Speech By

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RESOURCES SAFETY AND HEALTH LEGISLATION AMENDMENT BILL; MINERAL AND ENERGY RESOURCES AND OTHER LEGISLATION AMENDMENT BILL

Mr LAST (Burdekin—LNP) (11.47 am): I rise to speak to the cognate debate of the Resources Safety and Health Legislation Amendment Bill 2024 and the Mineral and Energy Resources and Other Legislation Amendment Bill 2024. I note the amendments moved during the course of the minister's contribution. It is no surprise that yet again at the last minute we see amendments dropped into this chamber during the middle of a debate, giving us no opportunity to scrutinise those amendments, giving no committee the opportunity to look at what those amendments might mean and giving me, as the shadow minister, no opportunity to understand their repercussions for the resources sector and Queensland more broadly. I will speak a little bit more about them during the course of my contribution.

I also put on the record that again this government has cognated two important bills that deserve to be considered independently and not rammed through this parliament by an increasingly desperate government. The Mineral and Energy Resources and Other Legislation Amendment Bill 2024, also known as the MEROLA Bill, was introduced to the House on 18 April by the minister. The bill was referred to the Clean Economy Jobs, Resources and Transport Committee which tabled its report on 7 June 2024. The committee made two recommendations, but more on that during the course of my contribution.

According to the explanatory notes, this bill seeks to achieve the following key objectives: to enhance the state's coexistence framework; to provide a framework for managing the impacts of coal seam gas induced subsidence; to improve regulatory efficiency; and to modernise the Financial Provisioning Scheme. Yet again we have a bill before this House without, according to the submitters to the committee, appropriate consultation, a concern that was echoed in the committee's second recommendation and highlighted by both the Australian Energy Producers and the Queensland Renewable Energy Council. On this occasion the committee found a total of nine areas that require further consultation, including engagement with stakeholders and consultation on the funding model for the Land Access Ombudsman.

Enhancement of Queensland's coexistence framework is one of the key objectives of this bill; yet, despite that, confusion remains. This is particularly concerning given that this government's framework seeks to, according to the committee, balance the rights and interests of the resources sector with those of landholders. Every Queenslander knows that our state is not only proud of but also relies on both the resources and the agricultural sectors. It is vital that both those sectors coexist in a manner which allows both parties—agricultural and resources companies—to conduct their business. It is not just food; it is fibre and so much more. Nothing could prove Queensland's reliance on resources more than this government's budget.

I note that amendments will be moved by the minister to clarify that the membership of the Coexistence Queensland board and any community leaders council established include representation from the agricultural industry, as it should. If we are going to get this right and if they are going to coexist, there needs to be appropriate representation. In acknowledgement of the interaction between agricultural land use and resources and renewable energy activities following introduction of the bill, the agricultural sector identified the importance of ensuring the interests of agricultural landholders are clearly and equally represented in the establishment of Coexistence Queensland and any community leaders council.

Despite the importance of those industries and the fact that this government has had almost two years to address those issues, stakeholders raised concerns about narrow jurisdictions, service gaps and other issues. Those are not my words; those are the words of the committee. Those concerns are the result of a lack of consultation. These concerns remain due to the arrogance of this government that is glad to take royalties from the resources sector but cannot be trusted to find the right balance when it comes to the rights and interests of the very industry that has delivered what the *Courier-Mail* described as 'an opportunity to deliver generational benefits'.

The Office of Groundwater Impact Assessment independently assesses and manages the impacts of groundwater from coal seam gas development and plays a key role in the coexistence framework. It comes as no surprise that concerns have also been raised by stakeholders when it comes to the need for independent oversight. While I note the department's commitment that the terms of reference will be drafted for the technical reference group, those terms of reference are yet to be seen.

I move on to the sections of the bill that relate to fossicking. From the outset, fossicking makes a valuable contribution to towns such as Clermont in my electorate. If ever there were an illustration of a lack of consultation, it is in regards to the amendments around that particular industry. I thank the Queensland Sapphire Miners Association for its advocacy on behalf of fossickers throughout the state. I acknowledge its frustrations with a government that, despite repeated requests, refused to consult or to hear its concerns. They are not minor concerns. As Alan Freeman, Vice-President of the QSMA, told the committee, 'The lack of consultation would result in a disastrous outcome for small businesses, the tourism sector and large parts of Queensland.'

