

Resource authority regulatory efficiency and duplication

Investigation, outcomes and actions

October 2019



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Summary

During the 2017 election campaign, the Palaszczuk Government committed to continuing to seek improvements to the efficiency and timeliness of resource and environmental authority approval processes, including the reduction of duplication between assessing agencies.

In late 2018, the Department of Natural Resources, Mines and Energy (DNRME) conducted this investigation by undertaking a public consultation process, inviting stakeholders to submit feedback through the 'Get Involved' and DNRME websites. DNRME officers also provided direct briefings to a number of key stakeholder organisations.

This consultation report summarises the key themes identified by the submissions, and details actions that government will take in response to issues and ideas raised by submitters.

These key themes are:

1. Decision-making timeframes
2. Environmental impact statements
3. The small scale mining industry
4. Access to government information
5. Legislative improvements to the regulatory framework.

Appendix 3 of the report provides details of individual issues and government responses. Some submissions were outside the scope of the investigation and are being addressed outside of this process.

We look forward to continuing to work with all our stakeholders to progress these ideas into actions.

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Introduction

During the 2017 election campaign, the Palaszczuk Government committed to investigating opportunities to improve the efficiency and timeliness of resource authority approval processes, and where possible, reduce the duplication between assessing agencies.

To undertake this investigation, the Queensland Government conducted a public submission process, led by the Department of Natural Resources, Mines and Energy (DNRME). DNRME posted information and an introduction to the commitment on the DNRME website and the Queensland Government's 'Get Involved' website, along with a call for submissions.

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.

DNRME also provided direct briefings on the commitment to Queensland's environmental and community groups and non-governmental organisations (NGOs), as well as resources peak bodies and some interested companies.

The submission period opened on 4 September 2018 and closed on 4 October 2018. Some limited extensions of time were allowed, where this was requested by individual stakeholders, to ensure that we received submissions from the widest possible pool.

This approach was successful in attracting a broad range of submissions. Forty-four written submissions from individuals, community groups, peak bodies and larger organisations were received.

The key issues

The submissions received made it clear to government that there are many opportunities to improve the efficiency and the effectiveness of the regulatory framework, and to make Queensland Government services more easy to use.

We have highlighted what we see as the five key themes that emerged from the submissions. These five themes are:

- Decision-making timeframes
- Environmental impact statement assessment process
- Level of regulation for the small scale mining sector
- Transparency and accessibility of government information
- Legislative improvements to the regulatory framework for resource assessments and approvals.

The response to submissions (Appendix 3) identifies how the Queensland Government has considered individual suggestions from submitters.

As a whole, the submissions did not support a view that there was significant duplication between state assessing agencies. While several submissions noted areas where multiple government bodies

assess the same criteria and consider similar information, these were not common comments and it is important to note that the assessments mentioned serve distinct purposes.

The Queensland Government is committed to making services easier to use. A key priority of our future state is to be a responsive government. The submissions received through this process have only underscored how important this commitment is.

In addition to these key themes, some stakeholders also took this opportunity to highlight issues that were outside the scope of this investigation but were still matters that require government consideration. These issues have been passed on to the responsible agencies for investigation.

Decision-making timeframes

Several submissions raised issues with the timeliness of government decision-making. This was a particular concern for the petroleum and gas sector and the small scale mining industry, with submissions highlighting the lack of DNRME guidelines relating to decision timeframes.

These submissions also noted that, without clear guidelines, timeframes for decisions are highly variable, with some being made very quickly, and others taking several months. This can create uncertainty for project proponents who cannot effectively plan ahead or schedule their tenure application activities.

Government response

Some stakeholders have suggested that government consider legislative amendments to prescribe decision-making timeframes for assessments under resources legislation—particularly for exploration and production permits for petroleum and gas activities. While the Queensland Government does not support prescribing timeframes in resources legislation—and considers it important that flexibility is retained—we acknowledge that the current arrangements represent an ongoing issue for industry.

We understand there are opportunities for us to better communicate our efforts to provide increased certainty for stakeholders on our decision-making timeframes, particularly for resource assessments.

Action

As a result of this feedback, DNRME will introduce and publish service key performance indicators (KPIs) to provide guidance to applicants about DNRME's likely decision timeframes for assessments.

Actions

1. The Department of Natural Resources, Mines and Energy will publish key performance indicators for resource and tendering decision timeframes by March 2020.

Environmental impact statements

A number of submissions raised potential changes to the environmental impact statement (EIS) process and assessments, or the way the resulting EIS is used. Concerns with the EIS process were predominantly raised by environmental and community groups, with mining and resources groups largely in favour of current processes.

