




Speech By
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MEMBER FOR MAIWAR

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

 **Mr BERKMAN** (Maiwar—Grn) (4.04 pm): If I have kept count correctly, this is the fourth time that we have had to speak on bills that should not be debated together. The consequence is that we lose half of our standard 10-minute contribution time on each bill and, inevitably, skip some of the detailed exploration of the issues that we might like to undertake. Despite Labor's disregard for scrutiny and process, I have no option but to do that and I will not waste any more time haranguing them for stifling debate.

The government are obviously aware that consultation on these bills was sorely lacking, with just two weeks for stakeholders to weigh in on changes that would have major implications for agriculturalists, workers and regional communities. Now they have introduced a staggering number of amendments on the day of the debate, some purportedly to allow for more consultation. I cannot understand why they would not want to send some of the really positive changes to committee to engage with stakeholders and hear their views, to make sure we get it right.

In the limited time I have to speak, I will focus on the Mineral and Energy Resources and Other Legislation Amendment Bill. Worker safety in the resources sector is absolutely critical so I do want to touch briefly on the resource safety and health bill. Recent reviews paint a seriously concerning picture of safety in the resources sector, including the expectation of 12 fatalities within any five-year period as vigilance onsite waxes and wanes. The Brady review highlighted the need for better training and supervision and more effective controls that are not just administrative.

We support the changes in the resources safety and health bill that implement critical controls; increase competency requirements for critical roles; improve training, CPD, information sharing and incident notification and reporting; and stronger protections for workers against reprisals. It is important too that there is a range of mechanisms for enforcement, like enforceable undertakings, and that labour hire workers and agencies are not falling through the cracks. The safety of all workers must be prioritised, regardless of their employment status.

Although we will be supporting the Resources Safety and Health Legislation Amendment Bill, some serious oversights were raised by unions and workers who flagged the difficulties associated with such a restricted consultation period. The Mining and Energy Union expressed its disappointment that the bill fails to introduce critical reforms for the handling and prevention of dust diseases, despite 60 coal industry workers presenting with new confirmed notifiable dust lung diseases during 2022 and 2023 alone.

The ETU raised concerns that electrical workers are not adequately represented under the current legislation, especially noting that workplace health and safety powers do not extend to areas of a mining lease that are not concerned with the direct extraction of coal. The QCU raised concerns about the operation of industrial manslaughter provisions. There were more, but I will leave it at that as I move on to the mineral and energy resources bill.

With this bill, Labor has entrenched its image as the party of the mega gas companies. It is unsurprising but it is short-sighted. It is business as usual with a fancy new name. Instead of the GasFields Commission of Queensland, we will now have Coexistence Queensland, tasked with managing and improving the sustainable coexistence of landholders, regional communities, the resources industry and now the renewable energy sector.

As Cotton Australia said in their submission, coexistence can't be mandated. What the Labor Party champions, including in this bill, is hardly sustainable coexistence. For many landholders and First Nations communities, coexistence with the gas industry is a fallacy. It is a pure impossibility. Instead, they are simply forced to deal with the impacts of extractive activities on their land, water, soil quality and ecology and, in turn, their privacy, their mental wellbeing and their livelihoods.

This bill will do nothing to meaningfully address the enormous power imbalances inherent in the processes. Instead, it has presented the lofty ambition of facilitating better relationships. For the uninitiated, that is code for: 'The GasFields Commission has such a bad rap that we need to rebrand them and rename them, but we are not willing to change any of the things that actually caused the problems in the first place.'

The EDO and Lock the Gate spelled it out. Unlike with the renewable energy industry, landholders have very limited rights to refuse entry and, therefore, very limited negotiating power. That means landholders can be forced into agreements on a very short timeframe which are hugely difficult to enforce, and oftentimes they cannot even discuss these agreements with their neighbours. This kind of disingenuous rebranding, to imply that coexistence within that framework is possible, is misleading and quite deeply embarrassing for this government, I would suggest.

