




Speech By  
**Lachlan Millar**

**MEMBER FOR GREGORY**

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### **MINERAL, WATER AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr MILLAR** (Gregory—LNP) (4.31 pm): I rise to make a contribution to the debate of the Mineral, Water and Other Legislation Amendment Bill because it will have a direct impact on my constituents in Gregory. While this is an omnibus bill, it most notably seeks to clarify and streamline the statutory process of negotiating both conduct and compensation agreements and make-good agreements between resource authority holders and landholders. In doing so, it is in fact implementing four of the GasFields Commission's recommendations following the independent review. The report and the government's response were made public on 1 December 2016, so this legislation has been a slow train coming—a slow train that has been anxiously awaited by many landholders in the Bowen Basin.

The electorate of Gregory contains the rich agricultural area of the Central Highlands. Beneath these fertile fields lies the rich reserve of coal and gas of the Bowen Basin. This double blessing sets up competing interests between overlapping tenures which must be fairly balanced if Queenslanders are to enjoy these blessings. I understand this balancing act, because my constituents include great people working in both industries and in my lifetime I have seen the contribution that both industries—primary production and coal—have made to the Central Highlands and its development. It is vital for the good of Queenslanders and the good of the Central Highlands that these two industries can coexist. Amazingly, I would say that in large part they do so quite successfully. I know of resource authority holders who have negotiated agreements with landholders that have served both parties very well—helping the landholder while allowing valuable resources to be developed.

However, there will always be a need for the Queensland government to use good judgement when balancing the interests of farmers and graziers against the interests of coal and gas proponents. Indeed, I have just recently received representations from constituents asking why the Labor government is not using the Queensland exploration program 2018 as a vehicle to protect the prime strategic cropping land of the Central Highlands, in particular the 'golden triangle'—Springsure to Rolleston and back up to Gindie—which has valuable blacksoil land that definitely needs protecting. Instead, the Labor government is actively promoting the exploration of this area through a public call for exploration tenders from the resource industry. Looking at the QEP 2018 document, it is quickly obvious that nowhere are potential explorers advised that this is strategic cropping land; nor does it highlight the need to obtain a regional planning interest authority as a requirement of the tender, exploration or production approval processes as set out in the document. It is this sort of approach that makes me consider the bill before us today with some reservations.

I accept the good intentions behind the bill. These are to clarify and streamline the negotiation arrangements for the CCAs and the MGAs. At the moment, some 20 per cent of matters before the Land Court involve this issue, largely because existing legislation triggers an automatic referral to the Land Court by the department when the statutory negotiation period expires without an agreement. In my experience, the process causes great anxiety for people. I commend the fantastic work that the land access officers of the department do every day in this regard. I cannot thank them enough for their professionalism in assisting everyday Queenslanders who find themselves in the highly stressful and emotional position of negotiating one of these agreements.

Many landholders feel anxious that this bill removes the Land Court from the process. The Land Court will retain its jurisdiction over determining what costs have been necessarily and reasonably incurred by landholders as a part of the negotiation, so the Land Court will still be deciding the liability of the reimbursement of the landholder by the resource authority holder. At the moment, such a liability covers a landholder's legal, valuation and accounting costs. The act will add the services of an agronomist, which is very sensible. It will allow the agricultural productivity of the land to be better reflected in the conduct and compensation agreement.

This brings me to the negotiation and arbitration process itself. What takes the place of the Land Court to ensure fair outcomes for all parties? The bill introduces a new arbitration process wherein the president of the Queensland Law Society or a similar independent person decides on an alternative dispute resolution process and also appoints a facilitator to oversee the dispute resolution if the parties cannot reach an agreement. In principle, this should create a faster and smoother process and one that will be more alert to the individual differences to be addressed in different agreements. This will clearly have administrative advantages, but I say that with reservations. It would be disappointing if it became a lawyers' banquet. Much will depend on the spirit in which the legislation is applied in individual cases. In this sense, it is very much an untested solution.

I will be watching the real-world effects very closely. I would hope that the minister and the department will be doing the same. It is the real-world outcomes and the perceived fairness of those outcomes that are the true test. I hope that the minister and the department will actively be reviewing these outcomes. We cannot afford to drag the chain if there are negative outcomes. We need our two key industries to be good neighbours.

This is an omnibus bill which also amends laws pertaining to the management of our most vital natural resource: water. I note that the bill proposes to strengthen the climate change considerations in the water-planning framework by making it an explicit requirement for the minister to consider the effects of climate change when preparing a water plan or a water use plan. When I first read that in the bill I was somewhat alarmed. Understanding the nature of the issue when it comes to water resource plans and the need to have truly effective water resource plans, we need to make sure we get this right. I believe that the minister and the department have an obligation to show local stakeholders the science they are using to justify water-planning decisions. This is an area of vital interest to all Queenslanders. Science based planning is a key aspiration, but it must be robust science, untainted with green ideology.

Secondly, I note that the bill will allow water users to gain temporary access to unallocated water held in strategic water infrastructure reserves until such time as the water is required for its intended purpose. This is a positive step. Indeed, I have written to the minister this week to see if this mechanism can be applied to the surplus water the department has identified in some of the aquifers of the Great Artesian Basin in drought-affected Western Queensland. The Great Artesian Basin Sustainability Initiative is one of the most successful joint government initiatives ever undertaken. It is the success of GABSI which is allowing science based water planning to be applied to Great Artesian Basin aquifers. It is due to the capping of historically free-flowing bores by landholders working under GABSI and also to the replacement of open channels with pipes that we are seeing a replenishment of aquifers and sustainable management of aquifers.

In the Hutton Aquifer in the electorate of Gregory, which is just north of Longreach, the department has identified some 3,000 megalitres of unallocated water. If landholders could access allocations as small as 100 to 150 megalitres, they would be able to grow irrigated fodder for their livestock. This would be an outstanding assistance at a time of horrific drought and shrinking fodder supplies, which we are experiencing at the moment. This is putting something in place whereby we can continue to look at drought mitigation and be prepared for the next drought when it comes, so that there is some sort of infrastructure which could supply, in a small way, the fodder we need when we are coming to drought.

I urge the minister and the department to look at that to see if we can do something positive when it comes to being prepared for drought and for drought mitigation in the future. I hope the minister will apply the mechanisms in this bill to that situation. I commend this bill to the House.