Some believed that assessment guidelines for an EIS needed to be more determinative and have greater clarity, while others raised specific concerns about the timeliness of current EIS assessments. There was no consensus on the issue of timeliness, with some submitters believing that the process should take as much time as is necessary to ensure appropriate assessment, while others believed the process should be time constrained to ensure that assessments don't take so long as to invalidate submitters' views or evidence.

Government response

The Queensland Government believes it is crucial that environmental impact assessments are rigorous, transparent and fair. We also understand there is a view that these processes could be better communicated to the community and industry, and that the extended nature of these processes can contribute to views that the processes are inefficient or ineffective.

The flexibility inherent in the current EIS processes can lead to some of the issues with timeliness identified by stakeholders, but it is also what allows the framework to be useful to a wide diversity of projects. That said, the Queensland Government agrees there is value in continually improving the way EIS assessments are administered and communicated.

Action

To drive continuous improvement, the Department of Environment and Science (DES) will investigate options to improve the administration of the EIS process, including how to better keep the public and other stakeholders informed of EIS applications and the progress of projects through the EIS approval process.

Actions

2. The Department of Environment and Science, in collaboration with other government agencies, will investigate options to improve the efficiency and effectiveness of the EIS process, by December 2019.

The small scale mining industry

In addition to the submissions received from industry and community peak bodies, a large number of submissions were also received from small scale mining companies and individual miners. These submissions focused on particular areas where it was thought that government regulation was inefficient, ineffective, or generally offered more of a burden than a benefit. Individual miners also commented on the difficulty of negotiating with landowners, and several summarised their views by questioning the current level of government regulation.

Government response

As with many of the issues raised in this investigation, submitters have identified issues that share a common theme but have divergent views on how to address the issues. In this case, the individual issues speak to a broader concern about the appropriate level of regulation for small scale miners.

The Queensland Government has already made reforms to the *Environmental Protection Act 1994* to remove the regulatory burden for small scale mining activities, and notes that there is no environmental fee or license required for operating under the prescribed conditions for small scale mining, although surety is still required to be paid to the scheme manager.¹ Additionally, there have been a number of legislative reforms to the *Mineral Resources Act 1989* and other pieces of mining regulation that benefit small scale miners through streamlining of processes.

The Queensland Government acknowledges that regulation of any industry comes with costs, and that these can be particularly challenging for industries that are primarily composed of small companies and individuals. The core challenge of regulation in these cases is finding an appropriate balance between the benefits of industry development and the oversight required to protect the interests of communities and the environment.

Action

DNRME will undertake a study to better understand the benefits and costs associated with small scale mining, including any benefits the sector creates for regional communities and the State. The results of this study will be presented to government for consideration, and inform future policy and regulation for the sector.

DNRME will also undertake a review of existing application forms and other materials to determine whether there are any redundant requirements and whether forms could be simpler to complete and easier to understand.

DES will initiate a project to undertake a complementary review of financial assurance for small scale mining. The scope of this project is intended to identify the environmental risks of resource activities; a proportionate management response; and financial provisioning options for small scale mining into the future.

¹ Section 55 of the *Mineral and Energy Resources (Financial Provisioning) Act 2018* requires small scale miners to provide surety to the financial provisioning scheme manager.

Actions

3. The Department of Natural Resources, Mines and Energy, in consultation with relevant government agencies, will engage an independent entity to undertake an assessment of the benefits and costs associated with small scale mining, including any benefits the sector creates for regional communities and the State, and will publish this assessment by June 2020.
4. The Department of Natural Resources, Mines and Energy will review the existing mining claim application forms and other materials to determine whether there are any redundant requirements and whether forms could be simpler to complete and easier to understand by December 2019.
5. The Department of Environment and Science will initiate a project to undertake a complementary review of financial assurance for small scale mining. The scope of this project is intended to identify the environmental risks of resource activities; a proportionate management response; and financial provisioning options for small scale mining into the future.

Access to government information

Many stakeholders commented on access to government information. This theme varied in scale, with specific issues including:

- stakeholders who highlighted the difficulty in identifying relevant departmental staff
- those who had issues with the way mining tenure applications are notified
- those who highlighted the difficulty in complying with assessment process timeframes when they are reliant on the release of government information under the *Right to Information Act 2009*.

Stakeholders also highlighted issues with the government's online portals including the lack of interoperability and the challenges of having to use online tools in regional Queensland.

