QUEENSLAND LAW REFORM COMMISSION

FACT SHEET
This fact sheet was provided to the Commission to inform their decision-making

Mining legislation and reviews timeline

Key Government reviews relevant to mining objections

- Productivity Commission Review into Major Development Project Assessment (*2013*)
- Agriculture, Resources and Environment Committee review into the Mineral and Energy Resources (Common Provisions) Bill 2014 (*2014*)
- 2014 DNRM Mining lease notification and objection initiative: Decision regulatory impact statement (*2014*)
- Productivity Commission Review Resources Sector Regulation (*2020*)
- Federal Independent review of EPBC Act (*2020*)
- DNRME Duplication and Efficiency Review (*2019*)

Productivity Commission Review into Major Development Project Assessment (2013)

1. In 2013, the Productivity Commission released a report on Major Development Project Assessment. This report found that while Australia already has in place the building blocks of a sound development assessment and approval regulatory system, there is substantial scope to comprehensively overhaul the framework in Australia for major projects.[1]

Issues

2. Development assessment and approval areas that said to require attention included:

- Unnecessary complexity and duplicative processes
- Lengthy approval timeframes
- Lack of regulatory certainty and transparency in decision making
- Conflicting policy objectives
- Inadequate consultation and enforcement
- Regulatory outcomes falling short of their objectives.

Reforms and recommendations

3. The Productivity Commission proposed the following specific reforms:

- A five-point plan to move towards a 'one project, one assessment, one decision' framework for environmental approvals, that includes strengthening bilateral assessment and approval agreements between the commonwealth and the states and territories.
- Limiting the use of 'stop-the-clock' provisions.
- States and territories improving coordination between their regulatory agencies.
- Institutional separation of environmental policy development from regulatory and enforcement functions.
- Enshrining the principle that Ministerial approval - unless a deemed approval - should not be reviewable by review bodies other than on judicial review grounds.
- Establishing statutory timelines, together with appropriate safeguards, for key decision points in the development assessment and approval process.
- Expanding the use of Strategic Assessments and Plans where practical to do so.
- Requiring that approval authorities publish reasons for their approval decisions and conditions.
- Improving third party opportunity for compliance actions.

Department of Natural Resources and Mines, Mining lease notification and objection initiative: Decision regulatory impact statement (2014)

4. In 2014, the Department of Natural Resources and Mines published a mining lease notification and objection initiative decision regulatory impact statement. This was part of the ongoing initiative to reduce red tape and streamline application and approval processes for the industry.

5. This decision regulatory impact statement details the assessment of options and considers public consultation on proposed changes to applying for a mining lease under the Mineral Resources Act 1989 and obtaining an environmental authority for a mining activity under the Environmental Protection Act 1994.

Arguments for and against legislative change from submitters

6. The review includes an appendix summarising issues raised during consultation. There were a number of submitters including community/environmental groups or activists, individuals, community action groups, a landholder professional representative, environmental action groups, Indigenous representative bodies, landholders, a landholder representative body, legal organisations, local government, miners and mining companies, as well as others.

7. A number of community/environmental groups or activists and individuals opposed limiting objection rights on mining leases to those directly affected and environmental authority objections to site specific, and did not support changes to objection rights. Many also opposed restricting the matters the Land Court can consider.

8. Indigenous representative bodies submitted that existing notification requirements should be maintained and did not support a proposal to limit notification of mining leases to landholders

and local government as it fails to provide native title holders with the same rights as other landowners. They also opposed proposals to limit the jurisdiction of the Land Court.

9. A number of landholders opposed changes to limit notification and objection rights.

10. Mining companies and mining peak bodies were generally supportive of the proposals, including amendments to standing for objections and to refine the Land Court's jurisdiction to improve the Court's efficiency.

Issues

11. The review identified a number of issues, including that the notification and objection process for a proposed mining operation is duplicated under the Mineral Resources Act 1989 and Environmental Protection Act 1994. The review also noted that under the Mineral Resources Act 1989, it was possible for objections to the Land Court to be heard where only one party brings evidence before the Court, resulting in the Land Court providing an administrative function in assessing the application, as well as instances of applications having been delayed for a number of years where no evidence is ever brought to the Court by the objector.

Recommended reforms

12. The specific policy objectives for reform considered by this initiative are as follows:

- Match notification and objection requirements to the scale, risk and likely impact of a mining project
- Ensure those likely to be directly impacted by a mining operation are aware of mining lease applications
- Retain a right for broad public input into the management of environmental impacts on a case-by-case basis for mining proposals that are likely to have a significant impact
- Retain a right for broad public input into draft eligibility criteria and standard conditions for mining lease proposals that meet the criteria and comply with the standard conditions
- Establish a streamlined process for application and decision-making processes under both the Mineral Resources Act 1989 and Environmental Protection Act 1994
- Minimise overlap of considerations by the Land Court exercising its separate jurisdictions under the Mineral Resources Act 1989 and Environmental Protection Act 1994
- Provide a flexible framework for restricted land which can be adapted and applied through the mining lease term with the consent of the landholder
- Minimise the opportunity for resource sterilisation, that is, the resource is not able to be mined.

Mineral and Energy Resources (Common Provisions) Act 2014

13. This legislation was introduced as the first stage of the Department of Natural Resources and Mines legislative reform program called 'Modernising Queensland's Resource Acts' program, which aimed to support the resources sector.[2] This program proposed to replace five existing resources Acts into a single common Act.

