GE Act). The restricted land distances included in the MOLA Bill were also the subject of a Regulatory Impact Statement (RIS). Both the consultation and decision RIS proposed the restricted land distances of 200 metres and 50 metres be included in the MOLA Bill. Restricted land distances are designed to provide the owner and occupier of restricted land certainty and the right to refuse to consent to a resource authority holder entering into restricted land areas. It is important to note that the restricted land areas or distances are not intended to be the only tools to manage the impact of resource activities on

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					landholders, and that the restricted land distances do not mean that authorised activities will necessarily occur up to 50 metres from a stockyard or 200 metres from a permanent residence. All resource activities are regulated under the *Environmental Protection Act 1994*, which imposes conditions on resource authority holders to mitigate environmental impacts, such as noise, light and dust. Under the conditions of an Environmental Authority, activities authorised by a resource authority may require authorised activities take place at greater distances from buildings, infrastructure and areas which attract restricted land protections than the prescribed restricted land distances. Additionally, under the land access framework, landholders and resource companies must negotiate a conduct and compensation agreement (CCA) prior to entering land to conduct advanced activities. This process provides an opportunity for negotiating mutually beneficial arrangements between the parties which could include for example, the location of resource activities, the potential for relocation of impacted infrastructure or other arrangements.
8	**Cotton Australia**	N/A	MOLA - General	Broadly supportive of the reforms.	The Department notes Cotton Australia's support of the proposed amendments.
		7	Amendment of s 68 (What is restricted land) Restricted land definition and prescribed distances	Changes proposed by the Bill (where a distance of 50 metres has been applied) represents a loss in protection of Queensland's agricultural assets. Landholders have made significant investments in infrastructure and the stakeholder submits that 50 metres will not provide the necessary protection to farm infrastructure. Stakeholder submits that the imposition of such short distances will leave landholders exposed, requiring them to negotiate extended separation distances as part of land access and compensation arrangements. In the event that a resource company was to construct infrastructure right at the 50 metre land exclusion zone, the stakeholder is concerned that this could generate issues with the structural integrity of dam infrastructure or artesian wells. The stakeholder considers the buffer distances to 'restricted land' are vastly inadequate and in conflict with the Queensland Government's Eligibility Criteria and Standard Conditions for Petroleum Exploration Activities. The stakeholder points the Committee to two sections that indicate more appropriate separation distances (see PESCC 35 and PESCC 9). The document nominates setbacks of 2 kilometres horizontally from groundwater bores where well stimulation activities are to occur or 200 metre setback from lakes and 100 metres from all other water sources. The stakeholder asks that the provisions that currently occur within the Eligibility Criteria be upheld within the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act). The stakeholder would suggest an absolute minimum the 200 metre set back from a dam or artesian well and artificial water storage should be implemented. In instances where well stimulation is to occur the 200 metre set back or exclusion will be insufficient according to the Eligibility Criteria. The stakeholder would recommend further amendments to the legislation to support these industry best practice mechanisms. Stakeholder supports the expansion of the definition of restricted land in recognition that significant improvements such as irrigation infrastructure and laser levelled paddocks should not be subject to negotiations within land access arrangements. Stakeholder is disappointed to see that the definition on restricted land will omit critical irrigation infrastructure including irrigation channels and drainage; land improvements to manage surface water flows including contour and graded banks, levees and laser levelled paddocks. Given the critical nature of these infrastructure improvements to farm operations, the stakeholder would like to see them placed on the definition of restricted land in the first instance, with the landholder able to permit access should they wish to negotiate such an arrangement. Stakeholder believes that the threat infrastructure being exposed or at risk due to exploration or development will only serve to impede a fair and reasonable land access negotiation process.	The Department notes Cotton Australia's comments regarding restricted land distances and definition. The distances for the new restricted land framework are based on the existing restricted land distances under the *Mineral Resources Act 1989* (MRA) and *Geothermal Energy Act 2010* (GE Act). The restricted land distances included in the MOLA Bill were also the subject of a Regulatory Impact Statement (RIS). Both the consultation and decision RIS proposed the restricted land distances of 200 metres and 50 metres be included in the MOLA Bill. Restricted land distances are designed to provide the owner and occupier of restricted land certainty and the right to refuse to consent to a resource authority holder entering into restricted land areas. It is important to note that the restricted land areas or distances are not intended to be the only tools to manage the impact of resource activities on landholders, and that the restricted land distances do not mean that authorised activities will necessarily occur up to 50 metres from a stockyard or 200 metres from a permanent residence. All resource activities are regulated under the *Environmental Protection Act 1994*, which imposes conditions on resource authority holders to mitigate environmental impacts, such as noise, light and dust. Under the conditions of an Environmental Authority, activities authorised by a resource authority may require authorised activities take place at greater distances from buildings, infrastructure and areas which attract restricted land protections than the prescribed restricted land distances. Additionally, under the land access framework, landholders and resource companies must negotiate a conduct and compensation agreement (CCA) prior to entering land to conduct advanced activities. This process provides an opportunity for negotiating mutually beneficial arrangements between the parties which could include for example, the location of resource activities, the potential for relocation of impacted infrastructure or other arrangements. The Eligibility Criteria and Standard Conditions for Petroleum Exploration Activities are an additional mechanism designed to manage the impact of resource activities on landholders. The operating standards for the carrying out of petroleum activities (e.g. PESCC 35 and PESCC9) are constraints set under a standard or variation environmental authority (EA) application (and where necessary or desirable, on an EA for a site specific application) which ensure environmental risks associated with the resource activity are managed. The eligibility criteria are additional to the restricted land distances inserted into the *Mineral and Energy Resources (Common Provisions) Act 2014* by the Bill. The Department notes Cotton Australia's comments regarding including irrigation infrastructure and land improvements. The conduct and compensation agreement framework provides a mechanism to manage potential impacts on these infrastructure types and land improvements as a range of potential solutions exist to ensure appropriate conduct and compensation.
		N/A	Exemption of notice and objection rights	Stakeholder is encouraged to see that the exemption of notice provisions and rights of objection have been repealed.	The Department notes Cotton Australia's support of the proposed amendments to restore community notification and objection rights.
		60	Replacement of ch 7, pt 3 (Provisions for land access) Section 220 Existing entry notices	Seeks to clarify the legislative provision of 220 'Existing entry notices' (3) that states that 'The notice is valid event if the notice does not comply with section 39 (2) (a) or 57 (2)'. Stakeholder questions whether 220 (3) invalidates the requirement to provide entry notices and seek clarification regarding the intention of this provision.	The Department notes Cotton Australia's question regarding the intent of section 220 (clause 60 of the Bill). The purpose of section 220 clarify its application to entry notices given to an owner or occupier of private land or a public land authority for public land under the pre-amended Resource Acts. The policy intent of this provision has not changed from that included in the *Mineral and Energy (Common Provisions) Act 2014* (MERCP Act). This section provides that an entry notice still in force, and given prior to commencement continues in force according to the terms of the entry notice,

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					and is taken to be an entry notice issued under the MERCP Act. Subsection (3) clarifies that an entry notice that has been given under the old land access framework which was valid given the requirement of the old land access framework, remains valid even though it may not comply with the requirements for a valid notice under the new land access framework contained in Chapter 2 of the MERCP Act.
		60	Replacement of ch 7, pt 3 (Provisions for land access) 218 Existing land access code	The Bill appears to generate a requirement for the development of a new land access code. Given the stakeholder's interest in the recommendations and requirements generated by a Code, the stakeholder requests to be included in stakeholder consultation during the development of the new Code.	The Department notes Cotton Australia's request to be included in the development of a new Land Access Code. The Bill in itself does not create a requirement for a new Land Access Code. The Bill (clause 60, section 218) provides a transitional provision that ensures that the existing Land Access Code 2010 continues despite the repeal of the section in the *Petroleum and Gas (Production and Safety) Act 2004* that establishes the authority for the existing Code. In regard to updating the Land Access Code 2010, this will be required to make changes consequential to the inclusion of the Land Access framework in Chapter 2 of the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act).
		N/A	Land access and compensation agreements	Submits that land access and compensation agreements are designed to develop effective, long term contractual arrangements with resource companies. Legislation is required to provide protections in the event that such agreements do not occur and the amendments do not go far enough to provide these protections for landholders.	The Department notes Cotton Australia's concerns regarding landholder protections relating to land access and compensation agreements. The purpose of the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) is to harmonise and implement a consistent land access framework across all resource sectors. The provisions to be commenced implement the recommendations from the Land Access Implementation Committee and are intended to provide extra protection for landholders. Amendments to these provisions are outside the scope of the Bill which is to implement Government commitments.
		N/A	*Mineral and Energy Resources (Common Provisions) Act 2014* – Section 45 Opt-out agreements	Refers to their July 2014 submissions on the *Mineral and Energy Resources (Common Provisions) Act 2014* and encourages the Government to consider legislative provisions regarding the right to elect to opt-out.	The Department notes Cotton Australia's concerns regarding a landholder's right to elect to enter into an opt-out agreement with a resource authority holder. It is also noted that matter raised is outside the scope of the Bill to implement certain Government policy commitments. Opt-out agreements were a recommendation of the independent Land Access Implementation Committee, which included members of the agricultural sector. Section 45 of the *Mineral and Energy Resources (Common Provisions) Act 2014* is designed to implement a right which would enable a land owner or occupier, at their complete discretion, to elect enter into an opt-out agreement with a resource authority holder. A landholder cannot be forced to enter an agreement against their will. If a landholder does not believe that an opt-out agreement is suitable in their circumstances, they are under no obligation to sign an opt-out agreement, and have the right to instead negotiate a conduct and compensation agreement or a deferral agreement.
		N/A	Legacy bore remediation	Stakeholder refers to their July 2014 submissions on the *Mineral and Energy Resources (Common Provisions) Act 2014* and encourages the Government to consider legislative provisions regarding legacy bore remediation.	The Department notes Cotton Australia's comments regarding their previous submission on this issue. It is also noted that matter raised is outside the scope of the Bill.
9	**GL Campbell & Co**	N/A	MOLA - General	Supports in principal the amendments that repeal those areas of the *Mineral and Energy Resources (Common Provisions) Act 2014* that eroded the rights of landholders and the community.	The Department notes GL Campbell & Co's support of the proposed amendments.
		9, 74-81, 84-87, 88, 90-91, 92-93, 94	MOLA - General	Expresses support for various components of the Bill including: • Restricted land consent for entry • Restoration of public notification and objection rights • Restoration of requirement of written consent of landowner prior to granting restricted land • Restoral of Land Court objection rights, removal of Minister's power to extinguish restricted land and restoration of the requirement for a landholder to consent in writing to grant a mining lease over restricted land • Restoration of broader community objection rights • Repeal of Minister's power to extinguish restricted land	The Department notes GL Campbell & Co's support of the proposed amendments.
		7	Amendment of s 68 (What is restricted land)	Definitions provided in Clause 7 are a slight improvement on the original definitions of Restricted Land in Schedule 2 of the *Mineral Resources Act 1989*, in that the lateral distance from buildings has been increased to 200 metres, and a broader definition of Restricted Land now includes areas for intensive agriculture etc. Stakeholder considers it is also excellent that artesian wells, bores, dams, water storage facilities, principal stockyards and cemeteries/burial places have been reinstated as Restricted Land. The stakeholder would like to draw attention to the fact that in Western Australia, principal stockyards are granted a 100 metres lateral exclusion zone; this would	The Department notes GL Campbell & Co's support of elements of the restricted land definition in the MOLA Bill. The distances for the new restricted land framework are based on the existing restricted land distances under the *Mineral Resources Act 1989* (MRA) and *Geothermal Energy Act 2010* (GE Act). The restricted land distances included in the MOLA Bill were also the subject of a Regulatory Impact Statement (RIS). Both the consultation and decision RIS proposed the restricted land distances of 200 metres and 50 metres be included in the MOLA Bill. Restricted land distances are designed to provide the owner and occupier of restricted land certainty and the right to refuse to consent to a resource authority holder entering into restricted land areas.