Government response

The Queensland Government acknowledges that there is always room for improvement in many of its processes. A key priority of our future state is to be a responsive government by making Queensland Government services easy to use. These improvements are particularly important when they relate to government being transparent so that companies and individuals can make informed decisions about the best way for them to interact with our processes. Where government mandates that companies provide or notify information, it is equally important that those companies do so in a way that is transparent, and easy to access and understand.

We note that although the operation and administration of government legislation is a matter for each responsible agency to address, the continual improvement of those matters must be undertaken in partnership with the stakeholders who are the end-users of that legislation. We commit to working with our stakeholders where our services are not meeting their needs.

Action

Continuous operational improvement is ongoing, and the broad range of issues identified means that this theme is not conducive to a single point or action. Instead, agencies have committed to several programs as outlined below, with further initiatives outlined in the consultation summary document.

In some cases, these initiatives will involve broader promotion of existing government initiatives and processes which are in place to communicate government information to the public, while others will represent key changes to the way we do business.

Actions

6. The Department of Environment and Science will review Connect workflows and business rules to improve customer experiences. Robust business analysis will be conducted throughout 2019.
7. The Department of Natural Resources, Mines and Energy is currently investigating how its existing services can better meet users' needs and is seeking to improve available web content, review publicly available information in relation to resource applications, and investigate the sending out of reminder notices for resource reporting, renewals and expiry by 31 December 2019.
8. The Department of Natural Resources, Mines and Energy will engage with industry and the community to assess options to provide a push model to improve public access to information on resource applications.

Legislative improvements to the regulatory framework

Submissions from several stakeholders suggested amendments to improve the administration and efficiency of the regulatory framework. There were also some significant proposals to improve resource approval processes suggested by submitters. At least two submissions identified concerns about the lack of a dispute resolution framework to facilitate voluntary agreements with landholders to secure pipeline land, as an alternative to State intervention.

Government response

The Queensland Government is committed to seeking opportunities to improve the regulatory framework for resource assessments and being responsive to stakeholders. The government recognises the importance of streamlining assessment processes and reducing regulatory burden in order to support ongoing investment in Queensland's resources sector, whilst maintaining strong environmental standards and community participation rights.

The Queensland Government will introduce amendments to the Resource Acts to improve regulatory efficiency and streamline related processes. We will also continue to investigate the suggested amendments to the Resource Acts, and will consult with stakeholders on any proposals that arise from these investigations.

Action

DNRME will continue to investigate the suggested legislative amendments and other potential amendments to increase the efficiency of our resource assessment processes as well as the effectiveness of the regulatory framework. We will consult with key stakeholders on any proposals that arise from these investigations.

Actions

9. The Department of Natural Resources, Mines and Energy will continue to investigate the suggested legislative amendments to the Resource Acts, and will consult with key stakeholders on any proposals that arise from these investigations.

The next steps

While this investigation has concluded, the next step in this process is to ensure the findings of this investigation result in real change that benefits the environment, communities, and the resources industry.

To this end, the responsible assessing agencies will be working together to deliver the actions outlined in this document. This may involve departmental officers proactively contacting submitters for further information and specific details on their issues.

We strongly encourage submitters who have more to say and other stakeholders who want their voices to be heard to contact DNRME at resourcespolicy@dnrme.qld.gov.au so we can put you in contact with the relevant departmental officers.

A summary of the actions outlined in this paper, and their expected completion timeframes, is available in Appendix 1.

Appendix 1 – Implementation schedule

Implementation Schedule	
Action 1: The Department of Natural Resources, Mines and Energy will publish key performance indicators for resource and tendering decision timeframes.	31 March 2020
Action 2: The Department of Environment and Science, in collaboration with other government agencies, will investigate options to improve the efficiency and effectiveness of the EIS process.	31 December 2019
Action 3: The Department of Natural Resources, Mines and Energy, in consultation with relevant government agencies, will engage an independent entity to undertake an assessment of the benefits and costs associated with small scale mining, including any benefits the sector creates for regional communities and the State, and will publish this assessment.	30 June 2020
Action 4: The Department of Natural Resources, Mines and Energy will review the existing mining claim application forms and other materials to determine whether there are any redundant requirements and whether forms could be simpler to complete and easier to understand.	31 December 2019
Action 5: The Department of Environment and Science will initiate a project to undertake a complementary review of financial assurance for small scale mining. The scope of this project is intended to identify the environmental risks of resource activities; a proportionate management response; and financial provisioning options for small scale mining into the future.	Ongoing
Action 6: The Department of Environment and Science will review Connect workflows and business rules to improve customer experiences. Robust business analysis will be conducted throughout 2019.	31 December 2019
Action 7: The Department of Natural Resources, Mines and Energy is currently investigating how its existing services can better meet users' needs and is seeking to improve available web content, review publicly available information in relation to resource applications, and investigate the sending out of reminder notices for resource reporting, renewals and expiry.	31 December 2019
Action 8: The Department of Natural Resources, Mines and Energy will engage with industry and the community to assess options to provide a push model to improve public access to information on resource applications.	31 March 2020
Action 9: The Department of Natural Resources, Mines and Energy will continue to investigate the suggested legislative amendments to the Resource Acts, and will consult with key stakeholders on any proposals that arise from these investigations.	31 December 2019

