




Speech By
Brent Mickelberg

MEMBER FOR BUDERIM

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MINERAL, WATER AND OTHER LEGISLATION AMENDMENT BILL

 **Mr MICKELBERG** (Buderim—LNP) (4.06 pm): I rise today to speak on the Mineral, Water and Other Legislation Amendment Bill 2018. As a member of the State Development, Natural Resources and Agricultural Industry Development Committee tasked to review this bill, I would like to recognise the work of the committee secretariat, ably led by Dr Jacqui Dewar. I would also like to recognise the contributions of my fellow committee members—the members for Bancroft, Condamine, Bundaberg, Ipswich West and Mount Ommaney.

This bill was one of the first bills considered by the committee at the start of this parliament. At that early stage of my experience in this place, I was heartened at the relatively bipartisan approach with which the committee approached our inquiry and subsequent report. The committee made some sound recommendations to remediate concerns expressed during the committee process. As mentioned by previous speakers, this bill seeks to implement the recommendations of the independent review of the GasFields Commission to remove the automatic referral of compensation matters to the Land Court, amend the water-planning framework including the provision of a mechanism allowing for the temporary allocation of unallocated water and establish new powers to deal with urgent water quality issues.

During the committee inquiry process, concerns were expressed in relation to the lack of consultation. As the committee report states, substantial concerns were received from some stakeholders. In particular, concerns were expressed that consultation was not adequate in relation to small and medium tier organisations. It is a pretty consistent theme repeated time and again on bills introduced by this government, unfortunately.

The committee heard divergent views on the issue of compensation from mining companies, the department, landholders and legal practitioners. One of the principal concerns heard during the inquiry process was concerns expressed by non-mining sector stakeholders who did not support the amendments to section 81(4)(a) that state the compensatable effects only apply where authorised activities have been carried out 'on the eligible claimant's land'. Specifically, it was argued that the amendment removes the rights of neighbours within the resource authority area, but without authorised activities on their land, to claim compensation for the impacts of nearby activities.

I note that the Queensland Law Society expressed similar concerns. Their submission stated—

Under the current regime, there is some debate as to whether it is the legislature's intention that the liability of resource authority holders extends to encompass liability for the effects and impacts suffered by eligible claimants arising from activities undertaken off their properties.

Under the new draft as proposed, it is clear that a resource authority holder's liability to compensate will only extend to those owners and occupiers of properties on which the activities are undertaken. Resource authority holders will not owe a liability to compensate owners of properties nearby to their activities ...

It is clear that 'compensatable effect' is dependent on legal interpretation. Evidence heard by the committee also suggests that it is often landholders who do not have resource tenure activity on their properties who are often most vulnerable as they have limited legislative protections. I note that in his speech today the minister has sought to clarify the intent of the legislation in this regard to provide clarity for all concerned.

In relation to the alternative dispute resolution process there was support generally for the amendments. However, concern was expressed in relation to the uncertainty of time frames to the statutory negotiation process and, importantly, in relation to the ability to access legal representation in the arbitration process. I shared these concerns in relation to the access to legal representation during the arbitration process. The bill would have provided scope for mining and gas companies to use in-house staff with legal experience while landholders could have been denied the ability to engage legal counsel in what is a complex process which has significant implications for the landowner. I welcome the amendments to the bill circulated by the minister this morning as they remediate my concerns in this regard and align with the recommendation of the committee.

Another concern expressed by submitters during the inquiry process was in relation to the professional fees incurred in the negotiation and preparation of a conduct and compensation agreement. Specific concern was expressed in relation to the fact that landholders need to invest significant time in preparing and negotiating a conduct compensation agreement and that they are not able to receive compensation for such loss. Submissions from the QFF noted that there should be potential for landholders to recover such costs. I note that the committee recommended that the department investigate a methodology to determine reasonable landholder time related costs and how this could be included in legislation. I support that proposal. I am disappointed with the minister's failure to adopt this recommendation given the genuine concerns expressed by multiple stakeholders.

Before I conclude my contribution today I would like to make mention of the fact that this bill was introduced on 15 February and it is only now, eight months later, that the bill is being debated. I note that during the committee process submitters expressed concerns that they did not have sufficient time to make detailed submissions during the two-week consultation period. Such a compressed time frame would have been understandable had this bill been considered by the House in a timely fashion. However, here we are, many months later, and the government has still not seen fit to debate the bill. Such a situation is emblematic of this Labor government's incompetence and mismanagement of the business of the House. This Palaszczuk Labor government seek to obfuscate and hide from scrutiny, and this bill is just another symptom of the hubris and arrogance which pervades all that they do.

Mining and agriculture are the economic mainstays of the Queensland economy. They need to be able to coexist in a mutually beneficial way. Thankfully this bill is an example of how the committee process can work to improve legislation when dealt with in a fair and reasonable manner. I will be supporting the bill as amended.