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				certainly make it easier for landholders to continue utilising their stockyards in the event of resource developments on their property. Stakeholder also wishes to point out is that in Western Australia land which is used for agricultural purposes (including grazing) cannot have a mining tenement granted over it without the owner's consent. (Source: Environmental Defender's Office of Western Australia (Inc.) Mining Law Fact Sheet 36). Stakeholder would ask the Committee to give consideration to these points. Stakeholder also considers it is good that resource authorities such as water monitoring authorities and data monitoring authorities are now subject to Restricted Land 50 metres laterally around areas, buildings or structures defined in section 68 (1).	It is important to note that the restricted land areas or distances are not intended to be the only tools to manage the impact of resource activities on landholders, and that the restricted land distances do not mean that authorised activities will necessarily occur up to 50 metres from a stockyard or 200 metres from a permanent residence. All resource activities are regulated under the *Environmental Protection Act 1994*, which imposes conditions on resource authority holders to mitigate environmental impacts, such as noise, light and dust. Under the conditions of an Environmental Authority, activities authorised by a resource authority may require authorised activities take place at greater distances from buildings, infrastructure and areas which attract restricted land protections than the prescribed restricted land distances. Additionally, under the land access framework, landholders and resource companies must negotiate a conduct and compensation agreement (CCA) prior to entering land to conduct advanced activities. This process provides an opportunity for negotiating mutually beneficial arrangements between the parties which could include for example, the location of resource activities, the potential for relocation of impacted infrastructure or other arrangements. In Queensland, the impact of resource activities on agricultural land is regulated under the *Regional Planning Interests Act 2014*.
		89	Replacement of s 436 (Replacement of ss 252-252D) Restoration of requirement for broader notification of mining lease applications	Clause 89 reintroduces the requirement for certain notification of mining lease applications; this is positive as a publicly advertised mining lease notice allows members of the community where the mining lease is proposed to be informed of developments that may affect them, and that they may wish to have input into. However in section 252A Giving and publication of mining lease notice and other information, subsection (3) states that the applicant for a proposed mining lease is to publish information in "an approved newspaper circulating generally in the area of the subject land". This could result in the notification being published in only a single newspaper which may not necessarily be the local paper in the subject land area. For example in our local area there are at least four newspapers that "circulate generally", but only one of them is considered to be the "local paper" that residents of this area usually read for information on local events. Perhaps it would be better to specify publishing the information in "more than one approved newspaper that circulates generally in the area of the subject land" to ensure a wide group of the local public is exposed. Also, subsection (5) states that "the chief executive may decide an additional or substituted way for …the publication of the documents mentioned in subsection (3)". From a landholder perspective, it would be hoped that if a "substituted way" of publishing the mining lease notice was decided upon, it would be a method of publication that would reach a wide range of local inhabitants. In many regional areas of Qld, landholders do not have access to quality internet services, so if the internet was chosen as a "substituted way" of publishing a mining lease notice many local landholders may miss the notification. Perhaps it would be better to specify that substituted ways of publishing mining lease notices would include at least three different types of communication media e.g. internet, radio, local council newsletter. Additionally, if the chief executive does decide on a substituted way of publication, how will inhabitants of the subject area know to look for the mining lease notice somewhere other than their local paper?	The Department notes GL Campbell & Co's comments regarding the publishing requirements for a mining lease application. The amendments in the MOLA Bill to section 252A will restore this section to its original form to reflect the existing requirements for an applicant for a proposed mining lease to publish information in an approved newspaper circulating generally in the area of the land in the area of the proposed mining lease and for the chief executive to decide an additional or substituted way for the publishing of the required information. The restoration of this section to its original form is consistent with the Government's commitment to restore notification requirements of proposed mining leases.
		107	Insertion of new s 477a (Insertion of new sch 1) New boundary identification framework	Questions why the chief executive is able to give written permission for entry to occupied land at night, when for every other type of entry under Schedule 1, the written permission of the owner and/or occupier of the land is required? Night entry should require the written consent of BOTH the owner of the land AND the chief executive. It is in the best interests of both safety and accessibility that the owner provides written consent for night entry under section 386V.	The Department notes GL Campbell & Co's comments regarding the new boundary identification framework. This new boundary identification framework was drafted to reflect the current requirements of a prospecting permit granted for pegging purposes.
10	**Property Rights Australia**	N/A	Reinstatement of objection rights	Welcomes reinstatement of landowner objection rights.	The Department notes Property Rights Australia's support of the proposed amendments to restore community objection rights
		7	Amendment of S 68 (What is restricted land)	The amendments in this Bill give landowners control over their restricted areas and the stakeholder welcomes the reinclusion of major farm infrastructure into the restricted land provisions. It is incongruous that water pipelines are not included and will render some systems inoperable while protecting some infrastructure. It also overturns the Land Court's Xtrata decision that pipelines should be protected. Stakeholder submits that 200 metres from a residence or any sort of accommodation, including employee accommodation, or business premises or not	The Department notes Property Rights Australia's concerns with the definition of restricted land and recommendations for the MOLA Bill. The rationale for excluding interconnecting water pipelines is that large areas of land around pipelines, which can extend for several hundred metres or kilometres, could be made inaccessible to surface resource activities and could therefore impact on the feasibility of projects. The need for legislative clarity arose as a result of the Land Court decision on the *proposed Wandoan coal mine (Xstrata Coal Queensland Pty Ltd & Ors v. Friends of the Earth – Brisbane Co-Op Ltd & Ors, and Department of Environment and Resource Management [2012] QLC 013)*. In this instance, the Land Court concluded that water pipelines should be included as restricted land. In other applications, both before and since that Land Court decision, restricted land has not been taken to apply to interconnecting pipelines. Pipelines in the immediate vicinity around bores, troughs and tanks will be protected by the 50 metres of restricted land that will apply to those

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				sufficient and this clause should be change to at least 600 metres or greater. The concept of restricted land for all legislation is a step in the right direction but still falls short when experience has shown that even 600 metres is insufficient to ensure that noise, dust and other considerations do not encroach upon health, safety, amenity, privacy and the enjoyment of property. It is also contrary to the tacit admission of lack of the above that a previous Labor Government made a commitment to not allow resources within 1 kilometre of a settlement of 500 or more people. It is incongruous that the compulsory public and landowner notification process revolves around the grant of the mining lease and environmental authority whereas restricted land and "new" infrastructure for "make good" compensation are now tied to initial resource authorities which extends exclusion times back a considerable number of years. Such exclusions can be easily missed by the landowner. This needs to be returned to the grant of the mining lease so that new residences and infrastructure are not sited inappropriately. The stakeholder would like to state its position that any cut off time for restricted areas and for "new infrastructure under "make good" provisions of the Water Act places all farm based businesses in a time warp and show no regard or respect for many of the hard won assets of a farming business. It limits all of the decisions which a farmer must make to remain viable and is a severe curtailment of flexibility, drought preparedness (water and fodder crops), productivity, environmental considerations (more watering points to spread grazing pressure more evenly), expansion into more intensive industries, alternate grazing (cell grazing) and on farm tourism. The impacts of these clauses cannot be overestimated and will result in some serious social problems in the future. The legislation, in specifying a "permanent" building for restricted areas fails to recognise that, due to financial constraints, many buildings of a non-permanent nature are used for residences, business, accommodation (including employee accommodation), home schooling and public schools. They nevertheless involve considerable amounts of infrastructure which would need to be replaced if the building were to be moved. The specification that artificial water storage must be connected to a water supply in order to become a restricted area is to devalue reserve and drought preparedness water supplies. This is unacceptable and all assets should be recognised as such, including temporary pipelines from primary and reserve supplies. Recommends: • That the distance for a class A restricted area be 1000 metres. 200 metres is woefully inadequate for class A restricted land and there has been plenty of testimony that even 600 metres is inadequate. • That restricted area infrastructure should include pipes and water infrastructure. • That artificial water storages not connected to a water distribution system be included in the list of infrastructure covered by class B restricted infrastructure. • That exclusions for restricted land that date back to the granting of an original resource authority is too long a time frame and landowners will not generally be aware that their "new" infrastructure will not be covered by restricted land. • The stakeholder does not believe that any infrastructure should be excluded from restricted land provisions. • That installation of underground pipelines and cables as per s67(b)(i) and (ii) be a prescribed activity and subject to restricted land provisions.	structures. Potential impacts on pipelines extending beyond these areas can be managed through the landowner agreement process. The distances for the new restricted land framework are based on the existing restricted land distances under *the Mineral Resources Act 1989* (MRA) and *Geothermal Energy Act 2010 (GE Act*). The restricted land distances included in the MOLA Bill were also the subject of a Regulatory Impact Statement (RIS). Both the consultation and decision RIS proposed the restricted land distances of 200 metres and 50 metres be included in the MOLA Bill. Restricted land distances are designed to provide the owner and occupier of restricted land certainty and the right to refuse to consent to a resource authority holder entering into restricted land areas. It is important to note that the restricted land areas or distances are not intended to be the only tools to manage the impact of resource activities on landholders, and that the restricted land distances do not mean that authorised activities will necessarily occur up to 50 metres from a stockyard or 200 metres from a permanent residence. All resource activities are regulated under the Environmental Protection Act 1994, which imposes conditions on resource authority holders to mitigate environmental impacts, such as noise, light and dust. Under the conditions of an Environmental Authority, activities authorised by a resource authority may require authorised activities take place at greater distances from buildings, infrastructure and areas which attract restricted land protections than the prescribed restricted land distances. Additionally, under the land access framework, landholders and resource companies must negotiate a conduct and compensation agreement (CCA) prior to entering land to conduct advanced activities. This process provides an opportunity for negotiating mutually beneficial arrangements between the parties which could include for example, the location of resource activities, the potential for relocation of impacted infrastructure or other arrangements. In relation to the timing of the creation of restricted land, the grant of a production resource authority was set as the point in time when restricted land applies to achieve some compromise between the existing frameworks this policy is intended to rationalise and to balance the interests of landholders with the proposed resource activity. In regard to the installation of an underground pipeline or cable, the main impact relating to the underground cable or pipeline on the landholder is the excavation, installation and backfilling of the trench. This would need to be completed within 30 days from the start of the installation process. It is important to note that pipeline construction and operation must comply with Australian Standards that address safety issues, and are subject to safety management plans under the *Petroleum and Gas (Production and Safety) Act 2004*. Further, pipelines are subject to environmental authority conditions under the *Environmental Protection Act 1994*, which place conditions on the construction with respect to noise and dust issues. Compliance with these requirements has seen the safe construction and operation of pipelines, including in built-up urban areas. Additionally, a conduct and compensation agreement may be negotiated between the parties to limit or mitigate the pipeline's impact.

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		60	Replacement of ch 7, pt 3 (provisions for land access) Section 219 Existing conduct and compensation agreement requirements-carrying out authorised activity within 600m of school or occupied residence	Transitional provisions for the "600 metre rule" are welcomed. The stakeholder welcomes the transitional arrangements that cover the 600 metre rule for CSG companies under section 219. However, the case has been put many times by many landowners including landowners who live with CSG, mining and related infrastructure that even that is not enough and that 200 metres is woefully inadequate to ensure the privacy, amenity and enjoyment of their properties to which landowners are entitled. There is also the widely reported negative health effects of living in close proximity to resources. Governments avoiding doing robust and complete studies and denigrating those that have been done is not a good excuse for ignoring this issue.	The Department notes Property Rights Australia's support of the 600 metre rule transitional provision. The distances for the new restricted land framework are based on the existing restricted land distances under the *Mineral Resources Act 1989* (MRA) and *Geothermal Energy Act 2010* (GE Act). The restricted land distances included in the MOLA Bill were also the subject of a Regulatory Impact Statement (RIS). Both the consultation and decision RIS proposed the restricted land distances of 200 metres and 50 metres be included in the MOLA Bill. Restricted land distances are designed to provide the owner and occupier of restricted land certainty and the right to refuse to consent to a resource authority holder entering into restricted land areas. It is important to note that the restricted land areas or distances are not intended to be the only tools to manage the impact of resource activities on landholders, and that the restricted land distances do not mean that authorised activities will necessarily occur up to 50 metres from a stockyard or 200 metres from a permanent residence. All resource activities are regulated under the *Environmental Protection Act 1994*, which imposes conditions on resource authority holders to mitigate environmental impacts, such as noise, light and dust. Under the conditions of an Environmental Authority, activities authorised by a resource authority may require authorised activities take place at greater distances from buildings, infrastructure and areas which attract restricted land protections than the prescribed restricted land distances. Additionally, under the land access framework, landholders and resource companies must negotiate a conduct and compensation agreement (CCA) prior to entering land to conduct advanced activities. This process provides an opportunity for negotiating mutually beneficial arrangements between the parties which could include for example, the location of resource activities, the potential for relocation of impacted infrastructure or other arrangements.
		101	Amendment of s 460 (Insertion of new ss386R-386V) New framework for entering land to identify mining boundaries	The introduction of a regulatory framework for entering land to identify mining boundaries without a mining tenement is welcomed and is long overdue. The previous regime simply required notification and offered no protection to landowners. It also gives the Chief Executive, not only the right to investigate the complaints but the obligation to investigate landowner complaints and impose sanctions. There will be a right of appeal for the resources company and the ability for the Land Court to adjudicate on related actions. The stakeholder welcomes the extra provisions beyond notification relating to entry to land to identify mining boundaries without a mining tenement. That the Land Court can adjudicate on restricted areas is welcome but resources of the Land Court need to be improved. Many landowners are waiting an inordinate period for decisions and are significantly out of pocket.	The Department notes Property Rights Australia's support of the introduction of the regulatory framework for entering land to identify mining boundaries and the comments regarding the Land Court.
		N/A	Conferences	Recommends: • No binding agreements should be made without access to legal advice including at conferences or other dispute resolution processes. A cooling off period should be allowed for all contracts. Because the Bill reverses many of the concepts of the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) the default is the original *Mineral Resources Act 1989* (MRA) and the *Petroleum and Gas (Production and Safety) Act 2004* (P & G Act). The stakeholder objects strongly in any and all circumstances, to landowners having to attend a conference (under the P & G Act) which is intended to result in a signed agreement without a lawyer. Almost every single politician who oversaw this suggestion will have had legal advice for a contract at some point in their lives. For such an important document which goes on title, is virtually unchangeable and binds successors and assigns this is unacceptable and should be amended as soon as possible. There should also be a cooling off period as there is for a conduct and compensation agreement negotiated as a result of a notice to negotiate.	The Department notes Property Rights Australia's comments regarding the land access framework. The MOLA Bill does not change the existing provisions that relate to conferences under the land access framework in the *Mineral and Energy (Common Provisions) Act 2014* (MERCP Act). The relevant provisions in the MERCP Act have been migrated across from the existing resource Acts and maintain the status quo.