Appendix 2 – Submissions to the investigation

1	AgForce Queensland
2	Ms Alison Summerville
3	Association of Mining and Exploration Companies
4	Anglo-American
5	Australian Petroleum Production & Exploration Association
6	Ms Barbara Whitton and Mr Robert Bassett
7	BHP
8	Mr Chris Mack
9	Coachrail Investments Pty Ltd
10	Colonial Opal
11	Mr David Strang
12	Doctors for the Environment
13	Origin Energy
14	Environmental Council of Central Queensland Inc.
15	Environmental Defenders Office Qld
16	Mr Eric Oliver
17	Mr Garry Reed
18	Gecko Environmental Council
19	Mr Jack Lange
20	Mr James Hinds
21	Ms Johanna Evans
22	Ms Leanne Brummel
23	Lock the Gate Alliance
24	Mackay Conservation Group
25	Mr Mark Stuart-Jones
26	New Hope Corporation Limited
27	North Queensland Conservation Council
28	North Queensland and Cape York Land Councils
29	Outback Opals Pty Ltd and Bolderblack
30	Mr Paul Stephenson
31	Plum Exploration Pty Ltd
32	Protect the Bush Alliance
33	Mr Robbie Vinnicombe
34	Queensland Farmers' Federation
35	Queensland Ports Association
36	Queensland Resources Council
37	Rio Tinto Aluminium Limited
38	Santos Limited
39	Ms Shay Dougall
40	Mr Sheldon Dealy
41	Townsville Regional Environment Foundation
42	Wide Bay Burnett Environmental Council Inc.
43	World Wildlife Fund Australia
44	Yowah Opal Miners Community Services Inc.

Appendix 3 – Issues and government responses

Issue	Submissions	Government response
<i>Decision-making timeframes</i>		
<p>Several submitters raised issues around the decision-making timeframes for resource tenures, once an application has been submitted to the Department of Natural Resources, Mines and Energy (DNRME). These issues, and the proposed solutions, centred on the uncertainty within industry that has arisen because of the lack of published timeframes.</p> <p>Some submitters also highlighted that individual departmental timeframes can be insufficient where an assessment process bridges multiple agencies.</p>	3, 5, 36, 38, 40	<p>The Queensland Government acknowledges that there is always room for improvement in many of its processes. A key priority of our future state is to be a responsive government by making Queensland Government services easier to use.</p> <p>DNRME will introduce and publish targeted service standards for resource decision timeframes.</p>
<p>One submitter suggested that a formal escalation process for urgent applications should be introduced, to fast track urgent applications (with adequate reasoning). The chain of 'approvers' would be made aware of the urgency, and DNRME would provide a realistic expected completion date with enhanced tracking.</p>	36	<p>The Queensland Government understands that there are opportunities for us to better communicate our efforts to provide increased certainty for stakeholders on our decision-making timeframes, particularly for resource assessments. DNRME will introduce and publish targeted service standards for resource decision timeframes.</p> <p>DNRME also provides companies with the opportunity for pre-lodgement meetings. Proponents are encouraged to take advantage of this service.</p>
<i>The Environmental Impact Statement (EIS) assessment process</i>		
<p>Many submissions raised concerns with the time taken to complete EIS assessments. A range of other stakeholders expressed a differing view, and suggested that EIS assessments should take as long as is necessary to ensure that the assessment is comprehensive.</p>	1, 14, 15, 16, 18, 22, 23, 24, 25, 32, 41, 42 43	<p>The Department of Environment and Science (DES) is committed to maintaining the EIS assessment process as a thorough and rigorous method for supporting good decision-making about major development projects. DES has committed to investigating options to improve the EIS process.</p>