14. The Mineral and Energy Resources (Common Provisions) Act 2014 introduced significant changes to the existing MRA. Some key changes brought about by the Mineral and Energy Resources (Common Provisions) Act 2014:

- Consolidation of legislation: The Mineral and Energy Resources (Common Provisions) Act 2014 consolidated several existing resource-related Acts, including the Mineral Resources Act, the Petroleum Act, and the Greenhouse Gas Storage Act, into a single framework. This consolidation aimed to simplify the regulatory process and improve efficiency.
- Introduction of the 'single tenure framework': One of the main changes under the Mineral and Energy Resources (Common Provisions) Act 2014 was the introduction of a single tenure framework for mineral and energy resource projects. This framework replaced the previous system of separate mining leases, petroleum leases, and greenhouse gas storage leases with a unified approach. It provided a more consistent and flexible tenure system across different types of resources.
- Gives effect to the recommendations of the Land Access Implementation Committee to improve the land access framework relating to private land.
- Community engagement and landholder rights: The Mineral and Energy Resources (Common Provisions) Act 2014 emphasised community engagement and strengthened the rights of landholders. It required resource companies to engage and consult with affected landholders and communities throughout the project lifecycle. It also provided increased transparency and avenues for landholders to negotiate fair and reasonable compensation agreements.
- Improved environmental regulation: The Mineral and Energy Resources (Common Provisions) Act 2014 introduced amendments to enhance environmental protection measures associated with mining and energy projects. It strengthened the requirements for environmental impact assessments, monitoring, and rehabilitation obligations for resource companies. It aimed to ensure responsible resource development and minimise environmental impacts.
- Enhanced enforcement and compliance: The Mineral and Energy Resources (Common Provisions) Act 2014 introduced stronger enforcement provisions to improve compliance with resource regulations. It provided authorities with increased powers to monitor and enforce compliance, including the ability to issue fines and penalties for breaches of the Act.[3]
- Expanded jurisdiction of the Land Court, to allow the Land Court to rule on matters relating to conduct, and making orders to enforce its decision, including requiring parties to attend a conference or other alternative dispute resolution.[4]
- Restricted land: Mineral and Energy Resources (Common Provisions) Act 2014 introduced a consistent regime in relation to restricted land across resource types, effectively granting landholders a veto right over activities undertaken within specified distances of certain places.[5]

15. In 2016, most of these amendments about objections to mining leases were repealed before they had commenced, in line with the election commitment to reinstate third party notification and objection rights for mining leases.[6] There was a change of government in 2015, and the new Palaszczuk government did not continue the Modernising Queensland Resource Acts program. The Mineral and Other Legislation Amendment Bill 2016 was introduced on 23 February 2016, and a primary policy objection of this Bill was to amend the MERCP Act to repeal yet to commence provisions within the MERCP Act which limit notification and objection rights for mining projects, among other policy objectives.[7]

The Department of Natural Resources, Mines and Energy Duplication and Efficiency Review 2019

16. During the 2017 election campaign, the Palaszczuk Government committed to improve the efficiency and timeliness of resource and environmental authority processes, including reducing duplication between assessing agencies.

17. To undertake this investigation, in late 2018, the Department of Natural Resources, Mines and Energy conducted a public consultation process, inviting stakeholders to submit feedback online. The Department of Natural Resources, Mines and Energy officers also provided direct briefings to a number of key stakeholder organisations including environmental and community groups, NGOs, as well as resources peak bodies and some interested companies.

18. The investigation had a particular focus on opportunities to reduce duplication between assessing agencies, but with the qualification that the investigation was to be conducted in line with the Queensland Government's long-standing policy that any opportunities would not reduce public participation in the assessment process, nor reduce the environmental standards which would apply to these assessments.

19. In October 2019, The Department of Natural Resources, Mines and Energy published a consultation report titled 'Resource authority regulatory efficiency and duplication: Investigation, outcomes and actions'.

Issues, arguments for and against current process from submissions, and the government's responses

20. Five key issues that emerged from submissions for this review are:

- Decision making timeframes: Several submissions raised issues with the timeliness of Government decision making, and some stakeholders suggested that government consider legislative amendments to prescribe decision making timeframes for assessments under resources legislation. The Government's response to these submissions stated that the Queensland Government does not support prescribing timeframes in resources legislation – and considers it important that flexibility is retained – acknowledging that the current arrangements represent an ongoing issue for industry.
- Environmental impact statement assessment process: A number of submissions raised potential changes to the environmental impact statement process and assessments, or the way the resulting environmental impact statement is used. Concerns with the environmental impact statement were predominantly raised by environmental and community groups, with mining and resource groups largely in favour of current processes. The Government's response stated that the Queensland Government agrees there is value in continually improving the way environmental impact statement assessments are administered and communicated, and that the Department of Environment and Science will investigate options to improve the efficiency and effectiveness of the environmental impact statement process, by December 2019.
- Level of regulation for the small-scale mining sector: A large number of submissions from small-scale mining companies and individual miners focused on particular areas where it was thought that government regulation was inefficient, ineffective, or generally offered more of a burden than a benefit. The Government's response stated that Department of Natural Resources, Mines and Energy will engage an independent entity to undertake an assessment of the benefits and costs associated with small scale mining, review the existing mining claim application forms and other materials by December 2019, and Department of Environment and Science will initiate a review of financial assurance for small scale mining.
- Transparency and accessibility of government information: Many stakeholders commented on access to government information including stakeholders who highlighted the difficulty in identifying relevant departmental staff, the way mining tenure applications are notified, difficulty in complying with assessment process timeframes when they are reliant on the release of government information under the Right to Information Act 2009 and issues with the government's online portals including the lack of interoperability and the challenges of

having to use online tools in regional Queensland. The Government's response stated that the Queensland Government acknowledges that there is always room for improvement in its processes and that Department of Environment and Science will review workflows and business rules to improve customer experience, and Department of Natural Resources, Mines and Energy will investigate how its existing services can better meet users' needs and assess options to improve public access to information on resource applications.

- Legislative improvements to the regulatory framework for resource assessments and approvals: Submissions from several stakeholders suggested amendments to improve the administration and efficiency of the regulatory framework. The Government's response to this stated that Queensland Government will introduce amendments to the Resource Acts to improve regulatory efficiency and streamline related processes.

Considerations of the mining objections process

21. In relation to the environmental impact statement process, several stakeholders suggested that there should be a single public notification process.[8] Another submitter expanded on this suggestion by arguing that if an environmental impact statement has been notified, then no further public notification should be required unless there have been material changes to the environmental impact statement. This theme was mirrored by one submitter who suggested that there should be a sensible and fair rationalisation concerning the quantum or process points at which stakeholders can elect to become involved in the assessment process. The Government's response to this was that where possible, notification processes for mining lease and environmental authority applications under the Mineral Resources Act 1989 and the Environmental Protection Act 1994 are closely aligned, as are the objection periods. Department of Environment and Science has committed to investigating options to improve the environmental impact statement process.

