




Speech By
Hon. Scott Stewart

MEMBER FOR TOWNSVILLE

Record of Proceedings, 12 June 2024

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

Second Reading (Cognate Debate)

 **Hon. SJ STEWART** (Townsville—ALP) (Minister for Resources and Critical Minerals) (11.22 am):
I move—

That the bills be now read a second time.

I will first speak to the Mineral and Energy Resources and Other Legislation Amendment Bill 2024. This bill delivers on government commitments in the Queensland Resources Industry Development Plan including fostering coexistence and sustainable communities. The bill will strengthen the state's coexistence institutions to support both the resources industry and the emerging renewable energy industry to build positive and mutually beneficial relationships with regional communities, landholders and the agricultural industry.

The bill will also make amendments to improve the regulatory efficiency of the resources acts to ensure Queensland's regulatory framework for the resources industry remains contemporary and fit for purpose. These amendments also include refining the Financial Provisioning Scheme to reduce risk to the state from resource companies not fulfilling their rehabilitation obligations. Finally, the bill also includes minor amendments to the Electricity Act for clarification purposes.

The committee report for the Mineral and Energy Resources and Other Legislation Amendment Bill was tabled on 7 June this year with a recommendation that the bill be passed. The committee's report contained one further recommendation that the Department of Resources undertake further detailed consultation and activities on the subsidence management framework. I now table the government's response to the committee's report.

Tabled paper: Clean Economy Jobs, Resources and Transport Committee: Report No. 6, 57th Parliament—Mineral and Energy Resources and Other Legislation Amendment Bill 2024, government response [1038](#).

I will now address the CSG induced subsidence management framework and other consultation. I acknowledge the recommendation made by the committee and understand some stakeholders raised concerns about the consultation undertaken. Although no consultation draft of the bill was released on this occasion prior to introduction, detailed consultation with a range of stakeholders was undertaken which formed the drafting of the bill. Initial consultation started a year ago culminating in the release of a suite of consultation papers in September 2023 inviting feedback on the proposed legislative reforms. A total of 148 submissions on these papers were received from landholders; community members; representatives of the agricultural, resources and energy sectors; legal and local government sectors; and community and environmental groups. The department also held 24 briefing sessions on the consultation papers for a broad range of stakeholders. The consultation informed the development of

the bill. However, I respect stakeholders wanted more, particularly in the case of the subsidence management framework.

The Premier has always said we need to listen to Queenslanders, and that is exactly what we will do. To address this feedback and the recommendation by the committee, I propose amendments to the bill that will remove the subsidence management framework and for it to be subject to further public consultation. We remain committed to working with all stakeholders to deliver a subsidence framework into legislation. This committee process has identified that stakeholders in the most part are supportive of a regulatory framework being implemented to manage the impacts, or predicted impacts, from CSG induced subsidence, but more time is required to evaluate whether the framework presents any unintended consequences.

The proposed subsidence management framework is a risk-based management framework designed to establish a clear regulatory pathway to assess and manage impacts and potential impacts from CSG induced subsidence on Queensland's prime agricultural land. It was proposed that this framework be based on the best available science and require the Office of Groundwater Impact Assessment to conduct periodic scientific assessments, modelling and monitoring to identify farms that have been impacted or may be impacted by CSG induced subsidence into the future.

The proposed framework also addressed cases where subsidence has an unreasonable or intolerable impact on agricultural land use, farming practices or economic considerations at the farm scale. This is through a direction that could be given to tenure holders to take steps to avoid, mitigate or manage these impacts and any possible future impacts. The proposed consultation on the subsidence management framework will focus on the details of the framework I have just outlined. This will ensure stakeholders have more time to consider that framework.

I note concerns raised through the committee process and in the committee's recommendation to undertake a full impact analysis statement. A summary impact analysis was undertaken in line with the Queensland government's Better Regulation Policy for all aspects of the bill, and this is available on the department's website. I acknowledge there are still a lot of detailed regulatory requirements to be developed before these amendments can take effect. The department will continue to work with key stakeholders to develop the subordinate legislation and operational tools required. This will further include consultation on the details and methodology for the proposed funding model for the Land Access Ombudsman and any other implementation requirements.

