



AGRICULTURE, RESOURCES AND ENVIRONMENT COMMITTEE

REPORT NO. 7 ON THE

MINES LEGISLATION (STREAMLINING) AMENDMENT BILL 2012

QUEENSLAND GOVERNMENT RESPONSE

INTRODUCTION

On 2 August 2012 the Mines Legislation (Streamlining) Amendment Bill 2012 (the Bill) was introduced to Parliament.

The Bill was subsequently referred to the Agriculture, Resources and Environment Committee (the Committee) with a report back date of 16 August 2012.

On 16 August 2012 the Committee tabled its Report No. 7 in relation to the Bill.

The Queensland Government response to recommendations made and clarification on points raised by the Committee are provided below.

RESPONSE TO RECOMMENDATIONS

Recommendation 1

1. The Committee recommends that the Mines Legislation (Streamlining) Amendment Bill 2012 be passed.

Government Response

2. Not applicable.

Recommendation 2

3. The Committee recommends that the Bill be amended to more clearly provide that contractual arrangements between parties that grant interests in parts of mining tenements are not covered by the 'prohibited dealings' provisions.

Government Response

4. The Government considers at this time that the provisions of the Bill that address 'prohibited dealings', serve the policy intended. The provisions use the existing frameworks for these matters currently prescribed in the resources legislation.
5. The Committee's recommendation for greater clarity around contractual arrangements and prohibited dealings as well as the submissions to the Inquiry by the Queensland Resources Council and Freehills are acknowledged. The Government will undertake more detailed consideration of the matter and seek further legislative change if required.

Recommendation 3

6. The Committee recommends that the Bill be amended to provide that safety requirements of the *Petroleum and Gas (Production and Safety) Act 2004* shall be the safety regime that applies to pipelines for the transport of produced water.

Government Response

7. The Bill as drafted does provide for water pipelines, as authorised activities for a petroleum authority, to be subject to the safety management plan provisions applying to the petroleum authority by virtue of section 670(6) of the *Petroleum and Gas (Production and Safety) Act 2004*.
8. It is acknowledged however that there is some overlap of safety regimes arising from the manner in which the amendments are drafted. The potential issue arises from definitional issues, so careful consideration and discussions with stakeholders will be needed to ensure the intended outcome is achieved without impacting other provisions.
9. It is proposed that the necessary amendments will be addressed in the next suitable legislative instrument process.

CLARIFICATION ON POINTS RAISED BY THE COMMITTEE

Communications and consultation

10. The Committee sought clarification regarding what work the department will undertake to inform landholders and other groups who may be affected by provisions in the Bill that are passed by the Legislative Assembly.
11. The Committee also invited the Minister to provide assurances that his department will in future include landholders, environmentalists and peak bodies representing them, as well as community groups, in its consultation processes for the development of resource industry related Bills that may affect their interests.

Government Response

12. The Committee's comments regarding consultation processes are acknowledged.
13. In order to inform key stakeholders of the passing of the Bill the department will write to all key stakeholder peak bodies and those that made submissions to the Committee informing them that the Bill has been passed and highlighting key sections of the Bill.
14. The department will also continue to work through implementation of the Bill through regular stakeholder meetings that are held with groups such as AgForce, Queensland Farmers' Federation, Queensland Resources Council and the Australian Petroleum Production and Exploration Association.

15. The Committee can be assured that the Department of Natural Resources and Mines is committed to collaborative policy and legislative development processes as they relate to the resources sector. It is also important to note that in this particular case whilst there was no direct consultation with landholders and environment stakeholders on the content of the Bill itself, the provisions of the Bill do reflect the issues that communities and landholders have expressed over time through a broad range of mechanisms.
16. This is particularly relevant for the CSG / LNG related amendments that have been informed by community concerns around environment and landholder impacts and directly address these issues.

Timeframes for online services

17. The Committee sought clarification on when the MyMinesOnline system will be operational if the Bill is passed, and when it will be possible for members of the public to be able to access permits and lease documents online.

Government Response

18. *MyMinesOnline* is an authenticated customer portal that allows resource explorers to view their information as it relates to their permits. It has a sister product, *MinesOnline* which is open to the public to access reports. Since July 2010, the public has been able to access the *MinesOnline* system to undertake basic register searches. The public also has access in a geospatial context through the Interactive Resources and Tenure Maps (IRTM) online service.
19. As announced on Friday 17 August 2012, as an outcome of the Streamlining Project, members of the public now have free access to additional online information about resource activity through the new Local Area Mining Permit Report. Using this system, users including local governments and landowners, are able to search for resource activity by local government boundary, by real property descriptions, or within 2 km of a property. The resulting report will be emailed to the user and will provide greater transparency and certainty for community members in an easy to understand format.
20. It is expected that the *MyMinesOnline* system will begin accepting mineral exploration permit applications in October this year. Aspects of the system can be released without requiring legislative amendment, however this will require the department to implement transitional measures to ensure the requirements of the legislation are met (e.g. to effect lodgement in an office).

Extinguishment of interests

21. The Committee sought clarification from the Minister regarding what is meant by 'extinguish all interests in the land, including native title rights and interests' during his debate of the Second Reading of the Bill.

Government Response

22. The wording 'extinguish all interests in the land, including native title rights and interests' is stated in clauses 21, 42, 48, 73, 79 and 158; or more specifically in the proposed new sections 350A(4) in the *Geothermal Energy Act 2010*; 369A(4) in the *Greenhouse Gas Storage Act 2009*; 10AAA(4) in the *Mineral Resources Act 1989*; 124A(4) in the *Petroleum Act 1923*; and 30AA(4) in the *Petroleum and Gas (Production and Safety) Act 2004*.

23. It is important to note that these provisions in no way change or amend rights or processes under Commonwealth Native Title legislation.
 24. To explain the effect of the clauses it is necessary to briefly outline the intent of the above mentioned sections.
 25. A key element of the compulsory acquisition amendments is that resource interests should only be extinguished by compulsory acquisition of land where it is incompatible with the purpose of taking the land.
 26. The above mentioned sections outline a less obvious, but an important example, of where the existence of resource interest is incompatible with purpose of taking the land.
 27. In some instances it is necessary for the State to extinguish all interests in land, including native title. For example, to convert leasehold land to a freehold title, it is necessary to extinguish the interest of the lessee and that of native title holders.
 28. In order to do this, it is necessary to extinguish any resource interests present even if resource interests are not physically incompatible with the purpose of the taking the land.
 29. To avoid any doubts about the intent of the amendments, the above mentioned provisions clarify that resource interests can be extinguished where it is necessary to extinguish all interests in the land, including native title rights and interests.
 30. In these instances resource interest holders would be required to be served with relevant notices and have access to compensation for any resumed rights.
 31. This matter will be addressed during the Second Reading debate, as requested by the Committee.
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