22. Several stakeholders recommended that the Coordinator-General's powers under the State Development and Public Works Organisation Act 1971 be reviewed, including the power for the Coordinator-General to state conditions that must be imposed on other approvals (for example, an environmental authority). One submitter suggested that the Coordinator-General's stated conditions should not be the subject of consideration by the Land Court through the objection process. The Government's response was that the Coordinator-General uses wide-ranging powers to assess and facilitate large-scale and complex projects, while ensuring their environmental and social impacts are properly managed. For key state permits and approvals, the Coordinator-General can state conditions which must be included in the grant of approvals. This power reduces duplication and simplifies the assessment of major projects, providing greater certainty to all stakeholders including the proponent and the public. As such, the Queensland Government does not propose to review the Coordinator-General's powers at this time.

23. Some submissions identified potential duplication due to the role of the Land Court in assessing the same material as the Minister administering the Mineral Resources Act 1989 or the administering authority under the Environmental Protection Act 1994 in their assessments under the Mineral Resources Act 1989 and the Environmental Protection Act 1994. Another stakeholder, however, considered the process to be valuable as it enables landholders to represent their interests through multiple processes. Some submitters also raised concerns relating to standing for proceedings in the Land Court, and under the Environmental Protection Act 1994. There was also a suggestion that either the Land Court, or a different entity, should be able to make the final, determinative decision on resource assessments. The Government's response was that it is noted that the Land Court provides recommendations on the proposed grants as an administrative function and that decision-makers then consider those recommendations in making their final decisions under the Mineral Resources Act 1989

and the Environmental Protection Act 1994. As such, the Queensland Government does not consider there to be duplication between the role of the Land Court and that of decision makers under the Mineral Resources Act 1989 and the Environmental Protection Act 1994 because the Court is not acting as a decision-making body; rather it is providing recommendations to decision-makers to inform final decisions on the relevant approvals. However, the Queensland Government recognises that there are a range of views in the community about this issue. In 2016-17, the Queensland Government committed an additional $1.5 million over 2 years, to improve the operation and efficiency of the Land Court. It is noted that the President of the Land Court has been proactive in consulting with stakeholders on ways of improving the efficiency of the Court and has put in place a new practice direction for dealing with mining objection hearings. At this point, the Queensland Government believes the best way forward is to allow time for the President's reforms to mature enough so that a fair evaluation can be undertaken before any further reforms are contemplated.

24. Some submissions raised concerns with the way that groundwater impacts are assessed under Queensland's regulatory framework, and in particular, the requirement for an associated water licence under the Water Act 2000 and its relationship to the objection process for environmental authorities and mining leases. The Government's response was that the Queensland Government notes the concerns of submitters. The requirement for an associated water licence was introduced to transition a limited number of projects from the old water licensing regime to the current groundwater framework established in Chapter 3 of the Water Act 2000. As this is a transitional arrangement, the Queensland Government does not propose to review the arrangement.

Mineral and Energy Resources and Other Legislation Amendment Bill 2020

25. Following the publication of the Duplication and Efficiency Review, the Mineral and Energy Resources and Other Legislation Amendment Bill 2020 was introduced in March 2020, and one of the principal policy objectives of this Bill was to improve the administration and effectiveness of the regulatory framework applying to resources projects.[9] This Bill was passed with amendments by the Queensland Parliament on 20 May 2020.

Productivity Commission Review Resources Sector Regulation (2020)

26. In November 2020, the Productivity Commission published a study report of Resources Sector Regulation, reviewing regulation across Commonwealth, state and territory governments that have an impact on business investment in the resources sector. This study report is intended to provide opportunities for individual jurisdictions to assess their own regulatory environments and draw on leading practice.

Issues

27. This review found that:

- The regulatory landscape is complex
- Australian jurisdictions have been working to improve their regulatory systems
- Considerable scope for improvement remains

- Effective community engagement and benefit sharing can build trust

Recommendations

28. The study report makes a number of recommendations aimed at improving regulatory arrangements in the sector and reducing unnecessary costs for businesses.[10]

29. The Morrison government during their campaign to be re-elected in 2022 stated in the Liberal Party's 'Our Plan for Resources' that they plan to support and grow Australia's resources sector, and will "support sensible reforms that reduce regulatory barriers, get major projects up and running sooner".[11] This campaign suggests that the Morrison Government may have had a greater appetite to implement the recommendations from the Productivity Commission report.[12]

Independent Review of the Environment Protection and Biodiversity Conservation Act 1999 (2020)

30. The EPBC Act requires that an independent review must be undertaken at least once every ten years. The review must examine the operation of the Act and the extent to which its objects have been achieved. The last review was conducted in 2019 and a final report was made publicly available in early 2021.

Issues

31. This review concluded that the EPBC Act is outdated and requires fundamental reform. The review found that the EPBC Act is complex and cumbersome and it results in duplication with State and Territory development approval processes.

32. The report identified 12 broad areas of concerns and recommended reforms.

National level protection and conservation of the environment and iconic places[13]

33. The environment and iconic places are in decline and under increasing threat[14]

34. The EPBC Act does not enable the Commonwealth to play its part in managing Australia's environment[15]

35. The EPBC Act does not enable the Commonwealth to effectively protect and conserve nationally important matters[16]

Indigenous culture and heritage[17]

36. The Act does not fully support the rights of Indigenous Australians in decision making[18]

37. Indigenous knowledge and views are not fully valued in decision making[19]

38. Indigenous Australians seek, and are entitled to expect, stronger national level protection of their cultural heritage[20]

39. The EPBC Act does not meet the aspirations of Traditional Owners for managing their land[21]

Reducing legislative complexity[22]

40. The EPBC Act covers a range of complex policy areas[23]

41. Environmental impact assessment is a convoluted process based on poorly defined terms[24]

42. The construction of the EPBC Act is outdated and its interactions with other Commonwealth legislation are unclear[25]

Trust in the EPBC Act[26]

43. The community does not trust the EPBC Act is delivering for the environment[27]

44. Community participation is limited to process – they do not feel heard[28]

Interactions with States and Territories[29]

45. There is duplication with State and Territory regulation[30]

Commonwealth decisions and interactions with other Commonwealth laws[31]