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		N/A	Mineral and Energy Resources (Common Provisions) Bill 2014 – clause 96(d) Entry to land to carry out advanced activities when application before the Land Court.	S 7 clause 43(d) is an applicant or respondent to an application relating to the land made to the Land Court under section 94 of the *Petroleum and Gas (Production and Safety) Act 2004* (P & G Act). The stakeholder submits that this clause should never apply. Entry should not be allowed while parties are in the Land Court and has been used by some companies as a very effective bullying tool. It is contrary to the provisions of the *Mineral Resources Act 1989* and that is what should apply to all resources activity. There absolutely should be no entry until a Conduct and Compensation Agreement is in place where that is usually allowed for in the legislation. Recommends No entry should be allowed, under any resources legislation, where a conduct and compensation agreement is usually required, until such agreement is made including where the parties are in Land Court in order to have the Land Court rule on this matter.	The references provided in the comment do not appear to appear to relate to the MOLA Bill nor the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act), but rather clause 43(d) of the original Mineral and Energy (Common Provisions) Bill from 2014. In response, this provision has been migrated across from the existing resources Acts to the MERCP Act and maintains the status quo. This approach has been applied consistently in the process of consolidating the land access provisions from the five resource Acts into the MERCP Act back in 2014. The Department notes Property Rights Australia's recommendations.
		6	Amendment of s 67 (Definitions for pt 4) Exceptions to restricted land – pipelines (section 67 MERCP Act and minor amendment made by clause 6 MOLA Bill)	That installation of an underground pipeline or cable is not a "prescribed activity" if the installation excluding preliminary work, such as surveying is completed within 30 days of commencement of installation and therefore not subject to the restricted land provisions is unacceptable. There is no time frame for the preliminary activities which raises safety issues, health issues, noise and dust issues. The activity itself and maintenance of the infrastructure raises all of the above issues as well as the risk of subsidence which is a particular danger to children within 200 metres of a residence. There have also been instances where landowners have been advised to stay within their homes for a period of time for health and safety reasons.	Installation of an underground pipeline or cable is not a preliminary activity. Preliminary activities are those which will have no or minor impacts on the landholder or the land. They include activities such as walking the area of the permit or licence, driving along an existing track, taking soil or water samples or survey pegging. This aspect of the restricted land framework recognises that the main impact relating to the underground cable or pipeline on the landholder is the excavation, installation and backfilling of the trench. This would need to be completed within 30 days from the start of the installation process. Pipeline construction and operation must comply with Australian Standards that address safety issues, and are subject to safety management plans under the *Petroleum and Gas (Production and Safety) Act 2004*. Further, pipelines are subject to environmental authority conditions under the *Environmental Protection Act 1994*, which place conditions on the construction with respect to noise and dust issues. Compliance with these requirements has seen the safe construction and operation of pipelines, including in built-up urban areas. Additionally, a conduct and compensation agreement may be negotiated between the parties to limit or mitigate the pipeline's impact.
		N/A	Conduct and compensation	The stakeholder recommends: • All expenses including those relating to conferences and alternative dispute resolution processes and associated legal advice should be paid by resources companies. It has been too easily forgotten that landowners are unwilling participants in all of these processes. • It is highly undesirable that legislation is presented without knowing the associated regulation. This is particularly important when it has the impact of the Land Access Code. It has been our unfortunate experience that landowner rights are usually diminished by such regulation. • A breach of a conduct and compensation agreement is a breach of a resources lease.	The Department notes Property Rights Australia's recommendations. It is also noted that these matters are outside the scope of the MOLA Bill to implement certain Government policy commitments.
11	**Juanita Halden**	92, 93	MOLA Bill - General	Recommends that the Committee supports the passing of those clauses of the Bill which ensure that: • community objections rights are fully reinstated for all mining proposals; and • the full list of criteria for consideration for the grant of mining leases are fully reinstated for the Land Court, as for the Minister, including the financial and technical capabilities of the proponent (for example clauses 92 and 93).	The Department notes Ms Halden's support of the proposed amendments to restore community objection rights and to restore the criteria to be considered prior to the grant of a mining lease.
		N/A	N/A	Stakeholder asks for the following to be considered: *Aboriginal Communities Act 1979* (WA), 'for example, there was provision made for the Act to apply to the defined communities of the Bidyadanga Aboriginal Community La Grange Incorporated and the Bardi Aborigines Association. Section 7 of the Act also provided that the Council of these communities could make by-laws for a range of purposes, including the prohibition and regulation of persons, vehicles and animals onto community lands, the protection of the grounds of the community lands'.	The Department notes Ms Halden's comments regarding the *Aboriginal Communities Act 1979* (WA). However, the matter raised is outside the scope of the MOLA Bill to implement certain government commitments.
		N/A	*Mineral and Energy Resources (Common Provisions) Act 2014* – Section 260	**Remove of the coordination of public notification periods which limit opportunities to provide submissions – repeal section 260 *Mineral and***	The Department notes Ms Halden's concerns regarding section 260 of *the Mineral and Energy (Common Provisions) Act 2014* (MERCP Act). It is also noted that matter raised is outside the scope of the MOLA Bill to implement certain government commitments.

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			Coordination of public notification periods (section 260 MERCP Act)	***Energy Resources (Common Provisions) Act 2014***: Stakeholder does not support the efforts to coordinate public notification into one period for the mining lease, environmental authority and Environmental Impact Statement (EIS). This means that submitters have only one specific timeframe in which to provide their comment – removing any back up that they might otherwise have had should they not be able to provide a submission in time during the public notification on either the application for the mining lease, the EIS or the draft environmental authority, as was previously available. Many community members are used to mining leases being notified after the EIS has been finalised.	Section 260 of the MERCP Act will, when commenced, amend section 150 of the *Environmental Protection Act 1994* (EP Act) to remove the requirement for the public notification of an EA where an EIS under the *State Development and Public Works Organisation Act 1971* (SDPWO Act) has been completed, subject to certain circumstances. This amendment is consistent with the current notification arrangements where an EIS is prepared under the EP Act. It is also important to note that section 115 of the *Environmental Protection and Other Legislation Act 2014* (EPOL Act) will, once commenced, make further amendments to section 150 of the EP Act. This amendment will commence immediately after the amendments contained in section 260 of the MERCP Act commence, replacing the amendments made by section 260.
		N/A	*Mineral and Energy Resources (Common Provisions) Act 2014* – Section 45 Opt-out agreements	**Remove landholders' 'right to elect to opt out' of rights – repeal section 45 *Mineral and Energy Resources (Common Provisions) Act 2014*:** Opt out agreements open up the possibility for landholders to be bullied into giving up their right to obtain a Conduct and Compensation Agreement. This in turn would mean the landholder has no recourse to the Land Court if there is a material change to the activity. There is little benefit provided to landholders through this provision, and substantial risk. This section should be repealed.	The Department notes Ms Halden's concerns regarding a landholder's right to elect to enter into an opt-out agreement with a resource authority holder. It is also noted that matter raised is outside the scope of the MOLA Bill to implement certain government commitments. Opt-out agreements were a recommendation of Land Access Implementation Committee, which included members of the agricultural sector. Section 45 of the *Mineral and Energy Resources (Common Provisions) Act 2014* is designed to implement a right which would enable a land owner or occupier, at their complete discretion, to elect enter into an opt-out agreement with a resource authority holder. A landholder cannot be forced to enter an agreement against their will. If a landholder does not believe that an opt-out agreement is suitable in their circumstances, they are under no obligation to sign an opt-out agreement, and have the right to instead negotiate a conduct and compensation agreement or a deferral agreement.
		7	Amendment of S 68 (What is restricted land)	**Prescribed distances for restricted land should be increased – amend clause 7 of the Bill:** While stakeholder supports the insertion of prescribed distances within which certain resource related activities cannot occur, the proposed restricted distances are inadequate to truly protect landholders from the significant impacts of mining activities.	The Department notes Ms Halden's concerns regarding the restricted land distances to be prescribed in the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act), as amended by the MOLA Bill. The distances for the new restricted land framework are based on the existing restricted land distances under the *Mineral Resources Act 1989* (MRA) and *Geothermal Energy Act 2010* (GE Act). The restricted land distances included in the MOLA Bill were also the subject of a Regulatory Impact Statement (RIS). Both the consultation and decision RIS proposed the restricted land distances of 200 metres and 50 metres be included in the MOLA Bill. Restricted land distances are designed to provide the owner and occupier of restricted land certainty and the right to refuse to consent to a resource authority holder entering into restricted land areas. It is important to note that the restricted land areas or distances are not intended to be the only tools to manage the impact of resource activities on landholders, and that the restricted land distances do not mean that authorised activities will necessarily occur up to 50 metres from a stockyard or 200 metres from a permanent residence. All resource activities are regulated under the *Environmental Protection Act 1994*, which imposes conditions on resource authority holders to mitigate environmental impacts, such as noise, light and dust. Under the conditions of an Environmental Authority, activities authorised by a resource authority may require authorised activities take place at greater distances from buildings, infrastructure and areas which attract restricted land protections than the prescribed restricted land distances. Additionally, under the land access framework, landholders and resource companies must negotiate a conduct and compensation agreement (CCA) prior to entering land to conduct advanced activities. This process provides an opportunity for negotiating mutually beneficial arrangements between the parties which could include for example, the location of resource activities, the potential for relocation of impacted infrastructure or other arrangements.
12	**Darling Downs Environment Council Inc.**	N/A	MOLA Bill - General	Stakeholder supports the policy objective of the amendments in relation to delivering the government's commitment to reinstate public notification and community objection rights by repealing yet to commence changes to the *Environmental Protection Act 1994* (EP Act) and the *Mineral Resources Act 1989* (MRA) contained in the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act).	The Department notes Darling Downs Environment Council Inc's support of the proposed amendments to restore community notification and objection rights.
		89	Replacement of s 436 (Replacement of ss 252-252D) 252A Giving and publication of mining lease notice and other information	Stakeholder supports the amendments requiring mining lease applications under the *Mineral Resource Act 1989* (MRA) to be publicly notified via a newspaper notice.	The Department notes Darling Downs Environment Council Inc's support of the proposed amendments to restore the requirement for mining lease applications to be publicly notified via a newspaper notice.
		N/A	Coordination of public notification periods	Stakeholder does not support consolidating public notification into one period for the mining lease (ML), environmental authority (EA) and Environmental Impact Statement (EIS). Stakeholder believes this does not recognise that objections are often lodged in the first instance by community members with no previous exposure to the planning, environment and mining legal regimes. Such community objectors and regional Environment groups do need time to formulate and frame objections that are properly made. They usually need to source advice and discuss the merits, prospects of success and formal requirements to lodge a properly made objection. It will be difficult if not	The Department notes Darling Downs Environment Council Inc's concerns regarding the consolidation of public notification periods Section 260 of the MERCP Act will, when commenced, amends section 150 of the *Environmental Protection Act 1994* (EP Act) to remove the requirement for the public notification of an EA where an EIS under the *State Development and Public Works Organisation Act 1971* (SDPWO Act) has been completed, subject to certain circumstances. This amendment is consistent with the current notification arrangements where an EIS is prepared under the EP Act. It is also important to note that section 115 of the *Environmental Protection and Other Legislation Act 2014* (EPOL Act) will, once commenced, make further amendments to section 150 of the EP Act. This amendment will commence immediately after the amendments contained in section 260 of the

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				impossible, in our experience for such individuals and legitimately interested organisations to simultaneously research, collate and properly make ML and EA applications. It will disadvantage all parties and the State if all issues are not properly explored.	MERCP Act commence, replacing the amendments made by section 260. The provisions that relate to the notification of a ML application and an EA application are being amended to restore the status quo meaning that standard and variation applications for EAs under the EP Act that relate to mining leases will require notification (unless the subject of an EIS). Section 150 of the EP Act requires that the notification periods of the EA application and the MLA occur simultaneously. This is an existing requirement and not a new requirement introduced by the MOLA Bill or the MERCP Act.
		7	Amendment of s 68 (What is restricted land)	Broadly supports the introduction of prescribed distances from mining activity for bores. Does not believe it is sufficient to ultimately protect landholder interests or agricultural values. Strong consideration should be given to legislatively excise farmland from mining in Queensland as it appears we have adequate reserves of minerals across the state but extremely limited supplies of good quality agricultural land.	The Department notes Darling Downs Environment Council Inc's comments regarding the restricted land distances. In Queensland, the impact of resource activities on agricultural land is regulated under the *Regional Planning Interests Act 2014*.
13	**Environmental Defenders Office of Northern Queensland**	90	Omission of s 438 (Replacement of s 260 (Objection to application for grant of mining lease))	Stakeholder welcomes the amendments to the legislation. That is, the removal of section 438 of the *Mineral Resources Act 1989* by clause 90 of the Bill which reinstates the rights of community groups to object to mining applications.	The Department notes Environmental Defenders Office (NQ)'s support for the proposed amendment to restore community objection rights.
		7, 8	Amendment of s 68 (What is restricted alnd) Amendment of s 69 (Who is a relevant owner or occupier)	Stakeholder welcomes changes to extend the restricted land framework to include principal stockyards, bores, artesian wells, dams and artificial water storages connect to a water supply with a protection zone of 50 metres. Stakeholder also welcomes changes to repeal the provisions in the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) that would allow the grant of a mining lease over restricted land without requiring landholder consent and that sought to establish a ministerial power to extinguish restricted land on mining leases where coexistence is not possible.	The Department notes Environmental Defenders Office (NQ)'s support for amendments to include key agricultural infrastructure within the definition of restricted land, to restore the requirement to have landholder consent prior to granting a mining lease over restricted land and to repeal the ministerial power to extinguish restricted land on mining leases.
		7	Amendment of S 68 (What is restricted land)	The proposed definition of 'restricted land' as totally inadequate. The proposed 50 metre buffer to house yard and land under cultivation; cemeteries or burial grounds; water supply points; and substantial improvements on land are ludicrous when they could abut an open cut mine void hundreds of metres deep. Stakeholder believes that the Bill has proposed these buffer distances in an arbitrary fashion with no scientific basis.	The Department notes the Environmental Defenders Office (NQ) concerns regarding the restricted land distances. The distances for the new restricted land framework are based on the existing restricted land distances under the *Mineral Resources Act 1989* (MRA) and *Geothermal Energy Act 2010* (GE Act). The restricted land distances included in the MOLA Bill were also the subject of a Regulatory Impact Statement (RIS). Both the consultation and decision RIS proposed the restricted land distances of 200 metres and 50 metres be included in the MOLA Bill. Restricted land distances are designed to provide the owner and occupier of restricted land certainty and the right to refuse to consent to a resource authority holder entering into restricted land areas. It is important to note that the restricted land areas or distances are not intended to be the only tools to manage the impact of resource activities on landholders, and that the restricted land distances do not mean that authorised activities will necessarily occur up to 50 metres from a stockyard or 200 metres from a permanent residence. All resource activities are regulated under the *Environmental Protection Act 1994*, which imposes conditions on resource authority holders to mitigate environmental impacts, such as noise, light and dust. Under the conditions of an Environmental Authority, activities authorised by a resource authority may require authorised activities take place at greater distances from buildings, infrastructure and areas which attract restricted land protections than the prescribed restricted land distances. Additionally, under the land access framework, landholders and resource companies must negotiate a conduct and compensation agreement (CCA) prior to entering land to conduct advanced activities. This process provides an opportunity for negotiating mutually beneficial arrangements between the parties which could include for example, the location of resource activities, the potential for relocation of impacted infrastructure or other arrangements.
		N/A	Definition of 'owner'	In relation to the definition of 'owner', the stakeholder is concerned that not all relevant interests in land are recognised in the Bill. To this end, stakeholder proposes that cultural heritage and native title interests in land are recognised, as these interests are also capable of being effected by mining activities. This concern is also addressed in clause 4 of the draft Bill (attached to the stakeholder's submission) in a proposed broader definition of 'owner'.	The Department notes the Environmental Defenders Office (NQ) concerns. The Commonwealth *Native Title Act 1993* provides for the interests of native title claimants, requiring that they be notified when an application is made over relevant land. This requirement will not be affected by the consolidation of the resources legislation into a single Act. Additionally the Queensland *Aboriginal Cultural Heritage Act 2003* provides for the protection of aboriginal heritage and cultural practices.
14	**Mackay Conservation Group**	N/A	MOLA General	Recommends that the Committee supports the passing of those clauses of the Bill which ensure that: • community objections rights are fully reinstated for all mining proposals; and • the full list of criteria for consideration for the grant of mining leases are fully reinstated for the Land Court, as for the Minister, including the financial and technical capabilities of the proponent (for example clauses 92 and 93).	The Department notes Mackay Conservation Group's support of the proposed amendments.

