

CLEAN ECONOMY JOBS, RESOURCES AND TRANSPORT COMMITTEE
REPORT NO. 6
MINERAL AND ENERGY RESOURCES AND OTHER LEGISLATION AMENDMENT
BILL 2024
QUEENSLAND GOVERNMENT RESPONSE

INTRODUCTION

On 18 April 2024, the Mineral and Energy Resources and Other Legislation Amendment Bill 2024 (the Bill) was introduced into the Queensland Parliament. The Bill was referred to the Clean Economy Jobs, Resources and Transport Committee (the committee), with the committee tabling its report no. 6 on 7 June 2024.

The Queensland Government's response to the recommendations made by the Committee is provided below.

RESPONSE TO RECOMMENDATIONS

Recommendation 1

The committee recommends the Mineral and Energy Resources and Other Legislation Amendment Bill 2024 be passed.

Government Response

The Government notes and supports the recommendation.

Recommendation 2

The committee recommends the Department of Resources undertake further detailed consultation and activities on the subsidence management framework, that includes:

- consultation on how and when it will engage with stakeholders to develop planning, regulatory and technical requirements
- preparing a full Impact Analysis Statement
- amending the Bill's explanatory notes to clarify the proposed regulatory oversight functions of Coexistence Queensland
- consultation on the composition and structure of technical reference groups, community leaders council and the Coexistence Queensland Board
- consultation on the funding model for the Land Access Ombudsman
- consultation on the current land access code to ensure it is fit for purpose
- consultation on the assessment process for baseline data collection
- consultation on the processes related to the declaration of subsidence management areas
- considering the merit of extending provisions for the public release of information to resource and development activities beyond those relating to greenhouse gas authorities

Government Response

The Government supports the recommendation and provides the following information in support of this.

Consultation on subsidence management framework

A broad range of stakeholders during the Parliamentary Committee process called for more consultation on the proposed subsidence management framework ahead of progressing this primary legislation through Parliament. In response, the Government proposes to remove the subsidence management framework from the Mineral and Energy Resources and Other Legislation Amendment Bill 2024 during consideration in detail.

This will provide stakeholders with a further opportunity to consider in more detail the proposed framework to identify any detrimental impacts to agricultural and resources operations. It is important to make sure that there are no unintended consequences with this primary legislation ahead of its progression through Parliament.

The focus of the consultation will be to provide feedback on all aspects of the framework, including:

- the Office of Groundwater Impact Assessment's technical reference group;
- the declaration of a subsidence management area;
- baseline data collection;
- the process for engaging with stakeholders to develop regulatory and technical requirements;
- concerns about application of the Land Access Code; and
- potential unintended consequences.

Once developed, the Department of Resources will release plans for consultation on the drafting of the framework in primary legislation, outlining how and when stakeholders will be consulted. This will also include details on consultation on broader prescribed requirements that will support the operational implementation of the subsidence management framework, including the role of other relevant government agencies within this consultation.

Consultation on other components of Bill ahead of commencement

Government also intends to consult on the details and methodology for the proposed funding model for the Land Access Ombudsman ahead of these amendments taking effect. In addition to working closely with the Land Access Ombudsman in developing this levy model, Government will work closely with the resources industry and other relevant stakeholders to understand potential impacts or limitations of the levy methodology and anticipated costs, and work with them to implement the requirements.

Government will also consult with stakeholders on other components of the Bill not related to the subsidence framework ahead of commencement of these regulatory provisions. This will include, but not be limited to, when and how the requirements for the strategic land release amendment will be implemented; the transitional requirements for provision of development plans when prescribed mineral thresholds change for prescribed mineral mining leases; and the operationalising of changes to the regulation of aerial surveying.

Membership of Coexistence Queensland and Community Leaders Councils

During the committee process, several stakeholders from the agricultural sector requested amendments to the Bill to ensure that agricultural landholders are clearly and equally represented in the establishment of Coexistence Queensland. The need for this amendment includes further clarity that the members of Coexistence Queensland and any community leaders' councils include representation from the agricultural industry.

In acknowledgement of this request, the Government is proposing amendments to the Bill to ensure that members of Coexistence Queensland and any community leaders' councils established under the renamed *Coexistence Queensland Act 2013* include individuals from the agricultural industry that will represent the interests of agricultural landholders.

Preparing a full Impact Analysis Statement

A summary Impact Analysis Statement was undertaken in line with the Queensland Government Better Regulation Policy for all aspects of the Bill. Those that relate to the proposed subsidence management framework, the coexistence institutions and regulatory efficiency amendments have been made available on the Department's website at www.resources.qld.gov.au.

For any further regulatory changes, including regulatory amendments to prescribe requirements for undertaking land monitoring, baseline data collection and farm field assessments, Government will undertake further impact assessment as required and in line with the Queensland Government Better Regulation Policy. If required, this will include a full consultation Impact Analysis Statement.


With the removal of the subsidence management framework, the ensuing consultation will also provide Government with the opportunity to further understand regulatory impacts of the framework. And as is required practice, a further impact analysis statement that will be informed by this consultation will be developed ahead of introduction of any subsidence management framework into Parliament.

Amending the Bill's explanatory notes to clarify the proposed regulatory oversight functions of Coexistence Queensland

An erratum to the explanatory notes for the Mineral and Energy Resources and Other Legislation Amendment Bill 2024 tabled on 5 June 2024 makes a minor correction that clarifies the role of Coexistence Queensland. This role is to identify systemic coexistence issues across its expanded remit, with its regulatory oversight function being the provision of advice to government and other stakeholders on such systemic issues.

Extending provisions for the public release of information to resource and development activities beyond those relating to greenhouse gas authorities

Amendments relating to the public release of information collected by the chief executive have already been made across the Resource Acts in the Bill, in addition to the *Greenhouse Gas Storage Act 2009* made under clause 37. Specifically, clause 34 amends the *Geothermal Energy Act 2010*, clause 146 amends the *Mineral Resources Act 1989*, clause 154 amends the *Petroleum Act 1923* and clause 168 amends the *Petroleum and Gas (Production and Safety) Act 2004*.

Queensland Legislative Assembly	
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 12 JUN 2024	Tabled <input checked="" type="checkbox"/>
MP: <u>HOW STEWART</u>	By Leave <input type="checkbox"/>
Clerk's Signature: <u>M. R. [Signature]</u>	