Issue	Submissions	Government response
<p>Some submitters believe that there should be clear requirements for the content of an EIS assessment, and another proposed that these requirements should also include a health impact assessment.</p>	<p>1, 12, 15, 16, 18, 23, 24, 25, 32, 36, 43</p>	<p>DES regulates project specific impacts for air and noise in order to maintain human health and wellbeing in line with guideline values. Where necessary, DES also seeks advice from Queensland Health to regulate specific activities or events.</p> <p>DES is currently reviewing and updating its policies on air and noise quality and the guidance material that supports the terms of reference for preparation of an EIS.</p>
<p>Some stakeholders submitted that specialist EIS work from consultants should be conducted independently of proponents.</p>	<p>17, 27</p>	<p>The EIS process is applicant/proponent driven. DES requires the provision of information by the applicant/proponent to support a thorough and rigorous assessment in line with the relevant legislative requirements. DES independently assesses information on its merits in order to support good decision-making about major development projects.</p> <p>DES has committed to investigating options to improve the EIS process.</p>
<p>A stakeholder noted that industry needs greater certainty about when an EIS assessment will be required under the <i>Environmental Protection Act 1994</i> (the EP Act). The submitter cited the requirement that DES cannot make a formal decision about whether an EIS is required until after an application for an environmental authority (EA) is lodged.</p>	<p>36</p>	<p>DES has committed to investigating options to improve the EIS process. Proponents may seek informal advice from DES prior to lodging approval applications. Alternatively, under section 70 of the EP Act, proponents may apply to DES for approval to voluntarily prepare an EIS without having to prepare an environmental authority.</p>
<p>Several stakeholders suggested that there should be a single public notification process. Another submitter expanded on this suggestion by arguing that if an EIS has been notified, then no further public notification should be required unless there have been material changes to the EIS. 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.</p>	<p>4, 26, 36, 37</p>	<p>Where possible, notification processes for mining lease and EA applications under the <i>Mineral Resources Act 1989</i> and the EP Act are closely aligned, as are the objection periods. DES has committed to investigating options to improve the EIS process.</p>

Issue	Submissions	Government response
<i>The level of regulation for the small scale mining sector</i>		
Some stakeholders have questioned the current level of regulation for the small scale mining sector, with some suggesting that small scale miners should be exempted from certain legislative requirements, or that they should be processed through an expedited process.	2, 6, 29, 44	The Queensland Government acknowledges the views of stakeholders in relation to the level of regulation for the small scale mining sector. In response to these views, DNRME will undertake a study to better understand the benefits and costs associated with the small scale mining sector to inform the development of future policy and regulation for the sector.
Submitters identified issues with government required paperwork, and suggested a range of changes including the streamlining of specific documents, the inclusion of checklists, combining forms across agencies, and the inclusion of printed names and/or case numbers to track progress of matters.	2, 5, 20, 40	<p>The Queensland Government acknowledges that there is always room for improvement in many of its processes. A key priority of our future state is to be a responsive government by making Queensland Government services easier to use.</p> <p>DNRME will undertake a review of existing application forms and other materials to determine whether there are any redundant requirements and whether forms could be simpler to complete and easier to understand. The review is an opportunity for us to consider how existing services can better meet users' needs.</p>
Submitters had several suggestions around the fees levied on small scale miners. These suggestions varied from discrete issues such as a change of name fee, through to a broader discussion about the role of DNRME in attracting people to the regions through lower fees.	6, 40, 44	Fees and services are reviewed periodically to ensure they remain contemporary and comply with the Queensland Government's <i>Principles for fees and charges</i> .

Issue	Submissions	Government response
<p>Some submissions on land access proposed models that would simplify access arrangements for prospecting permits and exploration permits without requiring them to negotiate conduct and compensation agreements with landholders.</p>	<p>19,29, 33</p>	<p>The Queensland Government notes the comments on the land access model but no changes are proposed at this time.</p> <p>The land access framework strikes a balance between the rights and interests of landholders and resource authority holders. The framework was reviewed as recently as 2016, with the Independent Review of the Gasfields Commission Queensland.</p> <p>Where access is required for preliminary activities, the miner typically only needs to provide a valid entry notice ten business days prior to entry.</p> <p>Where access is required to conduct advanced activities, the current model requires the miner to negotiate a conduct and compensation agreement with the landholder. A staged negotiation and dispute resolution process is available to help parties negotiate conduct and compensation agreements.</p>
<p>One submission suggested that a standardised compensation payment should be introduced.</p>	<p>29</p>	<p>The Queensland Government notes this suggestion, however does not support the proposal for a standardised compensation payment as it would fail to take into account the individual circumstances of each situation.</p> <p>The Queensland Government considers the existing requirements provide the opportunity for a balanced outcome for all participants because the negotiation process ensures that the unique circumstances of every site will be fairly considered.</p>

