Speech By

Hon. Scott Stewart

MEMBER FOR TOWNSVILLE

Record of Proceedings, 12 October 2021

RESOURCES AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Hon. SJ STEWART (Townsville—ALP) (Minister for Resources) (12.48 pm): I move—

That the bill be now read a second time.

I thank the Transport and Resources Committee for its inquiry into the Resources and Other Legislation Amendment Bill 2021 and its report on the bill, which was tabled on 6 August of the same year. I will also take the opportunity to thank the stakeholders who provided written submissions on the bill and took the time to appear before the committee to brief them on the various aspects contained within the bill.

When introduced, the bill had the following policy objectives: to clarify the legal standing of certain historically granted tenures, activities and entitlements under the Mineral Resources Act 1989 and the Petroleum Act 1923; to repeal the Personalised Transport Ombudsman Act 2019 and to make minor consequential amendments to the Transport Operations (Passenger Transport) Act 1994; to ensure water restrictions can be equitability investigated and enforced across the South-East Queensland region by amending the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 to align with the powers that local government water service providers have under the Local Government Act 2009; and to exclude cybersecurity measures reported to the Water Supply Regulator from being made publicly available to mitigate the risk of malicious attacks on water service providers and water supply schemes by amending the Water Supply (Safety and Reliability) Act 2008.

I note the amendments relating to the Personalised Transport Ombudsman Act 2019 and the Transport Operations (Passenger Transport) Act 1994 were passed by the House on 2 September 2021 as part of the Public Health and Other Legislation (Further Extension of Expiring Provisions) Amendment Act 2021.

As members may be aware, the Speaker of the House has considered the application of the same question rule with respect to the Public Health and Other Legislation (Further Extension of Expiring Provisions) Amendment Act 2021 and the Resources and Other Legislation Amendment Bill 2021. On 14 September 2021, the Speaker ruled that the same question rule is enlivened with respect to clauses 15, 16 and 21 of this bill and, as a result, ruled them out of order. I will be moving amendments to the long title of the bill during consideration in detail as a result of this ruling.

I turn to the Transport and Resources Committee's report on the bill and some of the issues raised by stakeholders during the committee process. Firstly, I welcome the committee's recommendation that the bill be passed. During the committee process, some stakeholders raised concerns about the Department of Resources' consultation processes in developing these amendments. I assure the House that the Palaszczuk government understands these concerns. That is why we have said that we will, where appropriate, provide 12 weeks of broad consultation on material

changes that affect the resources sector. I note, however, that this bill does not make material changes that affect the resources sector. It simply provides for a range of urgent and necessary amendments to preserve and clarify the administration of existing rights and obligations but does not change those rights or obligations.

I also note that, in relation to the amendment to the Mineral Resources Act 1989, there are concerns that the identified administrative deficiencies relating to the issuing of a hard-copy instrument of lease may cast some ambiguity on the validity of the impacted mining leases. This is a historical issue. It affects 86 mining leases for coal and 847 mining leases for minerals that were approved between 1989 and 2010, some 32 years ago.

Let me state very clearly for the record that these mining leases are validly granted by the minister of the day. These deficiencies occurred after the assessment of individual mining lease applications had been completed by the minister and after the minister had formed the view that the mining lease should be recommended for approval. They are effectively minor procedural oversights that have no bearing on the outcome of the assessment process or the grant of the mining lease itself. Regardless of this, the intent of the bill is to remove any ambiguity by clarifying that, despite the presence of these administrative deficiencies, the mining leases are validly granted. The amendment only addresses these narrow administrative deficiencies and is essential to ensure certainty for holders of these mining leases that they can continue to operate with confidence. In addition, it is important to note that, while the amendment is retrospective, it does not confer any new rights or obligations upon proponents, stakeholders or the government; nor does it impact any other aspect of the mining leases or associated approvals and agreements.

I also note the concerns about the transparency of information available to stakeholders in relation to resources projects as a whole. I would like to take the opportunity to reiterate the advice provided by my department on this matter. My department maintains a public-facing register in the form of MyMinesOnline, which is the publicly available electronic register provided in accordance with section 197 of the Mineral and Energy Resources (Common Provisions) Act 2014. A range of details about existing tenures and applications can be found on that register. In addition to MyMinesOnline, the department's website also contains a range of public-facing information about applications and existing resource authorities.

Concerns were also raised about the renewal of certain petroleum lease renewals under the Petroleum Act 1923. As has been made clear, however, these amendments simply remove an ambiguity in the Petroleum Act 1923 and provide greater clarity about the treatment of lease renewals. The proposed amendments in this bill will bring the standing of lease renewals under the Petroleum Act 1923 into alignment with provisions for renewals of other equivalent resource authorities in the Mineral Resources Act 1989 and the Petroleum and Gas (Production and Safety) Act 2004. This is required to provide certainty to current operations that have had production leases previously renewed. It also ensures the continuity of ongoing access and compensation payments to landholders.