46. Existing accreditation arrangements with other Commonwealth agencies[32]

47. Actions by other Commonwealth agencies, where accredited arrangements are not in place[33]

48. Commonwealth-led processes are inefficient[34]

49. Wildlife trade and permitting[35]

Accreditation, audit and independent oversight[36]

50. Past attempts to accredit the approval process of States and Territories have been unsuccessful[37]

Planning and restoration[38]

51. The EPBC Act lacks comprehensive plans to manage cumulative impacts, key threats and to set priorities[39]

52. Better planning is required to protect and restore the environment[40]

53. Government-driven investment in restoration[41]

54. Government effort alone is not enough[42]

Compliance and enforcement[43]

55. Compliance and enforcement are weak and ineffective[44]

Data, information and systems[45]

56. There is no clear, authoritative source of environmental data and information[46]

57. The right information is not available to inform decisions under the EPBC Act[47]

Environmental monitoring, evaluation and reporting[48]

58. Monitoring, evaluation and reporting of the EPBC Act is inadequate[49]

59. Monitoring and evaluation of Australia's environmental management system is fragmented[50]

The reform pathway[51]

60. Fundamental reform is needed.[52]

Recommendations

61. The review set out 38 recommendations for reform. The reforms are to be completed within 2 years. Some of the key reforms are set out below.

62. The review recommended that legally enforceable National Environment Standards (NES) should be implemented immediately.

63. The review also recommended that a new independent statutory position of Environment Assurance Commissioner (EAC) should be created, to report on the performance of the Commonwealth, States, and Territories, and other accredited parties in implementing the standards. EAC reports should provide recommendations for action to the Environment Minister where there are issues of concern, and the Minister should be required to publicly respond.

64. The review recommended that the Commonwealth should immediately establish a new independent Office of Compliance and Enforcement within the Department of Agriculture, Water and the Environment. It should have modern regulatory powers and tools to enable it to deliver compliance and enforcement of Commonwealth approvals.

65. The review recommended that NES standards for indigenous engagement and participation in decision making should be immediately adopted, as the reform is needed to ensure that indigenous Australians are listened to and decision-makers respectfully harness the enormous value of Indigenous knowledge of managing Country.

66. A coherent framework for monitoring, evaluating and reporting on the effectiveness of the EPBC Act is required and a new overarching advisory committee – the Ecologically Sustainable Development Committee – should be assigned responsibility for developing this framework and reporting on outcomes for matters of national environmental significance.

Government response and legislation

67. The Australian Government Department of Climate Change, Energy, the Environment and Water published a response titled 'Nature Positive Plan: better for the environment, better for business' dated December 2022.

68. The Nature Positive Plan sets out the Government's proposed NES, and the Australian Government will introduce a new Act to Parliament in 2023, to establish these standards.

Policy document

Queensland Resources Industry Development Plan (QRIDP) 2022

69. QRIDP was published in June 2022, and this plan identifies six key focus areas which are to:

- grow and diversify the industry,
- strengthen Queensland's Environmental, Social and Corporate Governance (ESG) credentials and protect the environment,
- foster coexistence and sustainable communities,
- ensure strong and genuine First Nations partnerships,
- build a safe and resilient future workforce and
- improve regulatory efficiency.

70. As part of the sixth focus area to improve regulatory efficiency, the Queensland Government will ensure that its regulatory regime is risk-based, efficient, effective and transparent.

71. The actions in the QRIDP plan as part of key focus area 6 are:

- Improve resource project assessment processes
- Improve land release process
- Implement reforms for objections, review and notification processes for resources project approvals
- Implement reforms for small-scale mining
- Implement reforms for use of steel casing
- Develop a fit for purpose framework for extractive industry assessment
- Improve cost recovery for government services provided to industry and review rent setting to ensure tenures are actively explored and developed
- New economy mineral regulatory sandbox.

72. These actions are currently underway.

73. In November 2022, QRIDP published a discussion paper titled 'An enhanced regulatory framework for mining claims'. As part of QRIDP's action to implement reforms for small-scale mining, QRIDP proposed small scale mining reform, including removing claims from the MRA. After consultation with stakeholders, it has been decided to retain mining claims in the MRA. This paper proposes a range of options that are being considered to enhance the currently regulatory framework for mining claims in Queensland. Public consultation to seek feedback on proposals to enhance the regulatory framework for mining claims closed in February 2023, and this feedback is currently being considered. If a proposed change to legislation is required, there will be further consultation with stakeholders.

Agriculture, Resources and Environment Committee review into the Mineral and Energy Resources (Common Provisions) Bill 2014 (2014)

74. The Mineral and Energy Resources (Common Provisions) Bill 2014 ('the Bill') was introduced by the then Minister for Natural Resources and Mines, the Hon. Andrew Cripps MP. The Bill's Explanatory Note provides that its purpose was to contribute to the 'Queensland Government's goal of developing a four-pillar economy by delivering a number of vital reforms that will support economic development in Queensland'.[53] This was to be achieved by providing greater certainty, reducing existing complexity, volume and duplication within the resource sector.[54]

75. The Explanatory Notes described 10 major policy objectives it sought to achieve, including to reduce 'the regulatory burden for small scale alluvial miners specifically, and the mining sector generally'.[55] The Explanatory Notes stated that there were no alternative options, other than that proposed in the Bill, to achieve the government's commitment to 'reduce red tape'.[56]

76. The Explanatory Notes to the Bill provided that its policy objectives are to:[57]

- Modernise and harmonise Queensland's resources legislation through the Modernising Queensland's Resources Acts Program
- Give effect to the recommendations of the Land Access Implementation Committee requiring legislative amendment to improve the land access framework relating to private land
- Implement a consistent restricted land framework across all resource sectors

- Establish a new overlapping tenure framework for Queensland's coal and [coal seam gas] CSG industries
- Repeal the Coal and Oil Shale Mine Workers' Superannuation Act 1989
- Reduce the regulatory burden for small scale alluvial miners specifically, and the mining sector generally (mining applications)
- Remove redundant requirements imposed on holders of a mining tenement, an authority to prospect or petroleum lease
- Enable greater use of CSG produced as a by-product of coal mining (incidental CSG)
- Amend the Mount Isa Mines Limited Agreement Act 1985 to reflect the transition of its environmental provisions to the Environmental Protection Act 1994 and restructure reporting requirements
- Support government and industry action to deal with uncontrolled gas emissions from legacy boreholes.