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		N/A	Coordination of public notification periods Possibly referring to section 260 *Mineral and Energy Resources (Common Provisions) Act 2014*	**Remove coordination of public notification periods which limit opportunities to provide submissions – repeal section 260 of the *Mineral and Energy Resources (Common Provisions) Act 2014*** Stakeholder does not support the efforts to coordinate public notification into one period for the mining lease, environmental authority and Environmental Impact Statement (EIS). This means that parties wanting to object would only have one specific timeframe in which to provide their comment – removing any back up that they might otherwise have had should they not be able to provide a submission in time during the public notification on either the application for the mining lease, the EIS or the draft environmental authority, as was previously available. Many community members are used to mining leases being notified after the EIS has been finalised.	The Department notes Mackay Conservation Groups concerns regarding section 260 of *the Mineral and Energy (Common Provisions) Act 2014* (MERCP Act). Section 260 of the MERCP Act will, when commenced, amends section 150 of the *Environmental Protection Act 1994* (EP Act) to remove the requirement for the public notification of an EA where an EIS under the *State Development and Public Works Organisation Act 1971* (SDPWO Act) has been completed, subject to certain circumstances. This amendment is consistent with the current notification arrangements where an EIS is prepared under the EP Act. It is also important to note that section 115 of the *Environmental Protection and Other Legislation Act 2014* (EPOL Act) will, once commenced, make further amendments to section 150 of the EP Act. This amendment will commence immediately after the amendments contained in section 260 of the MERCP Act commence, replacing the amendments made by section 260.
		N/A	*Mineral and Energy Resources (Common Provisions) Act 2014* – Section 45 Opt- out agreements	**Remove landholders' 'right to elect to opt out' of rights – repeal section 45 of the *Mineral and Energy Resources (Common Provisions) Act 2014*** Opt out agreements open up the possibility for landholders to be bullied into giving up their right to obtain a Conduct and Compensation Agreement. This in turn would mean the landholder has no recourse to the Land Court if there is a material change to the activity. There is little benefit provided to landholders through this provision, and substantial risk. This section should be repealed.	The Department notes Mackay Conservation Group's concerns regarding a landholder's right to elect to enter into an opt-out agreement with a resource authority holder. Opt-out agreements were a recommendation of a recent independent land access review panel, including members of the agricultural sector. Section 45 of the *Mineral and Energy Resources (Common Provisions) Act 2014* is designed to implement a right which would enable a land owner or occupier, at their complete discretion, to elect enter into an opt-out agreement with a resource authority holder. A landholder cannot be forced to enter an agreement against their will. If a landholder does not believe that an opt-out agreement is suitable in their circumstances, they are under no obligation to sign an opt-out agreement, and have the right to instead negotiate a conduct and compensation agreement or a deferral agreement.
		7	Amendment of S 68 (What is restricted land)	**Prescribed distances for restricted land should be increased – amend clause 7 of the Bill** While we support the insertion of prescribed distances within which certain resource related activities cannot occur, the proposed restricted distances are inadequate to truly protect landholders from the significant impacts of mining activities.	The Department notes Mackay Conservation Group's concerns regarding the restricted land distances to be prescribed in the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act), as amended by the MOLA Bill. The distances for the new restricted land framework are based on the existing restricted land distances under the *Mineral Resources Act 1989* (MRA) and *Geothermal Energy Act 2010* (GE Act). The restricted land distances included in the MOLA Bill were also the subject of a Regulatory Impact Statement (RIS). Both the consultation and decision RIS proposed the restricted land distances of 200 metres and 50 metres be included in the MOLA Bill. Restricted land distances are designed to provide the owner and occupier of restricted land certainty and the right to refuse to consent to a resource authority holder entering into restricted land areas. It is important to note that the restricted land areas or distances are not intended to be the only tools to manage the impact of resource activities on landholders, and that the restricted land distances do not mean that authorised activities will necessarily occur up to 50 metres from a stockyard or 200 metres from a permanent residence. All resource activities are regulated under the *Environmental Protection Act 1994*, which imposes conditions on resource authority holders to mitigate environmental impacts, such as noise, light and dust. Under the conditions of an Environmental Authority, activities authorised by a resource authority may require authorised activities take place at greater distances from buildings, infrastructure and areas which attract restricted land protections than the prescribed restricted land distances. Additionally, under the land access framework, landholders and resource companies must negotiate a conduct and compensation agreement (CCA) prior to entering land to conduct advanced activities. This process provides an opportunity for negotiating mutually beneficial arrangements between the parties which could include for example, the location of resource activities, the potential for relocation of impacted infrastructure or other arrangements.
15	**Queensland Farmers' Federation**	7	Amendment of S 68 (What is restricted land)	Stakeholder welcomes the State Government's move to reinstate landholder rights to protect selected farm infrastructure from mining and petroleum activities. The changes to the 'restricted land' framework will give landholders the right to oppose resource activities close to agricultural infrastructure such as stockyards and particular water supply operations, and fulfills an election commitment by restoring safeguards for selected agricultural infrastructure from mining and petroleum operations. Stakeholder believes that it is essential that agricultural industries and those working within them are afforded the same rights to protect their homes and business assets (including all infrastructure) from resource activities; as other members of the community already possess.	The Department notes the Queensland Farmers' Federation's support of changes to the restricted land framework.
		7	Amendment of S 68 (What is restricted land) Restricted land and areas used for the purpose of aquaculture, intensive animal	**Areas used for the purpose of aquaculture, intensive animal feedlotting, pig keeping or poultry farming within the meaning provided under the Environmental Protection Regulation 2008, Schedule 2, Part 1 (Environmentally Relevant Activities 1-4)**	The Department notes the Queensland Farmers' Federation's comments. The amendment of section 68 by clause 7 of the MOLA Bill does not change the intent of this subsection. The application remains as initially drafted under the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act).

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			feedlotting, pig keeping or poultry farming	The regulatory definitions (as defined under the Environmentally Relevant Activity (ERA) framework) are limited to facilities which have the potential to negatively impact the environment, as opposed to critical farming activities and related infrastructure which may be impacted by incompatible or unsympathetic land uses. As such, the use of these ERAs omits other critical infrastructure, which requires the same protections. For example, ERA 1 (Aquaculture), 2 (Intensive Animal Feedlotting), 3 (Pig Keeping) and 4 (Poultry Farming) as defined in the Environmental Protection Regulation 2008, are considered ERAs due to the risk of release of contaminants in to the environment when the activities are carried out. The minimum 'pig keeping' threshold is 400; minimum sheep threshold (intensive farming) is 1,000; and cattle is a minimum of 150. The definition of 'birds' within ERA 4 (Poultry Farming) omits emu and ostrich farms. By limiting the definition of agricultural infrastructure or agricultural businesses to these four single ERAs, smaller farms (aquaculture, piggeries and poultry farming) and other farm infrastructure (not classed as a 'business' within the legislation) are excluded from these protections.	The Environmentally Relevant Activities under the Environmental Protection Regulation provide thresholds for the types of activities that are regulated under the environmental protection framework. These types of activities are specifically being included in the restricted land framework to recognise the significance of these activities and that they should have a higher level of protection. The adoption of these thresholds under the MERCP Act seeks to strike a balance between these intensive animal husbandry and aquaculture activities and resource activities by including them as restricted land. Aquaculture and animal husbandry activities that fall short of the 'intensive' threshold will still be afforded the protections under the conduct and compensation agreement (CCA) framework that currently applies.
		7	Amendment of S 68 (What is restricted land)	The proposed definitions of restricted land (section 68 of the *Mineral and Energy Resources (Common Provisions) Act 2014* to be amended by clause 7 of the Bill) have omitted critical agricultural infrastructure and assets, including, but not limited to: • critical water infrastructure including irrigation channels and drainage (head ditches and tail drains); • other on-farm management infrastructure for controlling surface water flows including contour banks, graded banks, levees and land which has been subject to 'laser levelling'; • energy generation infrastructure including but not limited to diesel powered pumps, wind turbines and solar power and hot water installations. With new technologies, eco-efficiency tools and material-productivity drivers being increasingly utilised across the agri-sectors, the dictionary definitions of building and business alone do not offer the required protections for all agri-sectors now or into the future. Additionally, other agri-industries have deliberately moved away from permanent buildings to mobile infrastructure due to the nature of their production. Additional dispensation for various activities is required within the regulation to ensure that the intent of the regulation is extended to these businesses and their critical infrastructure, eliminating any unintended consequences.	The Department notes the Queensland Farmers' Federation's concerns about other critical agricultural infrastructure and assets not being included in the definition of restricted land. The purpose of the MOLA Bill is to implement certain Government commitments such as including artesian wells, bores, dams or water storage facilities and principal stockyards as restricted land with a protection zone of 50 metres. This type of agricultural infrastructure and associated protection zone is consistent with that presently provided for under the *Mineral Resources Act 1989*. The inclusion of additional farm infrastructure is outside the scope of this Bill. The conduct and compensation agreement framework provides a mechanism to manage potential impacts on these infrastructure types.
		7	Amendment of S 68 (What is restricted land)	Stakeholder welcomes the provisions and policy intent in section 68(1)(a) which provides that where the resource authority is an exploration resource authority or a production resource authority, land within 200 metres of a permanent building used for particular purposes, or within 200 metres of an area used for particular purposes, is 'restricted land'. Additionally, section 68(1)(b) includes land within 50 metres of an artesian well, bore, dam or water storage facility or a principal stockyard. Stakeholder understands that these provisions within the Bill do now provide landholders with a 'no-go' area around their restricted land use where they have not provided written consent. Stakeholder also acknowledges that these restrictions now apply to the gas industry for the first time. The 50 metre 'restricted land' determination for critical water assets (wells, bores, dams etc.) are significantly lower than those protections specified under 'Petroleum Exploration Standard Conditions' (see PESCC 9 and PESCC 35 for example), now utilized by the Department of Environment and Heritage on newer Environmental Authorities for petroleum activities4. QFF is unaware if these protections (specifically the PESCC criteria) are included in the conditions of older Environmental Authorities, in particular, those pertaining to mining activities. As such, QFF suggests increasing the buffers specified (in the Bill) to protect critical water assets.	The Department notes Queensland Farmers' Federation's concerns regarding the restricted land distances to be prescribed in the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act), as amended by the MOLA Bill. The distances for the new restricted land framework are based on the existing restricted land distances under the *Mineral Resources Act 1989* (MRA) and *Geothermal Energy Act 2010* (GE Act). The restricted land distances included in the MOLA Bill were also the subject of a Regulatory Impact Statement (RIS). Both the consultation and decision RIS proposed the restricted land distances of 200 metres and 50 metres be included in the MOLA Bill. Restricted land distances are designed to provide the owner and occupier of restricted land certainty and the right to refuse to consent to a resource authority holder entering into restricted land areas. It is important to note that the restricted land areas or distances are not intended to be the only tools to manage the impact of resource activities on landholders, and that the restricted land distances do not mean that authorised activities will necessarily occur up to 50 metres from a stockyard or 200 metres from a permanent residence. All resource activities are regulated under the *Environmental Protection Act 1994*, which imposes conditions on resource authority holders to mitigate environmental impacts, such as noise, light and dust. Under the conditions of an Environmental Authority, activities authorised by a resource authority may require authorised activities take place at greater distances from buildings, infrastructure and areas which attract restricted land protections than the prescribed restricted land distances. Additionally, under the land access framework, landholders and resource companies must negotiate a conduct and compensation agreement (CCA) prior to entering land to conduct advanced activities. This process provides an opportunity for negotiating mutually beneficial arrangements between the parties which could include for example, the location of resource activities, the potential for relocation of impacted infrastructure or other arrangements. The Eligibility Criteria and Standard Conditions for Petroleum Exploration Activities are an additional mechanism designed to manage the impact of

