



QUEENSLAND FARMERS' FEDERATION

Primary Producers House, Level 3, 183 North Quay, Brisbane QLD 4000
PO Box 12009 George Street, Brisbane QLD 4003
qfarmers@qff.org.au | (07) 3837 4720
ABN 44 055 764 488

Submission

12 August 2016

Resources Policy and Projects Team
Land and Mines Policy
Department of Natural Resources and Mines
Level 7, 61 Mary Street
BRISBANE QLD 4000

Via email: ResourcesPolicy@dnrm.qld.gov.au

Dear Sir/Madam

Re: Consultation on the Mineral and Energy Resources (Common Provisions) Regulation 2016 and accompanying Land Access Code

The Queensland Farmers' Federation (QFF) is the united voice of intensive agriculture in Queensland. It is a federation that represents the interests of 17 of Queensland's peak rural industry organisations, which in turn collectively represent more than 13,000 primary producers across the state. QFF engages in a broad range of economic, social, environmental and regional issues of strategic importance to the profitability, sustainability and growth of the agricultural sector. QFF's mission is to secure a strong and sustainable future for Queensland primary producers by representing the common interests of our member organisations:

- CANEGROWERS
- Cotton Australia
- Growcom
- Nursery & Garden Industry Queensland
- Queensland Chicken Growers Association
- Queensland Dairyfarmers' Organisation
- Burdekin River Irrigation Area Committee
- Bundaberg Regional Irrigators Group
- Central Downs Irrigators Limited
- Fitzroy Basin Food & Fibre
- Flower Association of Queensland Inc.
- Pioneer Valley Water Board
- Pork Queensland Inc.
- Queensland Chicken Meat Council
- Queensland United Egg Producers
- Australian Organic
- Queensland Aquaculture Industries Federation.

The united voice of intensive agriculture



QFF welcomes the opportunity to provide feedback on the Mineral and Energy (Common Provisions) Regulation 2016 (Regulation) and the draft Land Access Code (Code). It is understood that the Regulation will contain the prescribed details to support the operation of the MERC Act, including matters relating to:

- the registration of dealings and caveats;
- the making of a new Land Access Code;
- access to private land, public land and restricted land;
- the negotiation of conduct and compensation agreements;
- overlapping coal and petroleum resource authorities.

QFF notes that many of the proposed amendments are administrative. For example, the provisions in the draft Regulation for entry notices, compensation and negotiations, and notifiable road use are largely unchanged from existing resources Acts and have been migrated to the new Regulation as part of a streamlining process. The mandatory provisions for the Code are largely the same as those that currently exist in the *Land Access Code November 2010*.

QFF proposes the following minor amendment to the Regulation to ensure it is consistent with other legislation:

Schedule 1, Mandatory Conditions Relating to Land Access – Section 9, Items Brought onto Land, currently reads:

- (1) A relevant person carrying out authorised activities must collect rubbish or waste produced in carrying out the authorised activities and deposit the rubbish and waste in a suitable local waste facility.

Should be redrafted to:

- (1) A relevant person carrying out authorised activities must collect and legally transport all of the wastes produced in carrying out the authorised activities to an off-site, suitably licenced waste facility.

QFF notes that the wastes produced by undertaking the activities may be generated in all forms (solid, liquid, gas etc.) and may be classified as a regulated waste under Schedule 7 (Part 1), *Environmental Protection Regulation 2008*. As such, the collection and timely removal of these wastes are essential to prevent environmental harm or the causation of environmental nuisance to the occupiers of the land as specified under the *Environmental Protection Act 1994*.

The addition of the word 'transport', refers to a *relevant activity* as defined under legislation (see ERA 57 – Regulated Waste Transport, *Environmental Protection Regulation 2008*). Currently, all regulated wastes must be transported by a licenced carrier in a registered vehicle and a waste tracking transaction form completed/submitted to the Administering Authority. Under the existing review of the *Environmental Protection Regulation 2008*, by late 2016, all wastes (regulated and non-regulated) will be trackable under regulation and may only be transported by a registered transport vehicle.

The specification of a 'suitably licenced facility' ensures that both non-regulated and regulated wastes are taken to lawful facilities holding an Environmental Authority (EA) to receive them.

The specification for 'off-site' disposal is also essential, so that wastes generated from the authorised activities are not disposed of on-farm, or specifically, to any waste disposal facility exempted for on-farm use for receiving and disposing of general waste produced on-farm (see ERA 60 Waste Disposal – *Environmental Protection Regulation 2008*).

QFF understands that the draft Regulation does not include restricted land distances. Instead amendments contained in the MOLA Act will change the MERC Act to include the restricted land distances of 200 metres and 50 metres.

QFF was disappointed that the provisions in section 68(1)(a) – pertaining to ‘restricted land’ in the *Mineral and Other Legislation Amendment (MOLA) Bill 2016* were not extended to include critical farm infrastructure such as irrigation infrastructure and levees as recommended by QFF in its submission dated 5 April 2016.

QFF does note that during the reading of the *Mineral and Other Legislation Amendment (MOLA) Bill 2016* on 24 May 2016, the Hon. Anthony Lynham MP did provide clarity around the Government decisions as to why these critical agricultural assets were omitted from the restricted land framework. The rationale including existing protections under the *Regional Planning Interest Act 2014* and a statement that “*these protections will be further extended by the Government’s commitment to re-establish protections that existed under strategic cropping land which the government intends to introduce into the House at a later date*” (see p1944).

QFF supports the re-establishment of these protections and will be seeking a meeting with the Minister in September to discuss the processes and associated timeframes for the Government to meet this commitment. QFF is concerned that while these protections are absent, valuable agricultural land is at risk from incompatible land uses and will be lost to future generations.

If you have any queries about this submission, please do not hesitate to contact me.

Yours sincerely

Travis Tobin
Chief Executive Officer