77. The Bill repealed the Coal and Oil Shale Mine Workers' Superannuation Act 1989 and amended the following Acts:[58]

- Aboriginal Cultural Heritage Act 2003
- Environmental Protection Act 1994
- Geothermal Energy Act 2010
- Greenhouse Gas Storage Act 2009
- Land Court Act 2000
- Mineral Resources Act 1989
- Mount Isa Mines Limited Agreement Act 1985
- Petroleum Act 1923
- Petroleum and Gas (Production and Safety) Act 2004
- Property Law Act 1974
- State Development and Public Works Organisation Act 1971 and
- Torres Strait Islander Cultural Heritage Act 2003.

78. Relevantly, the Bill's amendments to the Mineral Resources Act1989 ('the MR Act') and Environmental Protection Act 1994 ('the EP Act') were to:[59]

- Provide flexibility in identifying the boundaries of a mining lease or claim by removing the prescriptive requirement to use pegs or stones to define boundaries, while maintaining that the area must still be identified in the application
- Provide for greater flexibility in the size of the lease area that can be applied for during a moratorium up to the maximum 300 hectares
- Limit the notification of the mining lease applications to directly impacted landholders, occupiers, infrastructure providers and local governments
- Remove the requirement under the EP Act for public notification of standard applications and variation applications for an environmental authority for a mining activity
- Revise the matters the Land Court can consider during a mining lease objection and remove jurisdictional duplication with the EP Act and

- Provide a flexible framework for restricted land which can be adapted and applied for through the mining lease term with the consent of the landholder.

79. The Bill's objectives for the notification and objection amendment provisions were summarised as being to:[60]

- Provide for landholders who share a common boundary with land on which the mine is proposed to be notified and to have limited objection rights to the application
- Provide for the Land Court to strike out objections at any point in the objection process where an objection is outside the jurisdiction of the court, vexatious, frivolous or an abuse of the court process and
- To remove any doubt about how the Land Court may deal with an objection to an environmental authority where the environmental conditions have been set through a Coordinator-General's report for the project.

80. In relation to the notification and objections process, the Explanatory Notes stated that the then current process is 'overly regulated', duplicative, and offers a single approach that does not take into consideration a mine's size and impact.[61] Similarly, it sought to remove duplication in the Land Court's jurisdiction under both the MR Act and the EP Act.[62]

81. For example, the Bill amended the public notification requirements under the EP Act to empower the applicant to determine the timing the notification of the environmental authority application.[63]

82. The Bill's proposed objections provision, under the MR Act, sought to limit the ability to object to a mining lease application to land owners and local governments and required the objector to serve a copy of the objection on the applicant.[64]

83. The Bill also consolidated the Land Court's objections hearing process to hear both objections to the mining lease and environmental authority applications.[65] The new process required the chief executive to refer 'certain matters' to the Land Court if:[66]

- A properly made objection is made for a mining application
- The application relates to a site-specific application for an environmental authority under the Environmental Protection Act 1994 and
- A relevant objection notice is given under section 182(2) of the Environmental Protection Act 1994 or the applicant for the site-specific application has requested the application be referred to the Land Court.

84. The Bill's amendment to section 269 of the MR Act was to 'make it clear' that landholders and local councils may only object to a mining lease application on the grounds of the matters listed in section 269(4) of the Act.[67]

85. The Bill also sought to change the Land Court's operation in relation to its jurisdiction for Compensation and Conduct Agreements and in relation to matters it can consider when hearing a mining lease application objection.[68]

86. The Bill sought to significantly reduce the Land Court's jurisdiction in relation to the conduct of objections hearings under the MR Act. In particular, it sought to insert the following into section 269 of the MR Act, which prescribes the Land Court's recommendation to the Minister following a hearing:

> (4) Section 269(4)(b) to (m)—
>
> omit, insert—
>
> (b) the proposed mining operations are an appropriate land use, having regard to the

current and prospective uses of the land the subject of the proposed mining lease; and

(c) the proposed mining operations will conform with sound land use management; and

(d) the proposed mining operations, including, for example, the extent, type, purpose, intensity, timing and location of the operations, are appropriate, having regard to the likely impact of the activities on—

(i) the surface of the land the subject of the proposed mining lease; and

(ii) infrastructure owned or managed by the relevant local government; and

(iii) affected persons; and

(e) the proposed access to the land the subject of the proposed mining lease is reasonable.

87. The above considerations, however, were to remain with the Minister when deciding a mining lease application. Submitters to the inquiry considered that this gave the Minister too much power and allowed for undue influence on the outcome without an independent court also considering those criteria.[69]

88. Another framework established by the Bill was for the management of overlapping coal and petroleum tenures, which were designed to facilitate resource coexistence and achieve positive commercial outcomes.[70]

89. The Bill was referred to the Committee for examination and received 288 submissions as part of the process. The Committee also engaged in a range of stakeholder and community consultation.[71]

90. The Chair's forward to the report, stated:[72]

> The Minister for Natural Resources and Mines and his department have made a concerted effort to amalgamate complex resources legislation to try to reduce red tape. In addition to improving processes between mine owners, resource companies and land holders, the Bill also makes associated changes to property law, state development and public works, and Torres Strait Islander cultural heritage acts. The Bill also repeals redundant state superannuation legislation for coal and old shale mine workers.
>
> ...
>
> This report highlights concerns raised by the Land Access Committee, rural organisations and supported by people from across Queensland. It is unfortunate that we do have some companies who have apparently not lived up to their expected corporate responsibilities in the past, and the system has not discouraged these actions. This Bill recognises the positive outcomes that can be secured through good relationships.

91. The Committee's report made 4 recommendations. The first be that the Bill be passed 'with consideration of the amendments recommended' within the report.

