




Speech By
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MEMBER FOR BONNEY

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RESOURCES AND OTHER LEGISLATION AMENDMENT BILL

 **Mr O'CONNOR** (Bonney—LNP) (4.19 pm): This bill is a demonstration of government incompetence. The lack of consultation for the changes to the Mineral Resources Act 1989 and the Petroleum Act 1923 is disappointing but not surprising, with this government showing again and again it cannot work constructively with industry. That is, of course, combined with the embarrassing initial inclusion in this bill of repealing the Personalised Transport Ombudsman, which passed only two years ago and which was repealed last month and cost almost half a million dollars.

The purpose of the proposed amendments to the Mineral Resources Act is to fix historic administrative issues in the granting of mining tenures. The department has identified 86 mining leases for coal and 847 mining leases for other minerals that have administrative deficiencies—where either the minister did not recommend the issuing of the lease and/or the instrument of lease was not issued to the holder.

Prior to 2010, when recommending the granting of the mining lease, the minister was required to also make a recommendation to the Governor in Council that an instrument of lease be issued. Some grants of lease have been found where the minister of the day did not include the recommendation to issue the instrument of lease to the Governor in Council. All leases impacted were prior to 2010 so the amendments are retrospective in their effect to ensure the holders of mining leases can continue to operate with confidence. The mistakes were only discovered during the recent Land Court proceedings concerning the New Acland stage 3 expansion project, covering serious procedural issues which the shadow resources minister and the member for Toowoomba North have covered in detail already in this debate.

I turn to more on the lack of consultation. The Queensland Resources Council have said they were disappointed by this, extraordinarily only being informed of the bill one day before it was introduced into this place. They have asked in future to see a proper consultation period between industry, the department and the minister to ensure that when legislation comes into this House there are no grey areas in it and that the language is not ambiguous. That seems reasonable to me. They have pointed out some of these grey areas in the bill, which again have been covered in other contributions to this debate.

The department's response was that 'these proposed amendments do not have a material impact, but rather seek to preserve and clarify the validity of existing rights', and as such we will not be opposing the bill. The department also noted—

Within the time available, the Department of Resources is unable to provide definitive advice on how many of the affected leases are also affected by the issue where the Minister of the time did not make a recommendation to the Governor in Council that an instrument of lease be issued.

That lack of consultation and detailed analysis of the tenures in question is one of the issues with this bill. While we will not be opposing this legislation, I would hope the minister has asked his department to undertake a full assessment of the issues this bill covers and attempts to rectify.

Conservation groups were also critical of this bill, citing it as a significant oversight and a signal of broader issues when it comes to the transparency of mining leases and failures in the processes to grant them. They have called for a public register of all mining leases similar to what New South Wales has. While we have a number of different avenues to essentially achieve the same thing, the department has said they would welcome an opportunity to discuss the idea of a register with all interested stakeholders, and I welcome this.

The bill also includes changes to the Petroleum Act 1923 to allow production leases to continue if they have made a valid application prior to the expiry date of 1 November 2021, even if the application has not been renewed. This was built in through the 2004 amendments, reflecting the fact that prospecting permits will no longer be issued. Given this expiry date has been there for the last 17 years, it is worth questioning why the government needs this provision and why it could not have made these decisions earlier.

In response to calls from the Environmental Defenders Office regarding authorities to prospect in strategic environmental areas that are impacted by the decision, the department advised—

There is an ongoing policy process seeking to balance environmental protections and economic development activities, such as gas extraction. This process is currently being led by the Minister for the Environment ... and is beyond the scope of the Bill. It would be inappropriate to take away existing rights without a clear policy of government. These amendments are intended to provide additional time to allow the policy position of government to be finalised.

If the government knew this expiry date was coming, why did they not ensure they had the framework in place before we got to this point? For the sake of transparency and to give a clear direction to stakeholders, the government should have done the work and ensured they had the policy settings clear within the time frame in question.

The amendments to the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 sensibly provide the same authority as local councils have to water providers to impose penalties during times of water restrictions. Furthermore, the bill removes the need to publish information relating to the security of drinking water to strengthen cybersecurity.

Finally, the bill initially included a provision to repeal the Personalised Transport Ombudsman Act 2019 and the Transport Operations (Passenger Transport) Act 1994, although that has since shifted out of this bill and was repealed last month. I welcome the government belatedly coming to the same conclusion as key stakeholders and members from this side that this was a flawed proposal and a waste of taxpayers' money. I have no doubt the shadow transport minister will go into that in much more detail in his contribution.

To conclude, the bill before us is only here because of the profound administrative incompetence of those opposite. It shows their mismanagement over several years, their inability to consult with industry effectively and how little they value taxpayers' money.