Issue	Submissions	Government response
<i>The transparency and accessibility of government information</i>		
<p>Several submissions discussed the notification processes under the <i>Mineral Resources Act 1989</i> and <i>Petroleum and Gas (Production and Safety) Act 2004</i> relating to resource project assessments. These submissions suggested that the current notification processes are outdated and could be improved with mechanisms to ‘push’ information to the community digitally, or with opportunities for interested parties to self-select to receive important information.</p>	<p>1, 14, 15, 16, 18, 22 23, 24, 25, 32, 34, 43</p>	<p>The Queensland Government appreciates that sections of the community have suggested improvement to the level of information provided in advance of some resources activities.</p> <p>DNRME will engage with industry and the community to assess options to provide a push model to improve public access to information on resource applications.</p>
<p>One submission requested that a relationship and responsibilities map of resource sector approval processes be developed to improve access to information about the roles and responsibilities of the relevant agencies.</p>	<p>1</p>	<p>DES and DNRME will collaborate to review the resource assessment processes and refresh online material. While each agency maintains information on their individual responsibilities, it is acknowledged that there are improvements which could be made to the quality of information provided about the way that different agencies interact within the resources assessment process.</p> <p>DES will also investigate options to improve the EIS process, including how to better keep the public and other stakeholders informed of any EIS application or approval processes.</p>
<p>One stakeholder highlighted an issue with transcript costs for and delays in accessing transcripts from Queensland Courts. Delays in the Land Court during the Acland case were raised as a specific example.</p>	<p>15</p>	<p>The Department of Justice and Attorney-General has completed an extensive review of the current service arrangements for recording and transcription of court and tribunal proceedings. The review identified a new service delivery model to ensure the quality and timeliness of these services.</p> <p>The Queensland Government announced that it will implement the new service delivery model over the next two years, with full transition expected by March 2021. For further details, see: http://statements.qld.gov.au/Statement/2019/1/29/new-model-for-court-recording-and-transcription-in-queensland</p>

Issue	Submissions	Government response
Some stakeholders identified difficulties in navigating DNRME's MyMinesOnline (MMOL) platform, and one suggested that DNRME could make additional tools available for MMOL and provide training for those tools.	2,5,8	The Queensland Government notes these comments and DNRME is investigating ways to modernise its systems and support for users.
Stakeholders made several comments about the level of interaction and integration between different application types and IT portals across government agencies.	3, 5, 6, 36	<p>The Queensland Government acknowledges that there is always room for improvement in its processes. A key priority of our future state is to be a responsive government by making Queensland Government services easier to use.</p> <p>As DNRME periodically reviews MMOL, there will be opportunities to consider what additional content might be included in the platform and how these can best integrate with other government databases.</p> <p>Similarly, it is acknowledged that the existing interfaces between MMOL and Connect are limited. Improvement will require collaboration between DNRME and DES, with consideration of all customer segments.</p>
One submission raised a range of concerns with the DES Connect application and suggested that it should be provided to users free of charge.	36	<p>The Queensland Government acknowledges that there is always room for improvement in its processes. A key priority of our future state is to be a responsive government by making Queensland Government services easy to use.</p> <p>DES will review Connect workflows and business rules to improve customer experiences but notes that the user fee assists in maintaining the costs and services associated with provisioning a 24/7 online system.</p>
Several submissions canvassed the possibility of using case managers, project facilitation officers, or preliminary approval teams to expedite the assessment process.	3, 4, 5, 7, 36	The Queensland Government acknowledges these comments and notes that in many cases, agencies offer some of these functions already. For example, DNRME's Coal Assessment Hub already uses a project management approach to resource authority applications.