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					resource activities on landholders. The operating standards for the carrying out of petroleum activities (e.g. PESCC 35 and PESCC9) are constraints set under a standard or variation environmental authority (EA) application (and where necessary or desirable, on an EA for a site specific application) which ensure environmental risks associated with the resource activity are managed. The eligibility criteria are additional to the restricted land distances inserted into the MERCP Act by the MOLA Bill.
		7	Amendment of S 68 (What is restricted land)	Stakeholder asks the Committee to seek clarification around the definition of 'permanent building' with regards to the definition of 'restricted land' within the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act). Farmers and farm enterprises which rely on non-resident workers have invested in accommodation buildings which meet the requirements of the various Industry Awards and, in many cases, exceed the minimum specified requirements in order to attract and retain skilled personnel. Accommodation and infrastructure for non-resident workers must have the same protections as those for resident workers. As such, the stakeholder requests the deletion of the definition for 'residence' (under s.68, MERCP Act 2014 – specifically the exclusion for accommodation for non-resident workers) as this section adds uncertainty and is unnecessary, given the use of the term 'permanent building' as a criteria of a 'residence'. The stakeholder rejects the Department of Natural Resources and Mines concern that this clause is necessary to prevent the temporary location of non-resident accommodations for the purposes of deliberately creating 'restricted land'.	The Department notes the Queensland Farmers' Federation's comments. The Department acknowledges that the note attached to the definition of residence is somewhat superfluous in the context of the amendments giving effect to the Government's commitments. The Department will investigate potential amendments to clarify this matter.
16	**Australian Petroleum Production & Exploration Association Limited (APPEA)**	31, 53	Overlapping tenure provisions	Stakeholder has conducted extensive consultation with the industry during the development of these provisions. In respect to the final MOLA Bill, the stakeholder seeks a review of the following drafting issues: • Clause 31 of the MOLA Bill to include amendment to section 130 (2)(c) of the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) by deleting petroleum resource authority holder and replace this with Petroleum Lease holder for consistency of the preceding changes. • Clause 53 amendments are supported by the stakeholder however, the stakeholder recommends that a further amendment should be made to allow arbitration of disputes about the existence of an entitlement to compensation.	The Department notes APPEA's comments. Regarding clause 31: the Department will discuss these concerns further with APPEA. With regard to clause 53: The Department notes APPEA's concerns. As a result of previous feedback from stakeholders during the development of the MOLA Bill, amendments to these provisions were included in the MOLA Bill to clarify entitlement to compensation. Entitlement to compensation is clearly set out under sections 167 and 168 of the *Mineral and Energy Resources (Common Provisions) Act* (MERCP Act). Entitlement to compensation occurs when a 'compensation liability' is incurred. The legislation aligns with the industry-developed White Paper and outcomes of further industry negotiations about compensation. Entitlement to compensation was not one of the six matters set out in the White Paper that may be decided by arbitration. The Department views that allowing disputes concerning entitlement to compensation to be referred to arbitration constitutes a significant policy change from that agreed in the White Paper and expansion of the scope of arbitration. The Department believes that the triggers for compensation in the legislation are sufficient and clear and no further amendments are necessary at this point in time.
		7	Amendment of S 68 (What is restricted land)	**Required amendments to restricted land provisions:** **1.** Clarify what defines a permanent building that triggers restricted land under section 68 of the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act). 2. Require the owner or occupier of restricted land to have a registered lease, or right as marked on title, to occupy a primary dwelling (clause 8 of the MOLA Bill). This creates certainty regarding the status of a dwelling. 3. Define the date of commencement of the 30 day timeframe for the installation of underground pipelines or cables under section 67 (b)(i) of the MERCP Act. 4. Include exemptions for temporary ponds, access tracks, vents and drains at section 67 (b) of the MERCP Act. It remains unclear if some of these activities may fall within a broad interpretation of the phrases 'operation, maintenance or decommissioning of an underground pipeline or cable'. 5. Extend restricted land definitions for all resource authorities (including exploration) for buildings started before the resource authority application was made. This will create greater certainty for exploration companies whose activities are of less impact to landholders properties for shorter periods than production operations. The act of amending this section will allow for the restricted land provisions to be revised upon reapplication for a production lease which provides surety for landholders at the time a development lease is applied for. To enable this the following amendments to section 68 (2) should be as follows:	The Department notes Australian Petroleum Production and Exploration Association Limited's comments and suggested amendments to the restricted land framework. 1. Establishing a definition for a permanent building that creates restricted land is not supported by the Department. In the absence of a definition, the ordinary meaning of the terms would apply. 2. The Department notes APPEA's comments in relation to the requirement for a right to occupy a dwelling to be noted on title. Occupiers have been included in the restricted land framework as it is not uncommon for houses located on large properties that are owned by another member of the family to be used as the primary residence without formal arrangements. Other occupiers would include tenants renting a house or a lessee of a business premises. Any occupiers that have a right to occupy a dwelling should be readily identifiable in consultation with the owner. 3. In relation to when the commencement of the 30 day timeframe commences, clause 6 of the MOLA Bill provides that the 30 day period applies when construction/installation commences. 4. In relation to extending the exemption for restricted land to include temporary ponds, access tracks, vents and drains. As per the Explanatory Notes for the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act), the exemption for underground cables and pipelines does not include ancillary surface infrastructure such as vents or drains. The intent of exempting the installation of pipelines which would be constructed within 30 days is because the expected impact on the owner or occupier will be minimal in terms of disturbance and time period. Allowing some of these activities suggested by the submitter within restricted land without landholder consent could result in landholders facing ongoing surface impacts and would lessen their certainty for activities within these areas. 5. In relation to the timing of the creation of restricted land, the grant of a production resource authority was set as the point in time when restricted land applies to achieve some compromise between the existing frameworks this policy is intended to rationalise and to balance the interests of landholders with the proposed resource activity. To 'freeze' the creation of restricted at the time of exploration would place an unreasonable restriction on the ability of the owner of land to undertake improvements without substantial risk. 6. In relation to a statutory process for Land Court proceedings regarding determinations of restricted land, it may not be practical to prescribe timeframes as a disagreement could arise at any time. In the majority of cases resource companies and landholders will be able to agree on the

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				○ However, despite subsection (1)(a), land is only restricted land for a ~~production~~ resource authority if the use of the area, building or structure mentioned in the subsection started before the application for the resource authority was made. 6. Include a statutory process for Land Court proceedings regarding restricted land declarations similar to the statutory negotiation process for conduct and compensation agreements at clause 11 of the MOLA Bill.	application of restricted land to particular infrastructure. In the cases where agreement cannot be reached, the Land Court has been afforded jurisdiction to determine whether restricted land has been created.
17	**Powerlink**	N/A	MOLA Bill - General	Submitter overall, supports the provisions of the MOLA Bill which repeal yet to commence provisions within the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) which limit notification and objection rights for mining projects and which would have allowed a mining lease to be granted over restricted land where landholder consent has not be given and/or compensation has not been agreed.	The Department notes Powerlink's support of the proposed amendments to restore community notification and objection rights for mining projects.
		7	Amendment of s68 (What is restricted land)	Submitter supports the proposed amendments to the MOLA Bill in relation to the definition of restricted land and notes that Powerlink's substation sites would be protected under the definition as "land within 200 metres of a permanent building use for a business". Powerlink submits that it would be appropriate and would align with the SPP for Powerlink's transmission line corridors containing power line structures, poles and conductors to be recognised as 'restricted land'. Most of Powerlink's infrastructure is located on easements within land not owned by the stakeholder. Submitter stated that if mining operations proceed in close proximity to electricity assets without proper co-use arrangements in place, this infrastructure can be at risk of failure (e.g. from subsidence, dust, vibration, etc) resulting in major electricity supply interruptions and costs for both the State and Powerlink.	The Department notes Powerlink's concerns regarding the definition of restricted land. The land access framework maintains the status quo for this infrastructure. Any inclusion of electricity infrastructure such as power lines as restricted land could significantly restrict resource activities. It is also noted that there are restrictions and penalties already in place under the Electricity Act 1994 and associated regulations for proposed works near electricity infrastructure.
		89	Replacement of s436 (Replacement of ss252-252D)	While the submitter supports the restoration of public notification and community objection rights, they do not support the proposed changes to the *Mineral Resources Act 1989* s252A – Giving and publication of mining lease notice and other information. Proposed amendments to this section, remove the requirement for infrastructure providers such as Powerlink to be directly notified of mining lease applications. Whilst the requirement to publicly notify via newspaper advertisement is supported, Powerlink submit that the requirement to directly notify an infrastructure provider of a mining lease application be retained.	The Department notes Powerlink's support for the restoration of public notification and community objection rights and their concerns relating to the proposed amendments. The Government's commitment to restore notification requirements has resulted in the removal of the amendment contained in the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) which required an applicant for a mining lease to give documents to an entity that provides infrastructure within the area of the mining lease. This is because in ensuring that the status quo for notification is retained, the MERCP Act is proposed to be amended to reinstate the intent of the existing provisions in the *Mineral Resources Act 1989*. These provisions do not provide for infrastructure holders to be directly notified by the mining lease applicant. The Department will discuss this matter further with Powerlink and the Department of Energy and Water Supply. .
18	**Queensland Resources Council**	N/A	Estimated cost for government implementation	Stakeholder contends that the statement 'no costs to government are currently envisaged for the proposed changes to the MERCP Act' is an over-simplification as there will be direct costs associated with the time and effort of consultation as well as the policy work that have gone into the development of both the MOLA Bill and *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act). QRC also argues that the changes in the MOLA Bill will increase the role of the Department in compliance and reporting and suggests the cost should not be assumed away in an explanatory note. Submitter believes that a regulatory impact statement would have required a proper quantification of these implementation and delivery costs and in a format which allowed informed consultation on the proposed changes.	The Department notes Queensland Resources Council's comments. It is important to note that the MOLA Bill largely maintains the status quo by repealing some provisions in the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) which are yet to commence. The Department is of the view that there is no significant cost to Government to implement the changes proposed by the MOLA Bill as the Department will continue to have a role in assessment, compliance and reporting which would already be accommodated for within existing budget allocations.
		N/A	Consistency with fundamental legislative principles	Submitter agrees that in relation to the regulatory framework for entering land to identify mine boundaries without a mining tenement, that delegating these powers to the chief executive does pay sufficient regard to the institution of Parliament because there is a show-cause and appeal process that tempers the application of this delegated responsibility. QRC also agrees that in relation to an immunity from prosecution, a prescribed arbitration institute does not incur a civil monetary liability for nominating an arbitrator under the MOLA Bill.	The Department notes Queensland Resources Council's comments.

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		N/A	Consultation	Time allowed for consultation was very brief and far from adequate. Similarly, QRC suggests that the need for many of the amendments made in the MOLA Bill relate to major deficiencies in the consultation around the development of the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act), which were very rushed and poorly explained to stakeholders. The result was that many stakeholders raised what they saw as grave objections to the changes proposed in the MERCP Act based on their incomplete understanding of the broader context. In both cases, there is a risk that when Departments are placed under extreme time pressure that they rely too much on the public scrutiny of the Parliamentary Committee process as a substitute for a genuine process of engagement before the MOLA Bill is tabled in Parliament.	The Department notes Queensland Resources Council's comments. It is important to note that throughout the development of *the Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) there has been extensive consultation with stakeholders through the Regulatory Impact Statement assessment process for: - dealings, caveats and associated agreements; - small-scale alluvial mining; - restricted land; - mining lease notification and objections; and - access to public land. The purpose of the MOLA Bill is to implement the Government's commitments to: - restore public notification and community objection rights; - include key agricultural infrastructure as restricted land; - remove the power to grant a mining lease over land where landowner consent has not been given and compensation has not been agreed; and - repeal the Minister's power to extinguish restricted land. Targeted stakeholder consultation on the proposed changes to the MERCP Act by the MOLA Bill was initially held on 30 June 2015. Stakeholders included the peak bodies for agriculture and the resources sectors, environmental groups and native title bodies. At this presentation, a detailed overview of the proposed amendments and the drivers for change were provided to the stakeholders. They were also given a fact sheet outlining the changes as well as a copy of the presentation. On 3 February 2016, the Department held a second stakeholder forum with key stakeholder groups. A draft reprint of the MERCP Act was provided to each stakeholder that had been updated to reflect the changes proposed by the Bill. Officers from the Department talked stakeholders through the proposed amendments, providing stakeholders with the opportunity to raise questions and discuss issues with any of the proposed amendments. Stakeholders were then provided with the opportunity to provide written feedback on the Bill. The Department also held individual meetings with key stakeholder groups. This includes meetings with representatives from the Queensland Farmers Federation, AgForce, the Queensland Resources Council (QRC), the Australian Petroleum Production and Exploration Association (APPEA), the Association of Mining and Exploration Companies, and the Environmental Defenders Office (EDO). There has also been ongoing consultation with industry over several years in developing the overlapping tenure framework, in particular with key industry stakeholders, such as QRC and APPEA. On 22 January 2016, a copy of a consultation draft of the overlapping tenure legislation was provided to QRC and APPEA, along with targeted organisation. Departmental officers also met with these industry stakeholders on 27 January 2016 to discuss the draft overlapping legislation. Feedback received was considered by the Department, and amendments refined as necessary to ensure that the framework will operate effectively on commencement.
		89, 90	Replacement of s436 (Replacement of ss252-252D)	Submitter does not support the restoration of public notification and community objection rights. Stakeholder states there does not appear to be any logical reason why members of the public (such as Non-Government Organisations) should have a general right to have their objections to a mining tenement considered by the Land Court at all, given that members of the public do not have a corresponding right of appeal in relation to a wide range of other types of tenure decisions by the Queensland Government. QRC suggests that the more appropriate focus for such appeals is under the *Environmental Protection Act 1994* ('EP Act'). The right to lodge an objection against a mining tenement application and have it considered by the Land Court is currently completely unrestricted by the *Mineral Resources Act 1989* in relation to both the content of the objection and the standing of objectors, leaving the process open to strategic misuse. QRC contend that the strategic misuse of appeals are motivated by a desire to disrupt and delay the mining project as opposed to appeals with the aim of minimising impacts of the project (constructive appeals). Stakeholder notes that the Land Court rules have been amended to reduce delays in hearing matters. These changes enable the Court to make directions where a party, usually the objector, is being obstructive. Further the Land Court was given new powers to award costs. Both of these changes suggest that the Land Court has recent experiences of struggling to deal with frustrating or mischievous appeals.	The Department notes that the Queensland Resources Council does not support the proposed restoration of public notification and community objection rights for mining lease applications. The Government has given a commitment to restore public notification and community objection rights on broad grounds which is one of the primary objectives of the MOLA Bill. The matter of frivolous and vexatious appeals was discussed at length by the former Agriculture, Resources and Environment Committee when the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) was scrutinised. It should be noted that section 441 of the MERCP Act, when commenced, will insert a new section 267A in the *Mineral Resources Act 1989* (MRA). This section will enable the Land Court to strike out objections at any point in the objection process where those objections are determined by the Land Court to be frivolous, vexatious, outside the jurisdiction or an abuse of the process of the Land Court.
		87	Replacement of s 431 (Omission of s 238 (Mining lease over surface of restricted land))	Submitter does not support the repeal of provisions which would have allowed a mining lease to be granted over restricted land where landholder consent has not been given and compensation has not been agreed. QRC contends that this will add a substantial administrative burden to government, the mining lease applicant and landholder as there will be a requirement to apply for a mining lease for an additional surface area and potentially opens up the mining lease to further objections from parties other than the landowner (who has entered into an agreement with the applicant). Amendments introduced by the original *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) could be easily retained without impacting on	The Department notes that the Queensland Resources Council does not support the repeal of the ability for a mining lease to be granted over restricted land where landholder consent has not been given and compensation has not been agreed. However, the Government has given a commitment to repeal this provision. The Department is of the view that this will not add to the administrative burden, as this provision in the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) has yet to commence. Repeal of this provision maintains the status quo.