I note the assurances given by the department that a fossicking licence can be purchased without membership of a club or other entity. I call on the minister in his reply to confirm that this is the case, something he had numerous opportunities to do previously. The fossicking industry is an important industry in Central Queensland with thousands of Queenslanders and tourists spending weeks or even months in search of these hidden treasures. Those people, by and large, do the right thing and provide a welcome financial boost mostly to small towns throughout the state. It almost beggars belief that a government that was so opposed to new resources projects now cites the interests of resource companies when it comes to seeking permission from mining lease applicants. Again, we saw a lack of consultation and engagement result in some believing that access may also be restricted for land subject to an exploration permit.

I mentioned earlier the need to find a balance when it comes to the interests of the resources and agricultural sectors. While this government struggles to achieve that goal, those sectors are united in their calls for sections of this bill relating to subsidence being withdrawn. I note the amendment tabled by the minister to have that particular provision withdrawn from the bill, as it should. It is the subject of much angst, much frustration and concern across the sector. That absolutely needs to go back for further consultation and come back before this House as a separate amendment or, in fact, a separate bill. There is no doubt that it is a risk. It needs to be managed in the right way.

I move on to the Resources Safety and Health Legislation Amendment Bill 2024. From the outset, I put on the record the importance of mine safety to me. As I have often said, safety must always trump production. This bill was introduced to the House by the minister on 18 April and referred to the Clean Economy Jobs, Resources and Transport Committee for report by 7 June. Three recommendations were made by the committee. The bill proposes amendments to five acts. I note that the explanatory notes state that the amendments stem from the Brady review, which was released in 2020, the Queensland Coal Mining Board of Inquiry which concluded in 2021, and safety resets held in 2019 and 2021. Further, this bill seeks to improve the resource sector's safety and health performance to reduce the occurrence of fatalities and serious accidents by: facilitating growth in high-reliability organisations' behaviours; modernising regulatory enforcement powers; ensuring resources safety and health legislation is contemporary and effective; and enhancing the operation and administration through minor operational amendments.

Mine safety is important to me because the Burdekin electorate is actually home to the lion's share of Queensland's coalmines. Even more importantly, the Burdekin electorate is the home or workplace for literally thousands of people whose hard work generates the billions of dollars that the

Treasurer distributed in his budget released yesterday. In my role as shadow minister for resources and mines and as the member for Burdekin, I have spoken to people who have a personal interest in mine safety because it can mean the difference between them and their colleagues going home at the end of their shift.

As the minister knows, each year I attend the Miners' Memorial at Moranbah. I attend this event to show my support and appreciation to the people who work in the industry and to honour those who have lost their lives due to workplace incidents. While the LNP will not oppose this bill, I will highlight the areas where we believe the government could do better because, by doing it better, we make our mines safer and move toward the goal of ensuring no other names are added to the memorial in Moranbah.

As the Burdekin electorate is the workplace and home of a large proportion of Queensland's coalminers, advocacy relating to mine safety is something to which I am no stranger. I acknowledge one of the most passionate advocates for mine safety who not only works and lives in the electorate but also plays a key role in the Miners' Memorial at Moranbah. Scott Leggett is determined to make our mines as safe as possible. In addition to his work on the mine site itself, Scott is proud to advocate widely, and part of his advocacy can be seen in his submissions to, and appearances at, committee inquiries. It was at such a hearing in Moranbah that Scott told the Transport and Resources Committee—

If you cannot get the information then you are never going to get a result. You need truth. You need to be able to compel people to tell the truth about what happened. If you cannot get that information you will never get to what caused it. If you cannot understand or find what caused it you will never fix it. It will happen again.

Scott was talking about the power of compulsion when it came to mine incidents—the power to ensure that lessons are learned with the sole goal of preventing similar incidents. The importance of and need for compulsion was also highlighted during the Coal Mining Board of Inquiry with the board itself outlining its request of then minister Lynham to have the act amended. For those reasons, and despite the delays, the LNP supports the introduction of compulsion into the Petroleum and Gas Act, but the minister's job is not yet complete.

