Speech By

Michael Crandon

MEMBER FOR COOMERA

Record of Proceedings, 14 May 2019

NATURAL RESOURCES AND OTHER LEGISATION AMENDMENT BILL

Mr CRANDON (Coomera—LNP) (3.59 pm): I rise to make a contribution to the debate on the Natural Resources and Other Legislation Amendment Bill 2019. As mentioned by the member for Everton in the debate earlier today and others more recently, this bill is a large omnibus bill that comprises 234 pages and amends 29 separate acts. The bill deals with several issues including, among other things: Indigenous and general land access, gas production tenure management, foreign landownership registers, the Surveyors Act, the establishment of CleanCo, and category 2 water governance arrangements. Some areas of the bill are supported by the LNP; others are not.

I note that the committee did not make a single substantive recommendation despite the fact that stakeholders raised some legitimate and reasonable concerns. I also note that the LNP has serious concerns that stakeholders have not had suitable time to properly analyse the bill which, as I mentioned earlier, comprises 234 pages with amendments to 29 separate acts. We on this side of the House oppose scrapping the foreign landownership report, a report the state government is currently required to produce annually. AgForce do not support these changes either and see this as weakening the reporting of foreign ownership of agricultural land in Queensland. By removing this section, Labor is taking away a key source of data and transparency that Queenslanders deserve when it comes to land ownership. Simply put, Queenslanders deserve to know who, how much and what types of land are owned by foreign individuals and companies. The LNP will always oppose moves to reduce transparency on foreign landownership in Queensland.

The LNP also oppose the changes to the Land Act 1994 that allow an authorised person without consent or warrant to enter freehold land if they need access to adjacent state land, as outlined in clause 45 under a new section granting this power. I note AgForce rejects the legitimacy for extending the state's rights to access freehold land in order to access state controlled land. This is simply a further erosion of property rights with no compensation to the landholders. As noted in the committee report, the bill breaches fundamental legislative principles by providing the government with powers to authorise access without sufficient regard to the rights and liberties of landholders. As such, we on this side of the House do not believe this is a legitimate power—the power to enter private freehold land without consent or permit.

The amendments to the Mineral Resources Act 1989 provide increased ministerial powers to the minister to cancel, vary or insert conditions for an exploration permit in an exceptional event. Once again, we oppose this amendment. Among other things, the minister may change a work program condition to suspend or defer all exploration activities for a period due to a weather event. We are of the view that this new ministerial power to terminate or change exploration licences is open to exploitation. The Queensland Resources Council has raised serious concerns with granting this ministerial power as it opens up considerable risk to investments that can be ended with the stroke of a minister's pen.

So, too, the Queensland Law Society have concerns that a minister would be given the power to unilaterally impose, vary or remove a condition in an exploration permit, without application by the holder, where the minister considers the conditions must be amended because of an 'exceptional event'

affecting the permit. QLS say they have concerns that the permit holder is not given the right to be heard in respect of the exceptional event of the proposed change and also the change does not afford the holder a formal right of appeal in respect of the minister's decision.

In this regard, both the QRC and QLS have concerns with the broad definition of 'exceptional event' within the bill which they believe is open to exploitation, as mentioned above. It seems to me that there is a trust issue here. Certainly we on this side of the chamber do not trust this antimining Labor government to not abuse this power. It seems the QRC and the QLS are of the same mind, and can we blame them? We have already seen how politics can interfere with the approval of mining projects in Queensland with the disgraceful interference in the Carmichael project by this Palaszczuk Labor government.

Another aspect of the bill amends the Aboriginal Land Act 1991 and the Torres Strait Islander Land Act 1991 to reduce government's legislative burden by replacing a subordinate legislation process with a ministerial declaration process. The bill also amends these acts to clarify the interpretation and application of certain provisions in them. As well, the bill amends the Aboriginal and Torres Strait Islander Land Holding Act 2013 to allow for a process to transmit granted leases where the lessee dies intestate and the lessee's estate is not being administered. As I understand it, there are approximately 130 leases held in the name of deceased lessees who have died intestate and those estates are not being administered. For the benefit of those opposite, I point out that 'intestate' does not mean that they are in another state in Australia; it is quite a different meaning.

The Surveyors Act 2003 is an act that establishes the Surveyors Board of Queensland to register surveyors in Queensland and establish professional standards for the surveying profession. There is a raft of administrative and disciplinary issues that have hindered the effective operation of the Surveyors Board which are addressed in the bill. Among them are: insufficient expertise and capacity of the Surveyors Board to deal with registration and compliance of mining surveyors; unclear delegation powers for the Surveyors Board, leading to it dealing with minor administrative functions; an inability to appoint an investigator with expertise other than surveying qualifications has hindered the Surveyors Board seeking advice about compliance with parts of the professional surveyors standards, for example, the conduct of a surveying business; and the cost of seeking information from registers and rolls held by the administering agency can be a hindrance to the Surveyors Board assessing competence, conducting investigations and carrying out compliance monitoring following disciplinary action.

The bill also implements the government's response to the independent audit and Queensland's commitment under the Murray-Darling Basin Compliance Compact, removes ambiguity from the Water Act in relation to certain offences and strengthens compliance action. The bill amends the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 to validate infrastructure charges notices issued by distributor-retailers that contain minor procedural irregularities. This will ensure consistency with the local government infrastructure charging framework under the Planning Act 2016. Category 2 water authority boards will be required to comply with the Queensland government's Women on Boards initiative to establish a gender equity target of 50 per cent representation of women on the boards of Queensland government bodies by 2020. It seems like that is a 'good luck with that!' situation. They are finding it difficult to find women out there who want to actually sit on the boards. The bill also makes amendments to the Water Act to clarify requirements for the selection and appointment of directors on water authority boards.

The CleanCo related amendments to the Right to Information Act 2009 made by the bill will protect CleanCo's competitive interest within the National Energy Market and aligns with existing protections in place for CS Energy and Stanwell. The related amendments made by the bill to the Electricity Act 1994 will enable a regulation to be made to designate CleanCo as a state electricity entity. This will ensure that CleanCo can be subject to government directions under the Electricity Act 1994 as is currently the case for CS Energy and Stanwell. The amendments also provide legislative protection for the entitlement of employees that transfer from CS Energy or Stanwell to CleanCo.

I close with a comment on the ridiculously short time frame given for consideration of this bill not from me, but from the QLS and the QRC. As I alluded to earlier, the Queensland Law Society outlined the size of the omnibus bill and the difficulty in properly analysing all of the changes within the short time frame in order to meet the submission date. They state in their submission—

> The most difficult position that we have in assisting the parliament in its important business is hoping that we have not missed anything ...

In their submission the QRC stated—

> Even for an omnibus Bill, this legislation is extraordinarily broad in scope, amending according to the references in the Minister's Explanatory speech, a staggering 29 different Acts. The breadth and complexity of this Bill makes it very difficult for any stakeholder to be confident they have understood all the ramifications of these amendments in the 15 business days between the Bill being tabled and submissions falling due for the Committee.

These comments are no surprise to those on this side of the House. We are used to being guillotined in debate and it seems—

(Time expired)