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				the rights of any landholder, as mining can still only occur on the restricted land with the agreement of the landholder. The MERCP Act amendment simply eliminated an unnecessary and cumbersome process for later inclusion of surface area rights if the landholder agreed to allow access to restricted land.	
		88	Replacement of s 434 (Replacement of s 245 (Application for grant of mining lease)) Ministerial power to extinguish restricted land.	Submitter does not support the repeal of the Ministerial power to extinguish restricted land for mining lease applications where coexistence is not possible on proposed mining sites.	The Department notes that the Queensland Resources Council does not support the repeal of the Ministerial power to extinguish restricted land. However, the Government has given a commitment to repeal this provision.
		7	Amendment of s68 (What is restricted land)	Submitter does support the inclusion of key agricultural infrastructure within the definition of restricted land and enshrine the distances for restricted land in the primary legislation.	The Department notes the Queensland Resources Council does not support the inclusion of key agricultural infrastructure within the definition of restricted land. However, the Government has given a commitment to protect this type of infrastructure under the restricted land framework.
		N/A	Support for amendments relating to overlapping tenure framework for coal and coal seam gas	QRC supports the following amendments: • amendments to align the mining commencement date concept in the legislation with the industry-developed White Paper; • amendments relating to the application of joint development plans (JDPs) to production tenure over production tenure relationships and the timeframe in which an agreed JDP is required to be in place; • amendments relating to exceptional circumstances; • amendments relating to information exchange; • amendments relating to arbitration processes; • minor operational amendments including expedited land access and the definition of mining safety legislation; and • transitional amendments including recognition of existing commercial arrangements and approved coordination arrangements, bringing all exploration tenure over exploration tenure overlaps into the system, and streamlining the legislation;	The Department notes QRC's support of specific provisions relating to overlapping tenures.
		45	Amendment of s 149 (Concurrent notice may be given by ATP holder)	QRC recommends further clarification is required specifying which party is responsible for supplying the joint development plan (JDP) to be agreed. QRC recommends further clarification to identify which provisions apply if a concurrent notice is not given but a petroleum lease (PL) application is made within 6 months after the advance notice is received. QRC also seeks clarification that amendment to section 149(2) relating to the content of the concurrent notice would only require the notice to state that the authority to prospect (ATP) holder intends to apply for a PL, including the overlapping area, within 6 months after receiving the advance notice.	The Department notes QRC's comment and considers that no further amendments are required for the provision to be effectively operational. In section 149, the extended definition of a mining lease (ML) (coal) holder in section 105 applies. That is, a ML (coal) holder includes, if the circumstances permit, an exploration permit (coal) holder or mineral development licence (coal) holder that has applied for a ML (coal) tenure. Section 149(4) requires the ATP holder to be treated as if the ATP was already a PL when the holder received the advance notice. Therefore, it is the ML (coal) holder's responsibility to provide the proposed JDP and agreed JDP. However, as section 149 does not apply until the ATP holder applies for a PL (and provides the ML (coal) holder a petroleum production notice), the timeframe in which the ML (coal) holder must have the agreed JDP in place has been amended to either 12 months after the ML (coal) receives the petroleum production notice, or 9 months after the appointment of the arbitrator if a dispute about a relevant matter is referred to arbitration under section 131. It is mandatory for an ATP holder intending to apply for a PL within 6 months of receiving an advance notice to give a concurrent notice to the coal resource authority holder. For an ATP to be treated as a PL under section 149 (i.e. have an 11 year notice period instead of 18 months), the following three triggers must be met: 1. ATP holder receives an advance notice from the ML (coal) holder; 2. ATP holder gives a concurrent notice to the ML (coal) holder within 3 months of receiving the advance notice; and 3. ATP holder applies for PL within 6 months of receiving the advance notice. The Department also confirms that QRC's interpretation of the amendment to section 149(2) is correct. The amendment was made to clarify the function of the concurrent notice.
		40	Amendment of s 142A (Petroleum production notice given more than 6 months after advance notice)	QRC recommends that further clarification is required to section 142A to specify: which party is responsible for providing the joint development plan (JDP) for agreement; when that JDP must be provided; and when the JDP must be agreed.	The Department notes QRC's comment and considers that no further amendments are required for the provision to be effectively operational. Section 142A has been amended to align with the changes in requirements to have a JDP in place to only apply when there is a production over production overlap. As the overlapping relationship in this scenario does not become production over production until the authority to prospect has progressed to a petroleum lease application, the petroleum resource authority holder is required to provide a proposed JDP with the petroleum production notice.

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					The requirement for an agreed JDP is provided for under section 142 and the petroleum resource authority holder must ensure the agreed JDP is in place within the timeframes set out in section 142(2) (i.e. within 12 months after the giving of the petroleum production notice, or within 9 months after the appointment of an arbitrator if a relevant matter is referred to arbitration under section 144).
		46	Amendment of s 150 (Requirements for holder of EP (coal) or MDL (coal) if concurrent PL application)	QRC recommends that further clarification is required to section 150 to specify when the joint development plan (JDP) must be provided by the mining lease (ML) (coal) holder.	The Department notes QRC's comment and considers that no further amendments are required. This section applies when an EPC or MDL (coal) holder receives a petroleum production notice from the overlapping authority to prospect (ATP) holder (i.e. the ATP holder has applied for a petroleum lease (PL)) and the exploration permit (coal) / mineral development licence (coal) holder subsequently applies for a mining lease (coal) in the period between the giving of the petroleum production notice and the grant of the PL. Therefore, the requirements for giving an advance notice under section 150 apply, as they do under chapter 4, part 2. This includes requiring a proposed JDP with the advance notice. This is because the extended meaning of a PL holder under section 106 applies to this scenario. This section provides that a 'PL holder' may be, if circumstances permit, an applicant for a PL.
		46	Amendment of s 150 (Requirements for holder of EP (coal) or MDL (coal) if concurrent PL application)	QRC recommends that additional provisions are required to deal with the giving of an advance notice in the circumstance when a mining lease (ML) (coal) application is made without any overlap but an overlap is subsequently created.	The Department notes QRC's comment and advises that such scenarios are already provided for in the legislation through adverse effects and information exchange. The Department views that no further amendment is required at this time.
		35, 44	Replacement of s 134 (Authorised activities allowed only if consistent with agreed joint development plan) Replacement of s 147 (Authorised activities allowed only if consistent with an agreed joint development plan)	QRC supports these amendments but strongly recommends further amendments are required to ensure that the core White Paper principle of 'right of way' is not frustrated by the inability to undertake authorised activities in the event that the later production lease is granted and there is either no agreed joint development plan (JDP) or the agreed JDP does not deal with an authorised activity.	The Department acknowledges that under sections 134 and 147 the latter production resource authority holder cannot undertake authorised activities in an overlapping area without an agreed JDP in place. The Department considers it reasonable to require an agreed JDP to be in place before a latter production resource authority holder can conduct authorised activities to ensure the main purposes of the chapter are being met i.e. facilitating the co-existence of the State's coal and coal seam gas industries. The Department notes there are alternative avenues, outside of the legislative provisions in chapter 4, through which parties may come to agreement on matters in a JDP that cannot be referred to arbitration. These include reference to the Courts or external arbitration or mediation processes. However, the balance of items required in a JDP that cannot be referred to arbitration are viewed by the Department to be matters that should be easily resolved between resource authority holders behaving reasonably in mature and co-operative relationships. The Department will monitor the operation of the framework after commencement for any issues that may arise.
		31	Amendment of s 130 (Requirement for agreed joint development plan)	QRC recommends that, for consistency, section 130(3)(d) should be amended to remove the word 'proposed'.	The Department notes QRC's comments and will discuss these concerns further with the QRC.
		14	Amendment of s 105 (What is an ML (coal) holder	QRC supports these amendments with a recommendation that additional wording is required to include an applicant for a mining lease (ML) (coal) which does not hold prerequisite tenure.	The Department notes QRC's comments and will discuss these concerns further with the QRC.
		20	Amendment of s 177 (Mandatory requirements for participants)	QRC does not support the amendment proposed by clause 20 to make part 5, excluding section 153, mandatory as it denies the parties the ability to negotiate a bespoke agreement in regard to adverse effects. QRC supports all the other amendments in clause 20.	The Department notes the feedback from QRC about making adverse effects mandatory. The Department considers it is appropriate for adverse effects to be mandatory as this reflects the intent set out in the industry-developed White Paper. Further, the Department views this provision as outcomes-based regulation where resource authority holders will be free to negotiate and conduct whatever activities they choose to, granted they don't adversely impact on the overlapping tenure. This does not preclude resource authority holders from negotiating a range of arrangements. The Department notes QRC's support of all other amendments in clause 20.
		52	Amendment of s 172 (Reconciliation payments and replacement gas)	QRC recommends that sections 170, 171 and 172 should be amended to not exclude the ability to supply natural gas to meet compensation liabilities for lost production (e.g. by deleting the words 'coal seam'). Otherwise QRC supports this amendment.	The Department notes QRC's comment about providing that the mining lease (coal) holder may meet compensation liability through giving natural gas (which would include coal seam gas) to the PL holder. The Department considers this would better achieve the intent set out in the industry-developed White Paper. The Department has already clarified with QRC that the intent of section 171 is correct and no further amendments are required. The Department will discuss the remaining concerns further with the QRC.
		52	Amendment of s 172 (Reconciliation payments and replacement gas)	QRC recommends that section 172(3)(b) should be amended so that the limit on reconciliation payments should be as in the industry-developed White Paper (i.e. "in respect of the lesser of the quantity of gas subsequently produced and the quantity of gas which was the subject of compensation").	The Department notes QRC's comments and will consider inclusion of limits for reconciliation payments in the Regulation.
		52	Amendment of s 172 (Reconciliation payments and replacement gas)	QRC recommends that sub-sections 172(2)(b) and (c) should require mutual agreement before the petroleum lease (PL) holder can give the mining lease (coal) holder replacement gas or a combination of replacement gas and reconciliation payment to meet the liability under section 172(2).	The Department views this to be a commercial matter that should be worked out between the parties and further legislative amendment is not required.
		53,	Replacement of s 174 (Availability of	QRC supports these amendments and recommends that further amendment	The Department notes QRC's concerns. As a result of previous feedback from stakeholders during the development of the MOLA Bill, amendments to