The fact is, despite the board of inquiry's calls and testimony from people such as Scott Leggett, it was ultimately a recommendation from the Coroner that saw this government take action. Frankly, the amendment will have little to no effect in the event of an inquiry into a serious incident due to the provisions around self-incrimination. Perhaps this issue could have been addressed if the government chose to consult more widely, especially given the fact it is now more than three years since the board of inquiry's final report. Surely this was ample opportunity to consult genuinely on such an important issue.

When an incident occurs on a mine site, it is imperative that the cause of the incident and ways to prevent a reoccurrence are identified and shared in a timely fashion. Where necessary, it is also imperative that people or companies are held to account. The Coroner's recommendation I referred to earlier came as a result of the investigation into the death of Gareth Dodunski. While the Coroner cited the absence of the power to compel witnesses as a contributing factor, the fact is it took 10 years for Gareth's family to get the answers they sought, and it took 10 years for recommendations that may prevent a similar incident to be made public.

As the Mine Managers Association of Australia said in their submission, 'Matters should be dealt with as quickly as possible' in order to 'ensure timely interventions to deal with serious safety incidents'. You have to wonder then why this bill includes an extension of one of the timeframes that applies to the commencement of proceedings. I call on the minister in his reply today to justify the extension. Quite simply, if additional resources are needed to ensure thorough investigations, those resources must be made available because, as the committee stated, the 10-year ordeal that the Dodunski family endured is unacceptable.

Mr LAST (Burdekin—LNP) (2.40 pm), continuing: I move onto the amendments relating to the capture and sharing of data. As the committee stated in its report—

Incident data and its analysis underpin the regulator's ability to share safety learnings and trends with industry, with a view to preventing incidents and serious accidents and to improve safety and health outcomes for resources sector workers.

The opposition supports data sharing as a step toward improving safety, but what must be remembered is that, as the Brady report found, an increase in the number of high potential incidents reported is actually a sign of a sound safety culture. Put simply, we must ensure when data is shared to improve safety outcomes, it must be done in the appropriate context to ensure companies doing the right thing are not unwittingly tarnished.

A considerable number of the amendments contained in this bill relate to safety critical roles. As the Brady report found, the importance of these roles cannot be understated as inadequate supervision was a recurring factor in many of those fatalities. To require that persons filling particular safety critical roles are properly qualified and hold the relevant certificates of competency is, in my opinion, a logical step, but it is a step that must be properly managed.

Submitters expressed concern around the government's timeframes, providing the example of the implementation of ventilation officers' competencies. In that instance, it took more than 12 months for the required training course and materials to be developed and accredited. Peabody illustrated their concerns, citing that only 225 certificates of competency had been issued in the last five years, compared to the estimated 400 certificates of competency that would need to be issued in five years to meet the government's timelines. I note the committee's recommendation that the five-year period commences once the Board of Examiners sets the associated examinations. Again, I call on the minister to provide assurances that, should additional resources be needed to ensure the implementation in a timely manner, those resources will be provided forthwith.

Whilst I will always advocate for Queenslanders to fill jobs in Queensland, I do note that this initiative will increase consistency across Queensland and New South Wales. Information provided to me by workers on site at mines is that filling these critical positions is becoming more and more difficult, so increasing consistency may provide a further option to fill those key roles, hopefully while we are training Queenslanders to fill them on a more long-term basis.

The concept of continuing professional development is not a new one in the resources sector or in many other sectors. While continuing professional development is good in theory, it is absolutely essential that it is regular practice. For that reason, we welcome the introduction of a compliance and enforcement period, along with the transitional periods.

It would be remiss of me, when speaking about certificates of competency, to not make mention of the amendments relating to the Board of Examiners. I welcome the appointment of an independent chair and the appointment of a person with expertise in the assessment of competencies.

Achieving safer mines in Queensland is not a task that can be laid at the feet of workers, companies or government individually. It must be a cooperative effort including the Board of Examiners and, as I have previously said, I implore the minister to give assurances that the board will be adequately resourced to achieve the necessary outcomes of improved safety.

