Speech By

Lachlan Millar

MEMBER FOR GREGORY

Record of Proceedings, 12 October 2021

RESOURCES AND OTHER LEGISLATION AMENDMENT BILL

Mr MILLAR (Gregory—LNP) (3.30 pm): I thank the member for Ipswich West for his fantastic contribution!

Mr Perrett: Wrong speaking notes.

Mr MILLAR: They were the wrong speaking notes. That is unusual for the member for Ipswich West. He is diligent in his speaking notes and he is a man of knowledge. In fact, I think he probably needs to be in the ministry as the minister for agriculture. He has a background in agricultural science, as a scientist himself. He is someone I would certainly enjoy seeing.

Madam DEPUTY SPEAKER (Mrs Gerber): Member for Gregory, I bring you back to the long title of the bill.

Mr MILLAR: In addressing this bill, as deputy chair of the Transport and Resources Committee I firstly acknowledge my fellow committee members. I also gratefully acknowledge the hardworking secretary, Deborah Jeffrey, her assistant, Zac, and her colleagues in the committee secretariat.

This is one of the ALP's favourite types of bill: an omnibus bill. Perhaps it would be better called a 'dustpan bill', because the ALP uses these bills to sweep up all kinds of government issues. This bill does a fair bit of energetic sweeping. The bill takes its title from the amendments to the mining and petroleum legislation contained within it. Both the mining amendments and the petroleum amendments are related to an administrative error. It has taken a Land Court case for that error to become apparent.

As the Transport and Resources Committee heard, since 2010, when mining leases are issued tenure holders receive an official letter granting the lease and setting out the conditions, rights and obligations. Before 2010, dating back to 1989, there were a couple of extra administrative steps involved. The minister had to recommend to the Governor in Council to issue an instrument for the lease. The Governor in Council then duly did so. However, since 2010, that power now resides with the minister, so the extra steps are no longer required. So far, so good. However, the department then discovered that 86 coal leases and 847 leases for other minerals had been issued prior to 2010 without the required administrative niceties.

I stress to the House that the committee was assured that the affected leases were still fully assessed prior to being granted and have operated in compliance with departmental oversight and the conditions of their lease. However, the administrative oversight means it is necessary to ensure certainty for the tenure holders that they are operating on a sound basis. These amendments will do that.

In order to make a full correction, it is necessary that the amendments be retrospective. This is against best legislative principles, so I want to underline the fact that the amendments are very narrow and seek only to correct the administrative error. They do not confer any new rights or obligations on the holders. I also assure the House that the error cannot be repeated because the administrative requirements that caused it were removed in 2010.

As all members of this House know, the resources industry is a major contributor to Queensland's economy. Despite the challenges of operating an export industry in a challenging global marketplace and despite the challenges of operating during a global pandemic, the Queensland resources industry continues to anchor Queensland's and Australia's prosperity. It is only right that this House should ensure that mining tenure holders in Queensland are not penalised for what is a government administrative error.

During the committee's inquiry, environmental advocates including the Lock the Gate Alliance, the Queensland Conservation Council and the Environmental Defenders Office tried to paint this error as a symptom of significant systemic issues with the regulation of the Queensland resources industry. As a Bowen Basin MP as well as a member of the Transport and Resources Committee, I have a fair bit of experience observing the regulation of this industry in real time and in real settings. To argue that there is a systemic problem with Queensland's regulation of the mining industry is not just an overreach; it is untrue. However, I listened with great interest to their argument for more transparency.

While we do have the MyMinesOnline website, it is not an easy task for a landholder to find out about a mining company's intentions and status. Environmental stakeholders have pointed to the publicly available register of mining leases in New South Wales as a path Queensland could take, and the department has said that it is open to discussions.