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		54	dispute resolution) Amendment of s 175 (Application of div 4)	should be made to allow arbitration of disputes about the existence of an entitlement to compensation.	these provisions were included in the MOLA Bill to clarify entitlement to compensation. Entitlement to compensation is clearly set out under sections 167 and 168 of the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act). Entitlement to compensation occurs when a 'compensation liability' is incurred. The legislation aligns with the industry-developed White Paper and outcomes of further industry negotiations about compensation. Entitlement to compensation was not one of the six matters set out in the White Paper that may be decided by arbitration. The Department views that allowing disputes concerning entitlement to compensation to be referred to arbitration constitutes a significant policy change from that agreed in the White Paper and expansion of the scope of arbitration. The Department believes that the triggers for compensation in the legislation are sufficient and clear and no further amendments are necessary at this point in time.
		62, 63	Amendment of s 232 (Coal resource authority granted over existing PL) Amendment of s 233 (Petroleum resource authority granted over existing ML (coal))	QRC recommends administrative amendments to sections 232 and 233 to ensure correct numbering of the sub-sections.	The Department notes QRC's comment and advises that the renumbering of these provisions will occur in a future reprint of the *Mineral and Energy Resources (Common Provisions) Act 2014*.
		64	233A Application for ML (coal) over land in area of existing ATP	QRC supports these amendments and recommends that further amendments should be made to remove the requirement that the relevant authority to prospect (ATP) application must be made after the mining lease (coal) application and that new provisions be included to deal with rolling mining areas (RMAs) in the same manner as the current provisions deal with initial mining areas.	The Department notes QRC's comment. The Department does not consider that further amendment is required to ensure the operability of this amendment, for the following reasons: • no such instances have been brought to the Department's attention as requiring transitioning to the new overlapping tenure framework where an authority to prospect (ATP) application was made over an exploration permit (coal) (ECP) / mineral development licence (MDL) (coal) and then the EPC / MDL (coal) holder lodged a mining lease (coal) application whilst the ATP application was still being considered; and • such instances would remain in the old regime and continue to be administered under the *Mineral Resources Act 1989* as there will be no specific provision to transition them into the new regime. The new sub-section 233A(2) provides the new overlap provisions (i.e. chapter 4 of the *Mineral and Energy Resources (Common Provisions) Act 2014*) applies to the circumstance, with some modifications to the operation of certain provisions set out in sub-section 233A(3) and (4). This would include the provisions in chapter 4 about rolling mining areas (RMAs). It is intended that the RMA provisions in chapter 4 will operate as normal in this scenario and no express provision is required in section 233A.
		N/A	*Mineral and Energy Resources (Common Provisions) Act 2014* New Incidental Coal Seam Gas Provisions	QRC recommends that section 408 of the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) should be amended to provide certainty that the holder of a mining lease (ML) (coal) granted before commencement and the holder of the overlapped petroleum resource authority do not need to opt-in to the new overlapping tenure framework in chapter 4 of the MERCP Act to meet the requirements for section 408 to apply.	The Department notes QRC's comment and considers that no further amendments are required for the provision to be effectively operational. It is the Department's view that the current drafting of section 408, which inserts section 826 into the *Mineral Resources Act 1989* (MRA), does not require a mining lease (ML) (coal) holder granted before commencement of the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) provisions to opt into the new overlapping tenure framework to be able to make use of the new incidental coal seam gas provisions in the MRA. Subsection 826(3) expressly applies the existing overlapping tenure regime in chapter 8, part 8 of the MRA. Subsection 826(4) applies the requirements of the right of first refusal process set out under section 138 of the MERCP Act. This does not mean that the entirety of chapter 4 is applied to the circumstance. As chapter 4 does not apply wholly, subsection 826(5) sets out how a ML (coal) holder may apply the right of first refusal process without having to opt into chapter 4.
19	**P&E Law**	N/A	MOLA Bill – General	Submitter supports the reinstatement of community objection rights.	The Department notes P&E Law's support for the reinstatement of community objection rights.
		N/A	*Mineral and Energy Resources (Common Provisions) Act 2014* Conduct and Compensation Agreements	Submitter queried why the land access provisions specifically exclude prospecting permits, mining claims and mining leases granted under the *Mineral Resources Act 1989* (MRA)? Stakeholder contends that under the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act), that resource companies (excluding those who hold a resource authority mentioned above) must enter into a Conduct and Compensation Agreement (CCA) which allows the parties to agree on conduct relating to entry. These agreements can include conditions cover pest and weed management, timing of access, duration of access, hours of work, use of chemicals, fencing and other infrastructure, etc. In contrast, under the MRA resource companies are only required to enter into 'Compensation agreements' and does not allow the landholder an avenue to negotiate conditions relating to the conduct of a resource company on their land. Submitter requests that the MERCP Act be amended by the MOLA Bill to ensure holders of prospecting permits, mining claims and mining leases must comply with the same CCA requirements as other resource authority holders.	The Department notes P&E Law's comments. Prospecting permits, mining claims and mining leases granted under the *Mineral Resources Act 1989* (MRA) are excluded from the land access provisions of the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) because these matters are dealt with under the application-grant provisions of the MRA and required to be determined pre-grant unless a provision otherwise provides. As a condition of grant the holder of a prospecting permit, mining claim or mining lease is obligated to comply with the requirements of the Land Access Code which imposes mandatory conditions which include preventing the spread of pests and weeds, access points, roads and tracks, livestock and property, gates, grids and fences and camps. This land access provisions have been migrated across from the existing resources Act to the MERCP Act and maintains the status quo. This approach has been applied consistently in the process of consolidating the land access provisions from the five resource Acts into the MERCP Act back in 2014. Amending the framework in this regard is outside the purpose of the MOLA Bill as a Bill to implement certain Government commitments. This issue is outside the scope of the MERCP Act and the MOLA Bill.
		N/A	*Mineral and Energy Resources (Common*	Submitter requests that the opt out agreement provisions of the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) be repealed as the 'opt-	The Department notes P&E Law's concerns regarding a landholder's right to elect to enter into an opt-out agreement with a resource authority holder.

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			Provisions) Act 2014 Opt Out Agreements	out' process diminish landholder protections. Stakeholder raised concerns that resource companies would be encouraged to engage in unconscionable behaviour to entice landholders to enter into opt out agreements, so that they (the resource companies) do not have to comply with the statutory requirements of a Conduct and Compensation Agreement. Stakeholder submits that the opt out provisions be removed from the MERCP Act.	It is also noted that matter raised is outside the scope of the MOLA Bill to implement certain Government commitments. Opt-out agreements were a recommendation of the Land Access Implementation Committee, which included members of the agricultural sector. Section 45 of the *Mineral and Energy Resources (Common Provisions) Act 2014* is designed to implement a right which would enable a land owner or occupier, at their complete discretion, to elect enter into an opt-out agreement with a resource authority holder. A landholder cannot be forced to enter an agreement against their will. If a landholder does not believe that an opt-out agreement is suitable in their circumstances, they are under no obligation to sign an opt-out agreement, and have the right to instead negotiate a conduct and compensation agreement or a deferral agreement.
		N/A	*Mineral and Energy Resources (Common Provisions) Act 2014* Repeal of 600 metre rule	Submitter does not support the removal of the 600 metre rule from the *Petroleum and Gas (Production and Safety) Act 2004* (P&G Act) and requests that it be reinstated in the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act). Under the current provisions of the P&G Act, resource companies cannot come within 600 metres of a dwelling to undertake either preliminary or advanced activities unless they have entered into a Conduct and Compensation Agreement. Stakeholder contends that this buffer has been reduced to 200 metres, and only imposes the requirement that written consent be obtained if undertaking activities within 200 metres of a residence.	The Department notes P&E Law's comments regarding the repeal of the 600 metre rule. It is also noted that this matter is outside the scope of the MOLA Bill which is to implement certain Government policy commitments. The new restricted land framework will provide the owner and occupier of land the right to say no to a resource authority holder seeking to entre land within 200 metres of a permanent building (for example a residence) or 50 metres of an area used for certain purposes (for example a school, or key agriculture infrastructure). Owners and occupiers now have the right to choose where to give consent and any conditions to a resource authority seeking to enter land within the restricted land distances. This is a more substantive right than existed under the 600 metre rule which required that the owner and occupier enter into a conduct and compensation agreement (CCA) with the resource authority regarding this access. A CCA is still required for any advance activities. It is also important to note that all resource activities are regulated under the *Environmental Protection Act 1994*, which imposes conditions on resource authority holders to mitigate environmental impacts, such as noise, light and dust. Under the conditions of an Environmental Authority, activities authorised by a resource authority may require authorised activities take place at greater distances from buildings, infrastructure and areas which attract restricted land protections than the prescribed restricted land distances. Restricted land distances are designed to provide the owner and occupier of restricted land certainty and the right to refuse to consent to a resource authority holder entering into restricted land areas.
		7	Amendment of s68 (What is restricted land)	Submitter contends that the definition of 'restricted land' proposed by the MOLA Bill reduces the definition of restricted land compared to that which has been applied under the *Mineral Resources Act 1989* (MRA). P&E Law support the inclusion of bores, artesian wells, dams and other artificial water storage connected to a water supply proposed by the MOLA Bill. However, the submitter does not support the exclusion of interconnecting water pipelines. Submitter cites the findings by CAC MacDonald in *Xtrata Coal Queensland Pty Ltd & Ors v Friends of the Earth – Brisbane Co-Op Ltd & Ors, and Department of the Environment and Resource Management [2012] QLC 013*, who found that interconnecting water pipelines should be included as restricted land. Stakeholder submits that the definition of restricted land proposed by the MOLA Bill be amended to include interconnecting water pipelines.	The Department notes P&E's comments regarding interconnecting water pipelines. The need for legislative clarity arose as a result of the Land Court decision on the proposed *Wandoan coal mine (Xstrata Coal Queensland Pty Ltd & Ors v. Friends of the Earth – Brisbane Co-Op Ltd & Ors, and Department of Environment and Resource Management [2012] QLC 013)*. In this instance, the Land Court concluded that water pipelines should be included as restricted land. In other applications, both before and since that Land Court decision, restricted land has not been taken to apply to interconnecting pipelines. The rationale for excluding interconnecting water pipelines is that large areas of land around pipelines, which can extend for several hundred metres or kilometres, could be made inaccessible to surface resource activities and could therefore impact on the feasibility of projects. Pipelines in the immediate vicinity around bores, troughs and tanks will be protected by the 50 metres of restricted land that will apply to those structures. Potential impacts on pipelines extending beyond these areas can be managed through the landowner agreement process.
20	**Lock the Gate Alliance**	N/A	Community objection rights	Stakeholder fully supports the measures to restore community objection rights that are included in the MOLA Bill, in relation to site specific applications and mining leases, and the stakeholder is very pleased to see the Queensland Government moving to deliver on the election promises that it made in this regard.	The Department notes the support for the MOLA Bill provided by Lock the Gate Alliance.
		N/A	Time constraints on community objection rights	Stakeholder is opposed to any artificial time constraints being placed on community objection rights, which have been mooted in the media recently by the Queensland Government, because the stakeholder believes it would affect access to justice for communities and landholders. The issues that are raised by community groups are by their very nature complex issues of science and law, requiring considerable expert evidence, and Land Court processes need to be free to give these issues the time that is required without any artificial constraints.	The Department notes the concerns raised by Lock the Gate Alliance regarding time constraints being placed on community objection rights and notes this is not a matter within the scope of the MOLA Bill. The MOLA Bill maintains the status quo for timeframes for the notification and objection process for mining lease and environmental authority applications.
		92	Amendment of s 442 (Amendment of s 269 (Criteria for deciding mining lease application) List of criteria for consideration in the Land Court	Stakeholder also thoroughly supports measures contained in the MOLA Bill to reinstate of the full list of criteria for consideration for the Land Court in relation to the grant of mining leases, to include technical and financial capabilities of the proponent.	The Department notes Lock the Gate Alliances' support of the proposed amendments to restore the criteria to be considered prior to the grant of a mining lease.
		7	Amendment of s68 (What is restricted land)	Stakeholder does support strict set-back distances on mining and gas activities from homes and farm infrastructure and improvements, but believes the provisions contained in the Bill are inadequate to adequately protect landholders and farmers. The provisions should be improved so that: • The buffer on residences is at least 600 metres, and preferably 1 kilometre,	The Department notes Lock the Gate Alliance's concerns regarding the restricted land distances to be prescribed in the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act), as amended by the MOLA Bill. The distances for the new restricted land framework are based on the existing restricted land distances under the *Mineral Resources Act 1989* (MRA) and *Geothermal Energy Act 2010* (GE Act). The restricted land distances included in the MOLA Bill were also the subject of a Regulatory Impact Statement (RIS). Both the consultation and

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				given the body of recent scientific evidence from the US revealing the health impacts and risks of unconventional gas mining. • Restricted land should cover all irrigated cropping land and other significant improvements • The list of infrastructure should also include all infrastructure for irrigation purposes. • The 50 metres on water storages etc is too limited. The buffer should be at least 200 metres on bores, stockyards and cemeteries, and should apply to water pipelines. • The definition of infrastructure should be broadened to include all significant improvements Restricted land should trigger a prohibition on activities, rather than just triggering consent from landholders. It should be a strict set-back provision that properly protects people and infrastructure from mining and gas activities. Section 70 of *Mineral and Energy Resources (Common Provisions) Act 2014* should be amended to provide a proper prohibition, rather than just a consent provision.	decision RIS proposed the restricted land distances of 200 metres and 50 metres be included in the MOLA Bill. Restricted land distances are designed to provide the owner and occupier of restricted land certainty and the right to refuse to consent to a resource authority holder entering into restricted land areas. It is important to note that the restricted land areas or distances are not intended to be the only tools to manage the impact of resource activities on landholders, and that the restricted land distances do not mean that authorised activities will necessarily occur up to 50 metres from a stockyard or 200 metres from a permanent residence. All resource activities are regulated under the *Environmental Protection Act 1994*, which imposes conditions on resource authority holders to mitigate environmental impacts, such as noise, light and dust. Under the conditions of an Environmental Authority, activities authorised by a resource authority may require authorised activities take place at greater distances from buildings, infrastructure and areas which attract restricted land protections than the prescribed restricted land distances. Additionally, under the land access framework, landholders and resource companies must negotiate a conduct and compensation agreement (CCA) prior to entering land to conduct advanced activities. This process provides an opportunity for negotiating mutually beneficial arrangements between the parties which could include for example, the location of resource activities, the potential for relocation of impacted infrastructure or other arrangements. The Department notes Lock the Gate Alliance's comments regarding including irrigation infrastructure and significant improvements. The conduct and compensation agreement framework provides a mechanism to manage potential impacts on these infrastructure types and improvements as a range of potential solutions exist to ensure appropriate conduct and compensation. In Queensland, the impact of resource activities on agricultural land is regulated under the *Regional Planning Interests Act 2014*. The Department notes Lock the Gate Alliance's comments regarding section 70 of the MERCP Act but considers that section 70 does not require amendment. The restricted land framework provides landholders with the right to say no to authorised activities taking place on restricted land. Landholders are not obligated to give consent for access to restricted land.
		6	Amendment of s 67 (Definitions for pt 4)	Stakeholder submits that the Bill does not address the exemption (to restricted land) contained in *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) for pipeline construction on restricted land without consent. Section 67(b) of MERCP Act exempts the construction of a pipeline which takes less than 30 days from the definition of a prescribed activity, and it is only prescribed activities that require consent on restricted land by virtue of s70. Given that pipeline construction is extensive in CSG activities, and does represent a significant intrusion on a property in close proximity to homes or infrastructure, as well as posing a safety risk, stakeholder contends that pipeline construction should not be excluded from the definition of prescribed activity. Unless restricted land provisions are improved, as recommended above, included extension of the distance, then the previous 600 metre rule should be retained. It ensures that landholders have a right to negotiate a Conduct and Compensation Agreement if a company proposes to conduct activities within 600 metres of a principal residence. The loss of the 600 metre rule represents a weakening of provisions on petroleum activities near residences which are already far too weak to prevent significant and negative impacts on landholders.	This aspect of the restricted land framework recognises that the main impact relating to the underground cable or pipeline on the landholder is the excavation, installation and backfilling of the trench. This would need to be completed within 30 days from the start of the installation process. Pipeline construction and operation must comply with Australian Standards that address safety issues, and are subject to safety management plans under the *Petroleum and Gas (Production and Safety) Act 2004*. Further, pipelines are subject to environmental authority conditions under the *Environmental Protection Act 1994*, which place conditions on the construction with respect to noise and dust issues. Compliance with these requirements has seen the safe construction and operation of pipelines, including in built-up urban areas. Additionally, a conduct and compensation agreement may be negotiated between the parties to limit or mitigate the pipeline's impact. It is important to note that the 600 metre rule never allowed a landholder to determine whether an activity could be undertaken within 600 metres of a residence or not. It only provided the right to have a conduct and compensation agreement.
		N/A	*Mineral and Energy Resources (Common Provisions) Act 2014*) – section 45 Opt-out agreements	Stakeholder submits the Bill does nothing to revoke section 45 of the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act), which means that it allows opt-out agreements to be signed by landholders. Opt-out agreements represent a massive erosion in landholder rights, and will result in gas companies putting pressure on landholders to accept these very weak agreements instead of a proper Conduct and Compensation Agreement. It is extraordinary that this is being allowed at a time when the stress and pressure being felt by landholders due to Coal Seam Gas (CSG) mining is a topic of widespread community concern.	The Department notes Lock the Gate Alliance's concerns regarding a landholder's right to elect to enter into an opt-out agreement with a resource authority holder. It is also noted that matter raised is outside the scope of the MOLA Bill to implement certain government commitments. Opt-out agreements were a recommendation of the Land Access Implementation Committee, which included members of the agricultural sector. Section 45 of the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) is designed to implement a right which would enable a land owner or occupier, at their complete discretion, to elect enter into an opt-out agreement with a resource authority holder. A landholder cannot be forced to enter an agreement against their will. If a landholder does not believe that an opt-out agreement is suitable in their circumstances, they are under no obligation to sign an opt-out agreement, and have the right to instead negotiate a conduct and compensation agreement or a deferral agreement.
		89	Replacement of s 436 (Replacement of ss 252-252D) Public notification	The changes to clause 89, to insert the section s252A into the *Mineral Resources Act 1989* in relation to mining lease notifications appear to allow publication periods to wait until 15 business days before the last objection day or to allow a shorter period if approved by the chief executive. Stakeholder is opposed to any diminution in notification timeframes or any reduction in public exhibition and objection periods. Stakeholder requests a clear written explanation of the full import of the proposed changes to the various notification processes. The stakeholder notes that these changes were not promises that were made pre-election and hence do not seem to fit within the framework within which the other changes are occurring.	The Department notes Lock the Gate Alliance's concerns regarding changes proposed by the MOLA Bill to section 252A of the *Mineral Resources Act 1989* (MRA). The MOLA Bill implements the Government's commitment to restore public notification and community objection rights by repealing yet to commence sections of the *Mineral and Energy Resources (Common Provisions) Act 2014*. It is important to note, that reinstating the publication period of 15 business days before the last objection day or a shorter period if approved by the chief executive restores the status quo of the pre-amended MRA s252B(5).