Issue	Submissions	Government response
A submission identified issues with changing or inconsistent policy interpretation and application between different departmental officers, including inconsistency in decision-making.	36	<p>The Queensland Government acknowledges that there is always room for improvement in its processes. A key priority of our future state is to be a responsive government by making Queensland Government services easy and reliable to use. A key feature of this reliability is that decision-making should be consistent.</p> <p>DNRME is actively reviewing its operational policy framework and working closely with its assessment hubs to ensure consistent implementation.</p>
Some stakeholders identified issues that arise when they do not have a dedicated contact within the department.	31,36	<p>Within DNRME, there are dedicated phone and email contacts for each of the assessment hubs, and MMOL is regularly updated to ensure that contact details are accurate.</p>
There were a number of submissions which discussed elements of perceived duplication or overlap between Commonwealth and State legislation, including comments specifically around water triggers and assessments under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> , along with calls for greater recognition of State processes by the Commonwealth.	8,35,36	<p>The Queensland Government is committed to the position that actions that have, or are likely to have, a significant impact on a matter of national environmental significance require approval from the Commonwealth Government under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p>
One submission suggested that the detail, content and consistency of the public reports that are available for resource authorities, specifically for petroleum authorities, should be improved because the public authority reports will effectively be the official register of the tenure.	36	<p>The Queensland Government acknowledges that there is always room for improvement in its processes. A key priority of our future state is to be a responsive government by making Queensland Government services easy and reliable to use.</p> <p>DNRME is currently investigating how its existing services can better meet users' needs and is seeking to improve available web content and will review publicly available information in relation to resource applications.</p>

Issue	Submissions	Government response
Legislative improvements to the regulatory framework		
Two submissions proposed that an alternative dispute resolution process be established to assist parties to reach voluntary agreements for pipeline easements to secure pipeline land under the <i>Petroleum and Gas (Production and Safety) Act 2004</i> (P&G Act) P&G Act, as an alternative to state intervention under Part 5 of the P&G Act and the potential exercise of compulsory acquisition powers.	5, 36	The Queensland Government notes the suggestions from the submitters, and DNRME will investigate this recommendation. DNRME will consult with key stakeholders on any proposals that arise from this investigation.
Miscellaneous suggestions		
Several submissions made comments about the environmental offsets framework, including suggestions to investigate land banks and to seek Commonwealth accreditation of Queensland offsets.	5, 36, 37	The Queensland Government is currently undertaking a comprehensive review of the Environmental Offsets Framework and this review will consider the issues raised in submissions.
One submission made a suggestion about legislative amendments to the <i>Petroleum and Gas (Production and Safety) Act 2004</i> (P&G Act) relating to underground water rights in the <i>Petroleum Act 1923</i> (the 1923 Act).	13	The Queensland Government notes the suggestion. It is also noted that the issue is addressed by the P&G Act framework, and that it is possible to transition tenures from the 1923 Act framework to the 2004 Act framework.
One submission raised concerns that there is no allowance in the P&G Act for pipelines to cross between a Petroleum Lease and an Authority to Prospect without a Petroleum Pipeline License.	13	The Queensland Government notes the issue raised by the submitter about pipelines crossing different tenures, however considers that the issue can be resolved through the existing tenure framework.

Issue	Submissions	Government response
<p>Several submissions suggested that there should be additional protections for land with high agricultural, ecological, economic, cultural or infrastructure value, specifically referring to these areas as 'no-go' areas.</p>	<p>14, 15, 16, 17, 18, 23, 24, 25, 27, 32, 34, 41, 43</p>	<p>The Queensland Government acknowledges these suggestions. It is noted that many of these areas are protected by the <i>Environmental Protection Act 1994</i> (the EP Act), while others are protected by the relevant water legislation.</p> <p>Additionally, the <i>Regional Planning Interests Act 2014</i> seeks to manage impacts and facilitate co-existence of agricultural practices (and environmental considerations) and resource activities and regulated activities via avoiding, minimising and/or mitigating impacts. The <i>Regional Planning Interests Act 2014</i> does not support mining resource activities in a designated precinct of the Cape York strategic environmental area. Furthermore, the <i>Regional Planning Interests Act 2014</i> does not support open cut mining, broadacre cropping or water storage (e.g. dams) in designated precincts of Strategic Environmental Areas.</p>
<p>Submissions raised issues with the thresholds for minor and major amendments to environmental authorities (EAs) under the EP Act, and the process for adding additional resource areas to an existing EA.</p>	<p>26, 36, 37</p>	<p>The EA amendment process in the EP Act applies to a wide range of activities and needs to strike a balance between being sufficiently broad to cover the breadth of activities and giving as much certainty as possible. Stakeholder concerns have been noted and will form part of any future review of relevant EP Act components.</p>

Issue	Submissions	Government response
<p>Several stakeholders recommended that the Coordinator-General's powers under the <i>State Development and Public Works Organisation Act 1971</i> (SDPWOA) be reviewed, including the power for the Coordinator-General to state conditions that must be imposed on other approvals (for example, an EA). 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.</p>	<p>1, 12, 14, 15, 16, 18, 23, 24, 25, 27, 32, 36, 37, 43</p>	<p>The Queensland Government notes the views of submitters regarding the stated conditions powers of the Coordinator-General.</p> <p>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.</p>