Alongside landholders, communities, agriculturalists and the renewable energy sector, the membership of Coexistence Queensland will also include representatives of the resources industry, who I would argue hardly need the support. It is unclear how the membership will be weighted amongst these stakeholders and whether it will be properly resourced in order to support impacted communities. A community leaders council will be tasked with identifying issues affecting coexistence, but that council will also include representatives of the resources industry.

The bill actually removes the requirement for the government to consult with the commission when developing legislation affecting negotiations between landholders and the resources sector, supposedly to emphasise its educational and engagement focused functions rather than regulatory functions. When the overarching legislation is so severely weighted in favour of the resources sector, that focus is doomed to result in just another government body that is spurned by the impacted communities who are desperate to be heard. The same can be said of the newly established Land Access Ombudsman. Of course the resources sector should be responsible for funding this service through an industry levy, but landholders are routinely left carrying the costs when they are left wading through complicated legal processes to defend their limited rights and with no compensation for lost income.

On that note, one might think it is good news that the Labor Party heard the pleas for better consultation around the proposed scheme for compensation from CSG induced subsidence impacts, but are they or the LNP really going to listen to the outcomes of that consultation? The resounding feedback is not in the detail of the scheme; it is in its entire premise. Farmers want to say no to CSG. The owners of Glendon Farming Co described what it is like living with petroleum leases hanging over their heads. They said—

At present we are an undeveloped area and are in the dark as to when development may occur. The cards are in the hands of the resource company and we as affected farmers remain in limbo land as to when our future may be turned upside down by the imminent coal seam gas (CSG) invasion with all its inherent impacts ...

...

A region such as ours will never be better off, or mutually benefit from the introduction of CSG. There is no amount of money available that will be able to rectify the future damage our region faces if this industry proceeds across the Condamine Floodplain as intended.

Tabitha Karp, a landholder out near Dalby, expressed similar concerns around the impacts from Shell's CSG industrial zone. She said—

This is another attempt by the govt to act as if they are doing something when in fact, they are digging a deeper, more complicated & convoluted hole for farmers, whereby the govt is exempt from its responsibilities ... The fact is, coal seam gas activity should not be occurring on Private Freehold Priority Agricultural Areas ...

...

Water is life and so is food.

While we are talking about landholders and their rights, there is an ever-present underlying truth—that First Nations peoples have cared for their lands, seas and skies across so-called Queensland since time immemorial but they are completely excluded from this bill which is otherwise supposed to balance the rights and interests of landholders and industry. I will not read all of article 32 of the UN Declaration on the Rights of Indigenous Peoples, but it is clear that until free, prior and informed consent is both legislated and obtained, this government cannot claim to take its commitment to First Nations rights seriously.

There are a raft of other changes proposed in this bill and its amendments that I do not have time to address, but I want to draw attention to one particular change tucked away in the bill that means aerial surveys over 1,000 feet are no longer subject to access requirements. The explanatory notes assert that this change was intended to recognise the minimal material impact these surveys have on the land below. It paints a picture of a government that is out of touch with the many and varied ways that resource related activities impact on landholders who already have so little power. While these surveys may not have tangible physical impacts, the psychological impacts on landholders are significant, with every survey prompting distress, worry and questions about what is coming next. It is this attitude that explains why any genuine coexistence remains out of reach.

I will end on a positive note. I wish I had more time. I wish we had a separate bill to address the proposal to prohibit greenhouse gas storage activities in the Great Artesian Basin. Experts have been clear that injecting CO₂ into the GAB could massively increase acidity, dissolve the bedrock for these aquifers and contaminate water with heavy metals like arsenic and lead. That is why farmers and environmentalists have been so fiercely opposed to this, and it is thanks to their objections that we are seeing these changes introduced today. I have not had the opportunity to explore the amendments in detail, but I will leave it there and reassure the House that we will be supporting them.