In addition to expanding the GasFields Commission's remit through Coexistence Queensland to include the broader resources and renewable energy sectors, the existing regulatory oversight role will be removed. Its advisory functions to government and others will continue. The committee process identified some stakeholders are concerned with the removal of the regulatory oversight function as this may diminish Coexistence Queensland's ability to add value in relation to coexistence matters across the broader resources and energy sector. I acknowledge this concern regarding the removal of the regulatory oversight. However, let me be clear: this function of Coexistence Queensland is consistent with other entities within government that have regulatory oversight functions, including the Queensland Audit Office and the Queensland Ombudsman. This change removes duplicative functions while retaining an advice function to government in relation to systemic coexistence issues.

I also appreciate that an explanation of Coexistence Queensland's functions in the explanatory notes to the bill could have been clearer. I have now tabled an erratum to these explanatory notes that provides a minor amendment to this explanation to make this clearer.

This bill will improve coexistence by strengthening the state's coexistence institutions, supporting the resource and renewable energy industries and enabling development of positive and mutually beneficial relationships with regional communities, landholders and the agricultural industry. Stakeholders identified opportunities to broaden the scope of the GasFields Commission beyond the onshore gas industry and to help regional communities deal with a range of emerging land access and coexistence issues.

In response, the bill rebrands the GasFields Commission as Coexistence Queensland, which will have a broad scope that will extend across the resources sector including the emerging critical mineral industry and the renewable energy sector. Coexistence Queensland will prove vital in fostering coexistence and supporting the renewable energy industry by keeping stakeholders and, most importantly, landholders informed of the opportunities and challenges relating to coexistence with the renewable energy sector and broader resources industry.

Under the banner of Coexistence Queensland, multiple community leaders councils will be established, with increased flexibility to tailor them to the specific needs of different industries. These

councils will comprise the CEO of Coexistence Queensland, local government representatives, voices from regional communities and representatives of the resources, renewable energy and agriculture sectors. The committee recommended further consultation is undertaken with stakeholders on the composition of the Coexistence Queensland and the community leaders councils. Contributors to the committee process sought commitment and clarification in the bill that the proposed community leaders councils and membership of Coexistence Queensland explicitly require representation from the agricultural industry to ensure recognition of issues faced by agricultural landholders. The government is supportive of this and intends to ensure that members include the agricultural industry. Although the broad drafting of the provisions does ensure these outcomes can be achieved, I acknowledge the importance of explicitly making this clear.

I now turn to address the amendments to be moved during consideration in detail in relation to the Mineral and Energy Resources and Other Legislation Amendment Bill. The first amendment relates to the subsidence management framework. As I outlined earlier, the committee process for the bill revealed a broad consensus among stakeholders from both the agricultural and resource sectors that more time is needed to evaluate an exposure draft of the proposed subsidence management framework. This government has listened and determined the appropriate course of action is to withdraw the subsidence framework and other related reforms from this bill and provide stakeholders further opportunity to consider the details in the framework.

The second amendment will explicitly clarify the new advice functions of the Office of Groundwater Impact Assessment, or OGIA as I will refer to it. This amendment relates to advice about subsurface impacts from authorised petroleum and gas activities. The amendment will allow OGIA to leverage its scientific knowledge and expertise to undertake scientific analysis and provide advice to government. This new advice function will enable the government to remain appraised of and work to address, if appropriate, potential subsurface impacts from petroleum and gas activities. In addition, as I outlined earlier, amendments are being made to ensure Coexistence Queensland board members and community leaders councils include representatives from the agricultural industry.

During consideration in detail, I will also be tabling amendments to the Corrective Services Act 2006 that relate to the operation of the Parole Board Queensland. Last week errors in the appointment of temporary professional board members to the Parole Board were confirmed. These errors in appointment may have the effect of invalidating parole decisions that the acting professional board members took part in. This government is acting swiftly with amendments to ensure these decisions remain enforceable and risk can continue to be effectively managed. The amendments will not change the outcome of any of the impacted decisions. The amendments will ensure parole decisions impacted by errors in the appointment of professional board members are enforceable and that the parole system in Queensland is properly administered. A further amendment will clarify that the Parole Board can continue to grant parole with a delayed release date of up to 14 days and will ensure the validity of this practice in the past.