92. The Committee's report outlined 4 issues identified with the (then current) notification and objection processes:[73]

- Duplicated processes under the Mineral Resources Act 1989 and the Environmental Protection Act 1994
    - Notification under the EP Act is not recognised under the MR Act. Therefore, both are required regardless of the similarities in impact
    - Broad public notification and submission processes in relation to the environmental impact statement, which is not recognised under the MR Act
    - The lower risk, standard and variation, EA applications require notice on a development basis.

- There is no account for the mine's size or impact, meaning smaller operations are required to comply with the same processes as large-scale operations
- 'Redundent and outdate notification practices' that are duplicative and seem to lack any purpose, such as attaching notices to a post
- 'Broad scope of ground on which an objection can be made'
    - The MR Act does not identify grounds for objection and the matters to be considered by the Land Court are broad
    - Landholder concerns regarding compensation and environmental impacts, while the general concerns of other stakeholders is the environment more broadly
    - MR Act objections should be considered under another jurisdiction (the EP Act) or on the technicalities of the mining operation, geology and financial consideration

93. The amendments sought to change the notification process to notifying 'affected persons' with no public notification or objection opportunities.[74] Whereas, only site-specific mining activities would be publicly notified and have the opportunity for objections.[75] An argument for doing so was that the existing process had 'increasingly been used to delay project, affecting investment in the sector'. The QRC submitted that the objections process was being 'abused'.[76]

94. In relation to the proposed limitation on the MR Act's notice and objections provisions, the Bill's Explanatory Notes stated:[77]

> The removal of these established statute law rights (i.e. the broader public right to object to a mining lease or a low risk EA) is justified on the basis that:
>
> - the current situation is inequitable to miners;
> - provides no proportionality of assessment based on risk; and
> - where low impact mining lease applications do attract objections about highly technical and financial matters, they are regularly lodged where no evidence is brought to the court by the objector.

95. The Department of Natural Resources and Mines (as it was then) position was justified its position on limiting the scope of public participation due to:[78]

> An analysis of mining lease applications over the last five years indicates that for small scale mining applications there have been no objections to the mining lease by parties other than the landholders over whose land the mine is proposed or over whose land access is proposed. For the mining lease application most of these objections relate to compensation if the mining lease is to be granted. The Bill will ensure that those applicants that have objected to these applications will continue to be notified and will have a right to object to the proposed mining lease.

96. In relation to the role of the Land Court in the objections process, the Bill's Explanatory Notes provided:[79]

> To support the streamlined and less duplicative process, the Bill will also clarify the matters that the Land Court can make determinations on, to ensure that the matters are appropriate to the purpose of the Mineral Resources Act 1989 and do not duplicate the Court's jurisdiction under the Environmental Protection Act 1994. The breadth of the matters the Land Court can currently consider when hearing an objection to a mining lease application is extensive and includes the right to hear objections on environmental matters—a legacy of the era prior to the commencement of the Environmental Protection Act 1994—which increases the complexity of the Land Court processes.
>
> Removing the duplication and clarifying the jurisdiction of the Land Court in hearing objections against mining lease applications will ensure the integrity of the Land Court's role is preserved and will assist the Land Court to process and determine matters more efficiently.

97. In addressing requirements of the Bill's consistency with fundamental legislative principles pursuant to the Legislative Standards Act 1992, the Explanatory Notes justified the Bill's limitation on existing legislative rights because:[80]

- the current situation is inequitable to miners
- provides no proportionality of assessment based on risk and
- where low impact mining lease applications do attract objections about highly technical and financial matters, they are regularly lodged where no evidence is brought to the court by the objector.

98. The Explanatory Notes provided that the 'general community tends to be more concerned about high impact and very high impact proposals' and not smaller-scale mining and environmental impacts.[81] The broad ability to lodge objections to standard and low-risk environmental authorities was described as 'disproportionate' to the risk and places an unnecessary costs and uncertainty on the industry.[82] It further explained:[83]

> Retaining a right to object to these low risk applications is contrary to the reason for developing the eligibility criteria and standard conditions in the first place and creates inequity between different industry types and in particular mining resource industries.

99. In relation to the government's consultation on the Bill's proposed amendments to the application and objection process, the Explanatory Notes explains that there was general support from stakeholders.[84] For those who did raise concerns about the limitations of the process, the government considered the proposed amendments 'continue to maintain pathways to consider and address a broad range of views and issues' related to mining operation and environmental impacts.[85]

100. The Report also contains 'Dissenting Reports', including from the then Member for South Brisbane and Deputy Chair, Agriculture, Resources and Environment Committee, Jackie Trad, in which she provides additional recommendations on behalf of the opposition. In particular, the opposition did not agree with the first recommendation, that the Bill be passed subject to minor amendments.[86] Member Trad also held concerns about the proposal to remove public notification and objection rights.[87]

101. Similarly, Member for Dalrymple and Committee member, Shane Knuth, dissented against the Committee's ruling on the Bill. The Member believe the Bill was "biased toward the mining giants while further removing landowners' rights".[88] One of Member Knuth's concerns with the Bill was also the removal of public notification and objection rights.[89]

102. The Queensland Government provided its response to the Report and Committee's recommendations contained within. The response did not address matters related to the recommendations and concerns about the limitation of the public notice and objection rights and the refined scope of the Land Court's considerations following an objections hearing.

List of key issues raised during the inquiry:

103. Existing processes are used to delay projects, which impacts sector investment.

104. Notification and objection processes should be limited to 'affected persons', i.e. landholders, occupiers and local government. Fail to acknowledge other immediate impacts, like adjoining and nearby properties. To reflect the level of risk and scale of operations to remove duplication and lower costs.

105. The general community play an important role in supporting landholders with the amount of information in environmental impact statement, for example (examples, economic and social grounds).

106. The objection and notification rights under the EP Act (if alone/not available under the mining Act) are too complex and restrictive and may not resolve community concerns by the imposition of conditions on an EA.

107. Proposed limited grounds for objection under the MR Act.

108. Proposed removal of the boundary identification requirements for the public notice.

109. Land access issues:

- Restricted land
- Private land outside authorisation area
- Public land
- Land Access Code and the ability for landholders to opt-out of the Code.

110. Overlapping tenure.

111. Dispute resolution processes for the conduct of access and compensation negotiations.

112. Role and jurisdiction of the Land Court:

- Reducing the scope of the Land Court's jurisdiction in objections hearings under the MR Act to only consider the proposed operations being appropriate use of land, conforming with sound land-use management and appropriateness of the operations.