Unfortunately, we have seen confusion when it comes to the amendments relating to site senior executives or SSEs. While the requirement for an SSE to be at or near a mine site is not new, this bill has fuelled considerable confusion. I note that RSHQ advised the committee that the intention was to ensure an SSE was not working remotely. While I see the merit in this statement and the value in ensuring the SSE is readily available, the parameters are open to interpretation and blurred, to say the least—an opinion shared by both unions and resource companies. What is 'at or near'? Is that the closest town or work camp? What happens to those SSEs who are FIFO? At the risk of repeating myself, this is an issue that could have been better addressed with thorough consultation.

I mentioned earlier the importance of highlighting where the government could do better, regardless of whether that means suggesting improvements to this bill or to speaking up about missed opportunities. Both the Mine Managers Association of Australia and the Electrical Trades Union agree on the importance of missed opportunities, and they are correct. Many times I have mentioned in this House the recommendation from the *Black lung, white lies* report from the inquiry into coal workers' pneumoconiosis, commonly known as CWP or black lung. The ETU believes that this bill was a missed opportunity to address the handling and prevention of both black lung and other mine dust lung diseases. The fight against those dreadful diseases is not over, and it is a duty of all governments to do all we can to ensure those diseases can be assigned to the pages of history as soon as possible, not because we have ignored them, but because we have implemented solutions.

The Mine Managers Association of Australia also provided evidence that the minister's job is far from done, citing a recommendation from the Coal Mining Board of Inquiry and highlighting that the recommendation has not been facilitated.

Queensland is blessed with many assets. There are the resources that both companies and individual fossickers look to find and, of course, we have workers who give up so much to play their part in the financial future of our state. However, it is naive to focus only on the positives. It is the role of government to listen and to act. Sadly, again, we have an illustration of a government that has failed to listen. With regard to these bills, that has resulted in missed opportunities, in confusion and in simply unacceptable proposals. As I mentioned earlier, the LNP will not be opposing these bills on the basis that the minister has indicated that the provision related to subsidence has been withdrawn.

We owe it to the men and women who work in the resource sector to get this right. I will never stop fighting to ensure the legislation we pass in this parliament takes into consideration the advice and feedback provided by those who work in the resource sector.

I will move briefly onto the amendments relating to the Corrective Services Act 2006, as tabled by the minister, validating the appointments of acting professional Parole Board members. That act provides for acting Parole Board members to be engaged to ensure the Parole Board can continue to perform its functions, including where there is a vacancy, absence or another reason impacting operations. This includes arrangements for persons to act as president, deputy president or as a professional board member.

In recent years, several individuals were approved by the Governor in Council as appropriate persons to act as professional board members. However, it has been identified that there were errors in the subsequent engagement of these approved individuals to act at different periods. These appointment errors may have the effect of invalidating parole decisions that the acting professional board members took part in.

There are serious concerns around that particular point. When prisoners are released from custody, on the decision of Parole Board members, there is an enormous responsibility associated with that. The community needs to have the faith and the confidence that those decisions are being made appropriately and in accordance with law. Clearly, that has not been the case. It has not been over a few months or a couple of years; it is for the period from 3 July 2017 to 5 June 2024—for that period of time. We need to ensure the continued safety of the community and we need to make sure these parole decisions remain enforceable. The fact that that has gone on so long before this error has been picked up is unfathomable.

If I can quickly remove onto the Environmental Protection Act 1994 amendment, this is an amendment to prohibit greenhouse gas storage activities and greenhouse gas stream enhanced petroleum recovery activities in the Great Artesian Basin. My colleague, the member for Bonney, will speak to this particular point in more detail shortly, but I say—and the opposition are on the record—very loudly and clearly that we oppose the carbon capture and storage in the Great Artesian Basin, and I say that again here today.

The primary objective of this amendment is to give effect to a permanent ban on greenhouse gas storage activities and enhanced petroleum recovery activities using a greenhouse gas stream including carbon dioxide. I note that the legislative ban applies in the geographical area of the Great Artesian Basin located in Queensland. Again, we will not be opposing that particular amendment.