The bill also includes amendments to give effect to the government's decision to ban greenhouse gas storage activities and greenhouse gas stream enhanced petroleum recovery activities in the Queensland component of the Great Artesian Basin. Amendments to the Greenhouse Gas Storage Act 2009, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004 and the Environmental Protection Act 1994 implement the ban by prohibiting greenhouse gas storage and enhanced petroleum recovery activities using greenhouse gas streams in the plan area of the Great Artesian Basin in Queensland. We are not ruling out carbon capture and storage from areas outside the Great Artesian Basin. Carbon capture and storage has a potentially important role in helping further reduce greenhouse gas emissions, but it will not be in the Great Artesian Basin in Queensland.

I will now talk to the Resources Safety and Health Legislation Amendment Bill. We know that the most important thing to come out of a mine at the end of each shift is its workers. Reducing the risk of workplace deaths and serious accidents is a priority of mine and the Miles government. With reference to recommendation 1, the committee report for the Resources Safety and Health Legislation Amendment Bill, also tabled on 7 June, contained three recommendations. I welcome the Clean Economy Jobs, Resources and Transport Committee's first recommendation, which was that the bill be passed, and I thank the committee for its timely consideration. I also want to thank those who took the time to make a submission on the bill and acknowledge their contributions. I particularly want to take this opportunity to acknowledge Michelle and Phil Dodunski who assisted the committee by recounting the devastating loss of their son Gareth, who was killed at a drill rig near Injune in 2013. The bill implements the coroner's recommendation following the inquest into Gareth's death.

The committee also recommended the transitional period requiring persons in safety critical roles to hold a certificate of competency should expire five years after the date the Board of Examiners sets the examinations. I thank the committee for this recommendation and note that commencement of these

provisions is by proclamation that can be for a period of up to one year from assent or two years if delayed further by a regulation. This can take into consideration implementation by the Board of Examiners, including the setting of the examinations. The committee also recommended the proposed amendments to section 39 of the Coal Mining Safety and Health Act 1999 and section 36 of the Mining and Quarrying Safety and Health Act 1999 be reversed to expand the scope of the bill while retaining references to remote operating centres. This recommendation is supported and amendments will be moved for consideration during debate of the bill. I now table the government response to the committee report.

Tabled paper: Clean Economy Jobs, Resources and Transport Committee: Report No. 7, 57th Parliament—Resources Safety and Health Legislation Amendment Bill 2024, government response [1039](#).

The bill progresses important reforms to resources safety and health legislation, delivering on recommendations of the Coal Mining Board of Inquiry into the Grosvenor coal mine explosion and the Brady review of mining fatalities. The bill will cover sections of recommendations 6, 12, 13, 19, 25, 29, 32 and 34 from the Coal Mining Board of Inquiry, amounting to 10 recommendations in total. The bill facilitates growth in high-reliability organisation, HRO, behaviours within the resources sector. To facilitate growth in HRO behaviours, the bill provides a clearer focus on critical controls that address the most serious risks and ensure that these are incorporated into a mine's safety and health management system. The bill aims to improve and optimise reporting of incidents and information sharing supported by a new electronic reporting system administered by Resources Safety and Health Queensland. The bill also strengthens the competency of those in key safety critical positions at coalmines by introducing certificates of competency issued by the Board of Examiners for an electrical engineering manager, mechanical engineering manager and a surface mine manager. I note concerns were raised during the committee's inquiry about the potential burden on industry from these new certificates and how they will be implemented by the Board of Examiners.

A number of fatalities in recent years were associated with activities under the responsibility of engineering managers and surface mine managers. Inadequate competency and supervision by those in these safety-critical roles were factors involved in these tragic incidents. These changes will ensure those roles have sufficient experience, knowledge and understanding of safety and health obligations and maintain current knowledge through continuing professional development requirements for certificate holders. Engineering managers are already statutory positions with competencies that have been set by the Coal Mining Safety and Health Advisory Committee. These requirements will come into effect five years after commencement of the bill. Commencement is by proclamation that can factor in implementation work required.