TIMELINE OF

LEGISLATION

A SNAPSHOT OF QUEENSLAND'S HISTORY:

1850s

Gold Fields Act 1856 **(NSW)**
The New South Wales Act had application in Queensland when gold was discovered in the 1850s

1872

Mineral Lands Act 1872 **(Qld)**
Local Land Commissioners appointed under the Act

1874

Gold Fields Act 1874 **(Qld)**
First Queensland Gold Fields Act introduced

1892

Goldfields Management Act 1892 **(Qld)**
Wardens replaced Local Land Commissioners under the Act

1898

Mining Act 1898 **(Qld)**
Followed the recommendations of the Commission and consolidated several statutes associated with mining

1968

Mining Act 1968-1986 **(Qld)**
Wardens would hear mining lease applications and make recommendations to the Minister.

1971

State Development and Public Works Organisation Act 1971 **(Qld)**
Granted powers to the State to coordinate and facilitate mineral resource projects

1989

Mineral Resources Act 1989 **(Qld)**
Introduced to modernise and streamline the regulation of mining including the granting of tenures, management of environmental impact and collection of royalties

1991

Stipendiary Magistrates Act 1991 **(Qld)**
Stipendiary Magistrates were appointed as Wardens

1993

Native Title Act 1993 **(Cth)**
Required mining lease applicants to consult and negotiate with native title holders

1997

Environmental Protection Act 1994 **(Qld)**
Established the requirement to obtain an an environmental authority

1999

Land and Resources Tribunal Act 1999 **(Qld)**
Land and Resources Tribunal established and assumed jurisdiction for mining objections hearings

1999

Environment Protection and Biodiversity Conservation Act 1999 **(Cth)**
Established a framework for the assessment and management of significant impacts on matters of national environmental significance

2003

Aboriginal Cultural Heritage Act 2003 **(Qld)**
Torres Strait Islander Cultural Heritage Act 2003 **(Qld)**
Cultural heritage requirements introduced

2007

Land Court and Other Legislation Amendment Act 2007 **(Qld)**
Land and Resources Tribunal abolished and Land Court assumed the jurisdiction for mining objections hearings

2017

Strong and Sustainable Resource Communities Act 2017 **(Qld)**
Introduced requirements for social impact matters

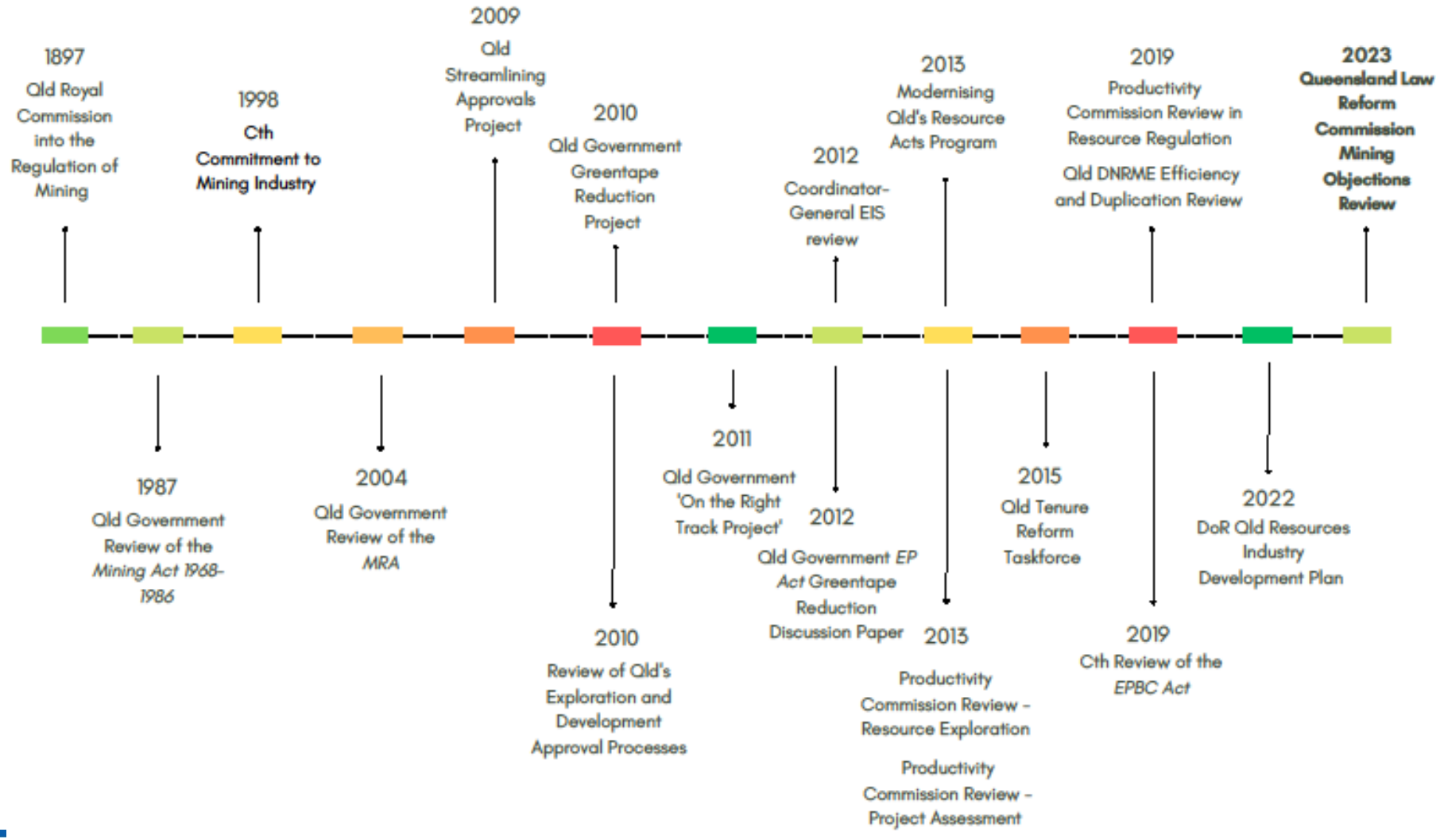
2019

Human Rights Act 2019 **(Qld)**
The Land Court must consider human rights implications when deciding a mining objection hearing

2023

Queensland Law Reform Commission
Mining Objections Review

TIMELINE OF REVIEWS



1 Productivity Commission, Major Development Assessment Processes (Web Page, Productivity Commission, 10 December 2013) <https://www.pc.gov.au/inquiries/completed/major-projects/report>

2 Explanatory notes, Mineral and Energy Resources (Common Provisions) Bill 2014; Cabinet – April 2013 Modernising Queensland's Resource Acts Program – industry view and outline of reform Minister for Natural Resources and Mines.

