

# ***Mineral and Energy Resources (Common Provisions) Amendment Regulation 2023***

Explanatory notes for SL 2023 No. 49

made under the

*Mineral and Energy Resources (Common Provisions) Act 2014*

## **General Outline**

### **Short title**

*Mineral and Energy Resources (Common Provisions) Amendment Regulation 2023*

### **Authorising law**

Sections 36 and 210 of the *Mineral and Energy Resources (Common Provisions) Act 2014* (the Act).

### **Policy objectives and the reasons for them**

The objectives of the *Mineral and Energy Resources (Common Provisions) Amendment Regulation 2023* (the Amendment Regulation) are to:

1. Implement Action 23 of the Queensland Resources Industry Development Plan (QRIDP).
2. Support stronger relationships between the resources industry and landholders.

Section 36 of the Act provides the head of power that a regulation may make 1 or more codes for all Resource Acts (each a land access code). The Resource Acts are the *Geothermal Energy Act 2010*; the *Greenhouse Gas Storage Act 2009*; the *Mineral Resources Act 1989*; the *Petroleum Act 1923* and the *Petroleum and Gas (Production and Safety) Act 2004*.

Section 210 of the Act provides the power for the Governor in Council to make regulations under the Act.

Section 16 of the *Mineral and Energy Resources (Common Provisions) Regulation 2016* (MERCPR) makes a land access code for all Resource Acts.

The resources industry has evolved rapidly in Queensland, with much of the expansion occurring on private land. The Land Access Code, which was first developed in 2010 in response to this expansion, provides best practice guidelines for communication between resource authority holders and landholders and imposes mandatory conditions concerning the conduct of authorised activities on land.

Action 23 of the QRIDP, released in June 2022, committed government to publish and implement principles for coexistence in the Land Access Code.

To support stronger relationships between industry and landholders, the Land Access Code has been updated to include values-based coexistence principles which have been developed in consultation with key stakeholders. Some minor editorial amendments have also been made to the Land Access Code. These minor editorial amendments do not result in any policy changes.

No changes to the mandatory conditions in the Land Access Code have been made.

Resource authority holders must provide a copy of the Land Access Code to landholders with an initial entry notice and negotiation notice. As such, the inclusion of the revised principles will ensure both parties are aware of the government's expectations.

## **Achievement of policy objectives**

The Amendment Regulation achieves its objectives by amending section 16(2)(a) of the MERCPR to provide for an updated Land Access Code dated *June 2023*.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the main purposes of the Act which among other objectives, seeks to assist in achieving the purposes of each of the Resource Acts.

## **Inconsistency with policy objectives of other legislation**

No inconsistencies with the policy objectives of other legislation have been identified.

## **Alternative ways of achieving policy objectives**

Amending the MERCPR to provide for an updated Land Access Code dated June 2023 is the only way to achieve the policy objectives.

## **Benefits and costs of implementation**

The Amendment Regulation has clear benefits by providing for stronger relationships between industry and landholders, which are essential for sustainable development and economic prosperity for all Queenslanders.

There are no additional costs associated with the implementation of the Amendment Regulation.

## Consistency with fundamental legislative principles

The Amendment Regulation has been drafted with regard to fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992* and is consistent with these provisions.

## Consultation

Two separate rounds of public consultation were undertaken to finalise the revised coexistence principles contained in the updated Land Access Code.

The draft QRIDP presented a set of coexistence principles which were refined based on public feedback. Feedback from stakeholders on the refined principles was then sought as part of public consultation on the Land Access and Coexistence: A review of coexistence principles and coexistence institutions discussion paper (the discussion paper), released in November 2022.

Key stakeholders, including the Australian Petroleum Production and Exploration Association, Queensland Resources Council, the Association of Mining and Exploration Companies, Lock the Gate, the Queensland Farmers' Federation and AgForce Queensland participated in this consultation.

Submissions received on the coexistence principles included in the draft QRIDP indicated conditional support, provided revisions were made to ensure, among other things, that the principles be more balanced in applying to both resource companies and landholders. The principles were refined based on this feedback.

Feedback received on the refined coexistence principles contained in the discussion paper indicated broad stakeholder support. Based on this feedback, minor changes have been incorporated into the final coexistence principles contained in the Land Access Code to reinforce the importance of timely communication between parties as well as a mutual understanding of conduct and compensation arrangements.

In accordance with the *Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The department applied a self-assessable exclusion from undertaking further regulatory impact analysis (category g - Regulatory proposals that are of a machinery nature).