Issue	Submissions	Government response
<p>Some submissions identified potential duplication due to the role of the Land Court in assessing the same material as the Minister administering the <i>Mineral Resources Act 1989</i> (MRA) or the administering authority under the EP Act in their assessments under the MRA and the EP Act. Another stakeholder, however, considered the process to be valuable as it enables landholders to represent their interests through multiple processes.</p> <p>Some submitters also raised concerns relating to standing for proceedings in the Land Court, and under the EP Act. 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.</p>	<p>1, 12, 14, 15, 16, 18, 23, 24, 25, 26, 27, 32, 34, 36 41, 42, 43</p>	<p>The Queensland Government is committed to maintaining public participation rights in the resource assessment process.</p> <p>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 MRA and the EP Act. 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 MRA and the EP Act 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.</p> <p>However, the Queensland Government recognises that there are a range of views in the community about this issue.</p> <p>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.</p>

Issue	Submissions	Government response
Notification of road use regulations for transport relating to a drilling activity should be amended so that the requirement will only apply to vehicles above a certain size/weight threshold.	36	<p>The administration of the notified road use regulations is a shared responsibility between the State government and various local governments across the State which have public roads within authorised areas for resource authorities.</p> <p>The Queensland Government will conduct further investigations because the current notifiable road use provisions in the <i>Mineral and Energy Resources (Common Provisions) Regulation 2016</i> for transport relating to a seismic survey or drilling activity does not have a threshold.</p>
One stakeholder made a submission to the effect that resource assessments should take into account human rights impacts and intergenerational equity before any approval can be granted.	39	The <i>Human Rights Act 2019</i> will require public entities, including State government departments and statutory bodies performing functions of a public nature, to act and make decisions in a way that is compatible with human rights, and in making a decision, to give proper consideration to a relevant human right.
One submission suggested applications should be assessed under the laws in place at the time an application is lodged, as opposed to when it is assessed, to avoid applications which are experiencing delays being subject to newly-passed requirements.	36	<p>The Queensland Government notes this suggestion but also notes Parliament's discretion to make and pass laws.</p> <p>The Parliamentary Committee process which considers Bills introduced into the Legislative Assembly, also provides an opportunity for stakeholders to raise impacts of any new regulatory proposal, including the impact on existing applications.</p>
A submission suggested that there should be a rationalisation and harmonisation of development schemes (a single instrument) in areas covered by Priority Port Master Plans.	35	The current master planning approach for priority ports under the <i>Sustainable Ports Development Act 2015</i> employs a regulation by exception approach which operates within the existing frameworks to ensure consistency and avoids any duplication of existing regulatory requirements. It also retains the authority of existing decision-making entities.

Issue	Submissions	Government response
One stakeholder suggested that the Queensland Exploration Program (QEP) should include a high-level right of appeal for landowners and peak community bodies.	34	<p>The Queensland Government notes this suggestion.</p> <p>The QEP does not, of itself, confer any rights or obligations. Applications for tenure under the QEP are still required to go through the rigorous application processes established under Queensland's resources legislation. These Acts establish a framework to manage coexistence of the resources sector with other land uses including agriculture.</p>
One submission suggested that the regional interests identified in the <i>Regional Planning Interests Act 2014</i> (RPI Act) could be integrated into other regulatory mechanisms. The submitter argued that the requirement for a Regional Interests Development Approval for mining activities should be removed.	36	<p>The Queensland Government notes this suggestion. For mining leases requiring assessment under the RPI Act and other legislation, applications may have similar information requirements, but the purpose of each assessment is different and is necessary to assess the range of considerations for these land uses. Applicants have the ability to undertake assessment and notification concurrently, to reduce timeframes during these assessment processes.</p>
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 <i>Water Act 2000</i> and its relationship to the objection process for environmental authorities and mining leases.	26,36	<p>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 <i>Water Act 2000</i>. As this is a transitional arrangement, the Queensland Government does not propose to review the arrangement.</p>
One submission made a number of operational suggestions about the way the Queensland Government deals with native title agreements and tenements that have outstanding native title obligations.	28	<p>The Queensland Government acknowledges that this submission raised specific issues that are out of scope for this review. Officers from the DNRME have contacted the submitter directly to discuss the issues.</p>
One submission raised a concern that some valuers may be providing inaccurate advice to landholders directly or via legal advisors.	5	<p>The Queensland Government notes that valuation costs are required to be reasonably and necessarily incurred, and that if there are disputes about these costs there is a process available to resolve these disputes through the Land Court.</p>