3 Explanatory notes, Mineral and Energy Resources (Common Provisions) Bill 2014.

4 Carter Newell, MERCPA is now in full force – what do you need to know? <https://www.carternewell.com/page/Publications/Archive/MERCPA_is_now_in_full_force_%E2%80%93_what_do_you_need_to_know/>.

5 Carter Newell, MERCPA is now in full force – what do you need to know? <https://www.carternewell.com/page/Publications/Archive/MERCPA_is_now_in_full_force_%E2%80%93_what_do_you_need_to_know/>.

6 Department of Justice and Attorney-General (Qld), Terms of Reference: Reforming processes to decide contested applications for mining leases under the Mineral Resources Act 1989 and associated environmental authorities under the Environmental Protection Act 1994 (5 April 2023) 2.

7 Explanatory notes, Mineral and Other Legislation Amendment Bill 2016.

8 Department of Natural Resource, Mines and Energy, Resource Authority Regulatory Efficiency and Duplication: Investigation, outcomes and Actions (Consultation Report, October 2019) Appendix 3.

9 Explanatory Notes, Mineral and Other Legislation Amendment Bill 2020.

10 Clive Cachia, Australian Productivity Commission Releases Final Report into Regulation of the Resources Sector, K&L Gates HUB (Fact Sheet, 14 January 2021) <https://www.klgates.com/Australian-Productivity-Commission-Releases-Final-Report-into-Regulation-of-the-Resources-Sector-1-14-2021>.

11 Liberal Party Our Plan for Resources

12 K&L Gates, Australian Productivity Commission Releases Final Report into Regulation of the Resources Sector

13 Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 39.

14 Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 40.

15 Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 41.

16 Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 43.

17 Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 57.

18 Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 58.

19 Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 59.

20 Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 66.

21 Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 70.

22 Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 73.

23 Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 74.

24 Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 74.

[25] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 76.

[26] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 81.

[27] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 81.

[28] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 82.

[29] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 94.

[30] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 97.

[31] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 104.

[32] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 105.

[33] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 109.

[34] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 110.

[35] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 113.

[36] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 117.

[37] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 117.

[38] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 126.

[39] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 127.

[40] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 129.

[41] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 137.

[42] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 142.

[43] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 147.

[44] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 147.

[45] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 154.

[46] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 155.

[47] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 159.

[48] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 175.

[49] Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 176.

50 Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 191.

51 Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 191.

52 Professor Graeme Samuel AC, Independent Review of the EPBC Act – Final Report (Report, 30 October 2020) 191.

53 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 1.

54 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 1.

55 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 2.

56 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 32.

57 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 2.

58 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 13.

59 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 24.

60 Mineral and Energy Resources (Common Provisions) Bill 2014, Explanatory Notes for Amendments to be moved during consideration in detail by the Honourable Andrew Cripps MP, Minster for Natural Resources and Mines, p 2.

61 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 9.

62 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 10.

63 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 119.

64 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 158.

65 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 122.

66 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 159.

67 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 160.

68 Agriculture, Resources and Environment Committee, Parliament of Queensland, Mineral and Energy Resources (Common Provisions) Bill 2014 (Report No 46, September 2014) 44.

69 Agriculture, Resources and Environment Committee, Parliament of Queensland, Mineral and Energy Resources (Common Provisions) Bill 2014 (Report No 46, September 2014) 49.

70 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 21.

71 Agriculture, Resources and Environment Committee, Parliament of Queensland, Mineral and Energy Resources (Common Provisions) Bill 2014 (Report No 46, September 2014) 1.

72 Agriculture, Resources and Environment Committee, Parliament of Queensland, Mineral and Energy Resources (Common Provisions) Bill 2014 (Report No 46, September 2014) v.

73 Agriculture, Resources and Environment Committee, Parliament of Queensland, Mineral and Energy Resources (Common Provisions) Bill 2014 (Report No 46, September 2014) 12-13.

74 Agriculture, Resources and Environment Committee, Parliament of Queensland, Mineral and Energy Resources (Common Provisions) Bill 2014 (Report No 46, September 2014) 13-14.

75 Agriculture, Resources and Environment Committee, Parliament of Queensland, Mineral and Energy Resources (Common Provisions) Bill 2014 (Report No 46, September 2014) 13.

76 Agriculture, Resources and Environment Committee, Parliament of Queensland, Mineral and Energy Resources (Common Provisions) Bill 2014 (Report No 46, September 2014) 14.

77 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 36.

78 Agriculture, Resources and Environment Committee, Parliament of Queensland, Mineral and Energy Resources (Common Provisions) Bill 2014 (Report No 46, September 2014) 61.

79 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 10.

80 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 36.

81 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 36.

82 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 37.

83 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 37.

84 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 47-48.

85 Explanatory Notes, Mineral and Energy Resources (Common Provisions) Bill 2014 48.

86 Agriculture, Resources and Environment Committee, Parliament of Queensland, Mineral and Energy Resources (Common Provisions) Bill 2014 (Report No 46, September 2014) 365.

87 Agriculture, Resources and Environment Committee, Parliament of Queensland, Mineral and Energy Resources (Common Provisions) Bill 2014 (Report No 46, September 2014) 365.

88 Agriculture, Resources and Environment Committee, Parliament of Queensland, Mineral and Energy Resources (Common Provisions) Bill 2014 (Report No 46, September 2014) 371.

89 Agriculture, Resources and Environment Committee, Parliament of Queensland, Mineral and Energy Resources (Common Provisions) Bill 2014 (Report No 46, September 2014) 371.