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		N/A	*Mineral and Energy Resources (Common Provisions) Act 2014* - Section 260	Stakeholder is concerned about public notification on an Environmental Impact Statement (EIS) being considered sufficient public notification on an Environmental Authority, and questions what the impact of s260 will be in relation to notification processes and the ability for the community to properly participate. Whilst the stakeholder's members generally do not want to write multiple, time-consuming submissions which are generally largely ignored, nor do they want to lose timely opportunities to comment. Stakeholder is seeking to better understand the full import of the changes to public notification procedures contained in the MOLA Bill.	The Department notes Lock the Gate Alliance's concerns regarding section 260 of *the Mineral and Energy (Common Provisions) Act 2014* (MERCP Act). It is also noted that matter raised is outside the scope of the MOLA Bill to implement certain government commitments. Section 260 of the MERCP Act will, when commenced, amend section 150 of the *Environmental Protection Act 1994* (EP Act) to remove the requirement for the public notification of an EA where an Environmental Impact Statement (EIS) under the *State Development and Public Works Organisation Act 1971* (SDPWO Act) has been completed, subject to certain circumstances. This amendment is consistent with the current notification arrangements where an EIS is prepared under the EP Act. It is also important to note that section 115 of the *Environmental Protection and Other Legislation Act 2014* (EPOL Act) will, once commenced, make further amendments to section 150 of the EP Act. This amendment will commence immediately after the amendments contained in section 260 of the MERCP Act commence, replacing the amendments made by section 260.
		N/A	*Mineral and Energy Resources (Common Provisions) Act 2014* – Land access	Submitter contends that the Bill does little to address the weaknesses of the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act) land access provisions. They are of the view that these provisions weaken and undermine landholder protections. Stakeholder considers any weakening of the provisions relating to landholder protections is unacceptable, as the situation is already substantially stacked against them.	The Department notes Lock the Gates Alliance's concerns regarding the land access provisions. These matters are outside the scope of the MOLA Bill which is to implement certain Government commitments.
21	**Environmental Defenders Office Qld**	N/A	MOLA Bill - General	Recommend that the Committee support those clauses which ensure the: • Restoration of community objection rights; and • Restoration of the full criteria for consideration by the Land Court and the Minister in mining objection hearings.	The Department notes EDO Qld's support for the proposed amendments.
		N/A	*Mineral and Energy Resources (Common Provisions) Act 2014 – Section 260*	Recommend section 260 of MERCP Act and section 150 of EP Act be repealed. Suggest the Committee consider the importance of a staged and separate public notification of the mining lease, environmental authority and associated EISs, to allow sufficient time for submissions and consideration of each application, along with providing a safety net should an interested stakeholder miss one public notification period.	The Department notes EDO Qld's concerns regarding section 260 of the *Mineral and Energy (Common Provisions) Act 2014* (MERCP Act) and that the matter raised is outside the scope of the MOLA Bill. Section 260 of the MERCP Act will, when commenced, amend section 150 of the *Environmental Protection Act 1994* (EP Act) to remove the requirement for the public notification of an Environmental Authority (EA) where an Environmental Impact Statement (EIS) under the *State Development and Public Works Organisation Act 1971* (SDPWO Act) has been completed, subject to certain circumstances. This amendment is consistent with the current notification arrangements where an EIS is prepared under the EP Act. It is also important to note that section 115 of the *Environmental Protection and Other Legislation Act 2014* (EPOL Act) will, once commenced, make further amendments to section 150 of the EP Act. This amendment will commence immediately after the amendments contained in section 260 of the MERCP Act commence, replacing the amendments made by section 260.
		N/A	*Mineral and Energy Resources (Common Provisions) Act 2014* – Section 45 Opt-out Agreements	We recommend Common Provisions Act section 45 be repealed. If not repealed, the following amendments to the Common Provisions Act must be made: (a) The cooling-off period should be extended to at least 20 business days; (b) Require the resource authority holder to compensate the landholder for the reasonable and necessary legal, accounting and valuation fees incurred by the landholder in negotiating the opt-out agreement; (c) Require that a Notice of Intention to Negotiate (NIN) must first be provided by the resource authority holder, following which the landholder may elect to enter into an opt-out agreement; (d) Require that the opt-out agreement will only apply to the activities provided for in the NIN and to the extent identified on the map; (e) Enable the landholder to call upon the resource authority holder to enter into a CCA for the activities provided for in the opt-out agreement; (f) Enable the landholder to unilaterally terminate the opt-out agreement where they have a reasonable excuse; (g) Insert a provision, rather than a note, providing that the resource authority holder still has a compensation liability under section 80. (h) If it the intention that the opt-out agreement provide for compensation, it is essential that the landholder be provided with the opportunity to receive professional advice before entering the agreement.	The Department notes EDO Qld's concerns regarding a landholder's right to elect to enter into an opt-out agreement with a resource authority holder and that the matter raised is outside the scope of the MOLA Bill. Opt-out agreements were a recommendation of the Land Access Implementation Committee (LAIC) following an independent land review by a panel of experts, which included members of the agricultural sector and the resources industry. Section 45 of the *Mineral and Energy Resources (Common Provisions) Act 2014* is designed to implement a right which would enable a land owner or occupier, at their complete discretion, to elect to enter into an opt-out agreement with a resource authority holder. A landholder cannot be forced to enter an agreement against their will. If a landholder does not believe that an opt-out agreement is suitable in their circumstances, they are under no obligation to sign an opt-out agreement, and have the right to instead negotiate a conduct and compensation agreement or a deferral agreement. The approach to the opt-out provision is consistent with the LAIC recommendation for example requiring that legislative amendment be made to provide the option to opt-out of a conduct and compensation agreement, and ensuring that there is a minimum cooling off period of 10 business days.

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		68	Amendment of s 68 (What is restricted land)	Recommend the restricted distances be amended to provide for the following: (a) buffer on residences of at least 600m, and preferably 1km; the 50m on category b land usages is inadequate and should be at least 200m; (b) all buildings used for a business should trigger a 200m restricted area buffer; (c) restricted land should cover all irrigated cropping land and other significant improvements; (d) the list of infrastructure should also include all infrastructure for irrigation purposes; and (e) buildings should not have provisos requiring them to be buildings that 'cannot be easily relocated' and 'cannot coexist' – which just create confusion and prevent enforceability.	The Department notes EDO Qld's concerns regarding the restricted land distances to be prescribed in the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCP Act), as amended by the MOLA Bill. The distances for the new restricted land framework are based on the existing restricted land distances under the *Mineral Resources Act 1989* (MRA) and *Geothermal Energy Act 2010* (GE Act). The restricted land distances included in the MOLA Bill were also the subject of a Regulatory Impact Statement (RIS). Both the consultation and decision RIS proposed the restricted land distances of 200 metres and 50 metres be included in the MOLA Bill. Restricted land distances are designed to provide the owner and occupier of restricted land certainty and the right to refuse to consent to a resource authority holder entering into restricted land areas. It is important to note that the restricted land areas or distances are not intended to be the only tools to manage the impact of resource activities on landholders, and that the restricted land distances do not mean that authorised activities will necessarily occur up to 50 metres from a stockyard or 200 metres from a permanent residence. All resource activities are regulated under the *Environmental Protection Act 1994*, which imposes conditions on resource authority holders to mitigate environmental impacts, such as noise, light and dust. Under the conditions of an Environmental Authority, activities authorised by a resource authority may require authorised activities take place at greater distances from buildings, infrastructure and areas which attract restricted land protections than the prescribed restricted land distances. Additionally, under the land access framework, landholders and resource companies must negotiate a conduct and compensation agreement (CCA) prior to entering land to conduct advanced activities. This process provides an opportunity for negotiating mutually beneficial arrangements between the parties which could include for example, the location of resource activities, the potential for relocation of impacted infrastructure or other arrangements. The CCA framework provides a mechanism to manage potential impacts on irrigation infrastructure. In Queensland, the impact of resource activities on agricultural land is regulated under the *Regional Planning Interests Act 2014*. The provisions relating to the relocation and coexistence of building are removed by the MOLA Bill.
		67	*Amendment of s 67 (Definitions for pt 4)*	We recommend Common Provisions Act section 67 be amended to provide: (a) Repeal subsections 67(b)(i), (ii) and (v). (b) 'Pipeline' should be defined in the MERCP Act to clarify that it does not include any ancillary surface infrastructure, such as pumping stations, electricity, substations or vents. This is stated in the explanatory notes for clause 67 but it should be provided for in the Act for certainty.	The Department notes EDO Qld's comments regarding definition of prescribed activity for restricted land. In regard to the installation of an underground pipeline or cable, the main impact relating to the underground cable or pipeline on the landholder is the excavation, installation and backfilling of the trench. This would need to be completed within 30 days from the start of the installation process. It is important to note that pipeline construction and operation must comply with Australian Standards that address safety issues, and are subject to safety management plans under the *Petroleum and Gas (Production and Safety) Act 2004*. Further, pipelines are subject to environmental authority conditions under the *Environmental Protection Act 1994*, which place conditions on the construction with respect to noise and dust issues. Compliance with these requirements has seen the safe construction and operation of pipelines, including in built-up urban areas. Additionally, a conduct and compensation agreement may be negotiated between the parties to limit or mitigate the pipeline's impact. The Department notes EDO Qld's comment regarding the need to clarify the definition of ancillary surface infrastructure. However, the explanatory notes to the Bill clarify that ancillary surface infrastructure is not included within the definition of 'Pipeline' and should be read in conjunction with the provision to guide interpretation of the legislative intention.
		68	*Amendment of s 68 (What is restricted land)*	We recommend section 68 be amended to provide: (a) Broadening of subsection 68(1)(ii)(B) (as amended) to provide for broader activities than those provided under *the Environmental Protection Regulation 2008* (Qld) (EPR) – medium sized activities which do not qualify for listing under the EPR will still be affected by resource operations and should not be exempt from inclusion as restricted land. (b) Repeal subsection 68(3) – It is unfair to provide that land only qualifies as restricted land if the building, structure or thing had started at the time the resource authority, which includes an authority to prospect, was applied for. Resource authority activities can stretch over many years, and yet landholders are unable to ensure that their proposed land activities that they may require over this time will be protected. There is no such restriction in the *Mineral Resources Act 1989*. The authority holder should fit around the landholder's desired activities for their own land, not vice versa.	The Department notes EDO's concerns regarding the definition of restricted land. (a) The Environmentally Relevant Activities under the *Environmental Protection Regulation 2008* provide thresholds for the types of activities that are regulated under the environmental protection framework. These types of activities are specifically being included in the restricted land framework to recognise the significance of these activities and that they should have a higher level of protection. The adoption of these thresholds under the *Mineral and Energy Resources (Common Provisions) Act 2014* and the MOLA Bill seek to strike a balance between aquaculture and intensive animal husbandry, and resource activities by including them as restricted land. Aquaculture and animal husbandry activities that fall short of the 'intensive' threshold will still be afforded the protections under the conduct and compensation agreement (CCA) framework that currently applies. (b) In relation to the timing of the creation of restricted land, the grant of a production resource authority was set as the point in time when restricted land applies to achieve some compromise between the existing frameworks this policy is intended to rationalise and to balance the interests of landholders with the proposed resource activity. Section 238 of the *Mineral Resources Act 1989* currently establishes a point in time (when the application for a mining lease is lodged) where restricted land is set for the purpose of requiring the consent of the owner to include restricted land in the surface of the mining lease.