Similarly, the environmental advocates argued against the amendments in this bill relating to the petroleum industry. The government's intention was that, from 1 November this year, all authorities to prospect, ATPs, and all production leases, PLs, would be administered under the Petroleum and Gas (Production and Safety) Act 2004. Because of a lack of transitional arrangements for ATPs that are subject to undecided PL applications on 1 November, any such ATPs will lapse on that date. According to the department, six ATPs, including in the Lake Eyre Basin, would be affected. The environmental groups urged that these be allowed to lapse in line with the government's election commitments to environmental advocates. This would be completely wrong and would abrogate the rights of other stakeholders, including local residents and the Indigenous peoples of the Lake Eyre Basin and the associated Channel Country strategic environmental area.

In 2011, Queensland attracted one in four dollars spent on mining exploration in Australia. Last year that figure had fallen to one in eight dollars. Poor consultation and too much reliance on retrospective legislation directly contributes to the perception of Queensland as a risky place to invest in mining. This is not good at a time when we should be moving towards a boom in rare-earth minerals to support battery production.

I urge the government to conduct genuine and wideranging consultation with stakeholders. In Gregory, too often I see consultation only happen with hand-picked groups that then are used to protect the government's policy. Governments should not ignore some stakeholders while listening to others. Genuine consultation is the foundation of good policy. Lock the Gate Alliance has expressed concerns about the retrospectivity of the required amendments impacting on part of a matter currently before the Land Court of Queensland. That matter, too, is being avidly followed by my constituents in Gregory.

The amendments will clarify an ambiguity around whether a PL continues in force where the renewal application has been validly made but not decided before the expiry of the existing PL. ATPs are specifically allowed to remain in force in this circumstance under both the Petroleum Act 1923 and the Petroleum and Gas (Production and Safety) Act 2004; however, PLs are not expressly provided for. This bill will clarify that the leases remain valid while a decision is being made on renewal. The amendments are retrospective to ensure there is legal clarity around any historical leases which are subject to renewal applications. However, once again, they do not confer any new obligations or any new rights. They reflect the current departmental approach. I am satisfied that this bill will affect only six ATPs and that no other applications are affected.

I stress that the department specifically told the committee that the amendments do not change the department's historic interpretation of the act or the existing administrative processes. Renewal applications remain subject to the department's tenure assessment and technical assessments. I realise that this may disappoint both environmental lobby groups and landholders who had hoped to see a strengthening of their rights; however, this is not the bill to address those issues. What is needed is a review of the Regional Planning Interests Act, which replaced the Strategic Cropping Land Act. The intention of the act was to confer protection of valuable agricultural land. This is something I find incredibly important for agriculture right across Queensland.

God or nature are not making any more strategic cropping land. Apart from the important environmental considerations, if we are to have self-reliance in relation to food security and fibre security, we must protect the land we have as our most valuable inheritance, yet, to my knowledge, under the Labor government not a single authority for resource exploration or production on strategic cropping land has ever been refused.

There is also the issue of farmers' rights. This has been raised with me most sincerely by Karen Lennon-Smith of Rolleston. Karen's partner, Clinton Smith, together with his brother Brendan, farms a property just outside of Rolleston called Vesta. They have found themselves wrestling with Denison Gas regarding the recommissioning of wells on Vesta. This is a good example of the need for greater transparency around resources tenure than is currently available to Queensland landholders.

Other constituents in the Rolleston area are furious with the state government over the lack of transparency around the massive expansion of the Mahalo gas project. This expansion was approved last year and will see 190 extra wells added—more than doubling the total number of wells, to 383—but the state government is not communicating with affected landholders. Nor has anything been said by the minister about State Gas's plans to trial carbon sequestration in West Rolleston, yet the company has talked about them in the media.

It is devastating for landholders that these discussions go on and they are left out in the cold and they seem to have no rights. I urge the minister and the government to review this urgently to see if landholder consultation and protections can be strengthened. It is important. This is fundamental if the gas industry is to enjoy a social licence to operate. Secondly, the resources minister and the minister for agriculture need to put their heads together to ensure that the Labor government is affording our priceless strategic cropping land the protection it so desperately needs and deserves. That is what needs urgent scrutiny, Minister, and urgent reform. I will continue to work for that outcome as the member for Gregory at every opportunity.