The bill clarifies existing information-sharing provisions that support the regulator's function of sharing safety learnings and trends to improve safety and health outcomes. These existing provisions allow for the publication of the mine operator's name and the mine to which the information relates. The changes clarify that the power is not limited to enforcement action but may also extend to statistical and factual information about incidents. I note the concerns raised that these changes are intended to 'name and shame' industry. The regulator already publishes safety performance data that identifies mines and quarries in the interests of transparency. These amendments are not to 'name and shame' but rather to 'share and explain'—that is, sharing information about incidents to explain their causes and identify ways to prevent harm to workers. For industry to achieve a mature reporting and learning culture it must be willing to be open about sharing information in order to drive down the number of fatal accidents in our industry.

The second important area of reform seeks to modernise regulatory enforcement. The bill broadens court orders that are available after a prosecution. These will enhance deterrence and provide the court with additional options in response to noncompliance. Enforceable undertakings are also introduced by the bill as an alternative to prosecution. These provide the option for the regulator to accept an undertaking from a person in relation to noncompliance with the safety and health legislation that is enforceable. While not available for fatal incidents, this additional regulatory option can provide an alternate pathway to deliver timely and effective safety and health initiatives that provide tangible benefits for workers, industry and the community as a whole. The bill requires RSHQ to develop and publish guidelines on accepting enforceable undertakings. The development of the guidelines will include consultation with stakeholders. This consultation can consider feedback during the committee inquiry about the regulator's decision-making process.

A suite of amendments are being made to contemporise the resources safety legislation. The first of these is to address the confusion over the meaning of the terms for 'contractors', 'labour hire agencies' and 'service providers' to ensure that safety and health obligations are explicit and can function as intended. The second of these is to clarify the types of 'employers' that could be liable for industrial manslaughter following the findings and recommendations of the Coal Mining Board of Inquiry. The third is to clarify the safety and health obligations that apply to remote operating centre workers, or

ROC workers, who are located off the mine site. The concerns about the definition of 'remote operating centre' were considered during drafting of the bill. I can advise that the additional requirements only apply to those ROC workers in a facility or part of the facility who are monitoring operations, providing information or remotely operating equipment in real time. The requirements do not apply to other parts of the facility, workers in other buildings or corporate offices whose activity may be related to the mine.

Other amendments will clarify a mine operator's obligation to ensure the site senior executive, being the most senior person who has responsibility for the mine, is located at or near the mine when performing their duties. This applies unless the site senior executive is temporarily absent, for no more than 14 days. This includes, for example, travelling away on weekends or performing offsite duties. The changes do not prevent a site senior executive from exercising their obligations via phone if temporarily absent from the mine. The concept of the site senior executive being located at or near the mine has been legislated since 1999. The changes in the bill simply introduce a direct obligation on the mine operator to ensure this occurs. This follows the finding of the Brady review that as many as 47 individual fatalities during the review period involved inadequate training of workers and the controls that were meant to prevent harm were ineffective, unenforced or absent with no supervision or inadequate supervision.

Also, during these changes the definition of 'supervisor' was restructured and describes a supervisor as a person at a mine who implements and monitors the site's safety and health management system, giving instructions to other workers in accordance with that system. I note there were concerns that this change may expand the scope of supervisor obligations to also be responsible for the site's safety and health management system. The change does not broaden the scope of duties for supervisory positions. The current arrangements that provide for duties of workers in management and supervisory roles are not impacted by the amendment.

I now turn to address the amendments to be moved during consideration in detail in relation to the Resources Safety and Health Legislation Amendment Bill 2024. Amendments to clauses 8 and 155 of the bill are necessary to ensure that the existing general safety and health obligations under section 39 of the Coal Mining Safety and Health Act 1999 and section 36 of the Mining and Quarrying Safety and Health Act 1999 continue to apply to any other person not located at the mine who may affect the safety and health of others at a mine or as a result of mining operations at a mine. I implore industry, the regulator and unions to embrace these changes and stop workplace fatalities and serious injuries in our mines.

I would like to give a callout to Shaun Ferris, Deputy Director-General, GeoResources. On Monday during the King's Birthday Awards he received a Public Service Medal. It is richly deserved and it was great to see that awarded to him. I commend the bill to the House.