The bill will also address a second issue within the Petroleum Act 1923 relating to the administration of authorities to prospect and the grant of new leases. Under section 25U of the Petroleum Act 1923, any remaining authorities to prospect under the act will expire and their associated production lease applications will lapse on 1 November 2021. These amendments will provide the holders of impacted authorities to prospect with the confidence that they will continue in force, despite the 1 November 2021 expiry. It will also ensure that any outstanding decisions on the associated production lease applications can be made after 1 November 2021 if they have submitted an application prior to this date. I am advised that the affected tenure holders have already done this.

It is important to note that these amendments do not alter the criteria for the decision; nor do they confer any additional rights or obligations upon the holders. These amendments merely ensure that anyone with pre-existing rights have their rights preserved if they have already made an application for a lease. The additional time to consider these four remaining authority to prospect applications is to ensure that we get these decisions right.

I understand that industry stakeholders questioned the wording of these amendments during the committee process because they were concerned that the language suggested that the relevant minister would be able to exercise a new discretion that did not previously exist when granting an application. I can advise that these concerns are incorrect. The amendments simply empower the relevant minister to exercise the powers under the former section 40 as they currently exist, requiring the minister to grant a lease in the listed circumstances. They are in line with the existing provisions of the act that ensure an underlying authority to prospect continues in force while an application for a production lease is being assessed. Without these amendments, any impacted authorities to prospect will expire and their associated production lease applications will lapse.

The water restriction amendments to the South-East Queensland (Distribution and Retail Restructuring) Act 2009 in the bill aim to ensure that, should South-East Queensland water grid levels decline to a level that triggers the requirement for mandatory water restrictions, all water service providers can enforce water restriction compliance in an equitable and consistent manner. The amendments will help to ensure that our precious water resources are managed appropriately for the benefit of the entire community.

Local government water service providers Logan, Gold Coast and Redland city councils each have investigation and enforcement powers for water restriction offences under the Local Government Act 2009. Due to an historic anomaly, these investigation and enforcement powers are not available to distributor-retailers Urban Utilities and Unitywater. This means that, under the current legislative framework, water restrictions are not able to be enforced on a significant majority of the South-East Queensland population. While most Queenslanders act responsibly during times of drought, it is important that our laws in this regard apply equally to everyone. Combined, Urban Utilities and Unitywater service nearly two million people and approximately 62 per cent of the South-East Queensland region. The amendments will achieve a consistent regulatory framework for all South-East Queensland water service providers, whether they are councils or distributor-retailers.

The amendments enable Urban Utilities and Unitywater to appoint authorised persons empowered to undertake investigation and enforcement actions against water restriction offences. Specifically, the authorised persons will have the same powers of entry as local government officers to search for evidence of potential noncompliance with water restrictions. The appointed persons will also be authorised to implement necessary enforcement or compliance actions, such as issuing penalty infringement notices. The amendments in the bill are supported by both Urban Utilities and Unitywater and simply seek to remedy an historical anomaly so that distributor-retailers have the same investigation and enforcement powers for water restriction offences as local government providers.

The bill also progresses amendments to the Water Supply (Safety and Reliability) Act 2008 to exclude the requirement for water service providers to make publicly available highly sensitive cybersecurity information and reporting metrics.

Hon. SJ STEWART (Townsville—ALP) (Minister for Resources) (2.56 pm), continuing: Having this sensitive information publicly available, either online or via request, may make Queensland's water service providers vulnerable to malicious cyber attacks and could place a community's water supply at risk. An application for such information can be made and considered under Queensland's Right to Information Act 2009 and the Information Privacy Act 2009. However, it is anticipated that highly sensitive information will not be released through this process.

The proposed amendments to the Water Supply (Safety and Reliability) Act 2008 seek to ensure the protection of sensitive information and mitigate cybersecurity threats for all Queensland water service providers. During consideration in detail of the bill, I will seek leave of the House to introduce urgent amendments that are outside the long title of the bill. I will now briefly speak to them before seeking leave at the appropriate time during consideration in detail of the bill to move them.

The amendments are needed to provide further time for addressing implementation matters concerning statutory role requirements for coalmining operations that would otherwise come into effect on 25 November this year. The requirements under the Coal Mining Safety and Health Act 1999 require coalmine operators to ensure persons appointed to certain statutory positions for coalmining operations are employees of the mine operator. These requirements commenced on 25 May 2020 and included an initial 18-month transitional period to provide coalmine operators with time to meet the new requirements. However, a 12-month extension to the existing transitional period is required to enable industry to address challenges it has identified in implementing the requirements.

As foreshadowed earlier, I will also introduce amendments to the long title of the bill to give effect to the Speaker's ruling on the same question rule. I commend the bill to the House.