Another amendment that streamlines processes are changes the bill makes to the Transport Infrastructure Act 1994 to allow departmental officers to carry out certain consultations on my behalf with a local government railway manager or light rail manager. This clarifies how the process will operate. Amendments to the Transport Security (Counter Terrorism) Act 2008 to align the maximum penalty applying to a breach of confidentiality provisions with other like provisions in other transport acts provides for improved legislative consistency. This act is also amended to provide for a five year periodic review of the act to ensure that its provisions remain appropriate.

The bill also makes a number of minor clarifying amendments to legislation dealing with heavy vehicles, the transport of dangerous goods, rail safety and marine safety. In particular, the Heavy Vehicle National Law Act 2012 is being amended to clarify that fees under the national law can be specified in a regulation. The Transport Operations (Road Use Management) Act 1995 and the Transport Infrastructure Act 1994 are being amended to update and clarify the provision that deals with small quantities of dangerous goods that are exempt from the legislation. The Rail Safety National Law (Queensland) Act 2017 is being amended to delete a redundant definition, and the Transport Operations (Marine Safety) Act 1994 is being amended to ensure that vessels which are not regulated under the national domestic commercial vessel national law continue to be appropriately regulated under Queensland legislation. I commend the bill to the House.

First Reading

Hon. JA TRAD (South Brisbane—ALP) (Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning) (2.41 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Infrastructure, Planning and Natural Resources Committee

Madam DEPUTY SPEAKER (Ms Farmer): Order! In accordance with standing order 131, the bill is now referred to the Infrastructure, Planning and Natural Resources Committee.

Before I call the next speaker, I would like to acknowledge that we have had in the gallery today students from Alexandra Hills State High School from the electorate of Capalaba and students from Citipointe Christian College from the electorate of Mansfield.

LAND ACCESS OMBUDSMAN BILL

Introduction

Hon. AJ LYNHAM (Stafford—ALP) (Minister for State Development and Minister for Natural Resources and Mines) (2.41 pm): I present a bill for an act to provide for a land access ombudsman to investigate and facilitate the resolution of disputes about conduct and compensation agreements and make-good agreements, and to amend this act, the Coal Mining Safety and Health Act 1999, the Integrity Act 2009, the Mineral and Energy Resources (Common Provisions) Act 2014, the Mineral Resources Regulation 2013, the Petroleum and Gas (Production and Safety) Act 2004 and the Public Service Act 2008 for particular purposes. I table the bill and the explanatory notes. I nominate the Infrastructure, Planning and Natural Resources Committee to consider the bill.

Tabled paper: Land Access Ombudsman Bill 2017.

Tabled paper: Land Access Ombudsman Bill 2017, explanatory notes.

I am pleased to introduce the Land Access Ombudsman Bill 2017. This bill provides for the creation of a Land Access Ombudsman to investigate and facilitate the resolution of disputes about conduct and compensation agreements and make-good agreements; the saving of existing provisions contained in the Mineral and Energy Resources (Common Provisions) Transitional Regulation 2016 that will expire in September 2017; and the inserting of new provisions relating to the overlapping tenure framework contained in the Mineral and Energy Resources (Common Provisions) Transitional Regulation 2016.

It is a fundamental tenet of Australian law that the state's mineral and energy resources belong to all Queenslanders. The production of these resources provides for royalty streams which contribute

to the state's hospitals, roads, schools, police and other vital services for the people of Queensland. The state authorises access to land for resource companies to undertake the activities necessary to explore for, and subsequently produce, these resources where it is economically feasible to do so. In 2010, the Queensland government introduced the land access framework to balance the rights and responsibilities of landholders and resource companies seeking access to private land. This framework now applies to all resource authorities except mining leases, mining claims and prospecting permits, which operate under a different regulatory framework.

Under Queensland's land access framework, resource companies are required to enter into a conduct and compensation agreement with landholders prior to entering land to carry out advanced—that is, high impact—activities. Conduct and compensation agreements contain provisions regarding the conduct of activities on landholders' land and set out compensation arrangements negotiated by the parties.

In 2010, the Queensland government also established a regulatory framework requiring petroleum tenure holders to monitor and manage the impacts caused by the exercise of underground water rights on water bores. This includes the responsibility to 'make good' on any impairments caused to a private bore owner. Make-good agreements are an arrangement between resource companies and water bore owners for the purpose of ensuring private water bore owners impacted by resource activities are able to maintain access to a reasonable supply of water for the authorised use and purpose of their water bore. A resource company is required to enter into a make-good agreement where a water bore assessment has determined that, as a result of resource activities, a water bore has or is likely to have an impaired capacity. The agreement details the measures the resource company must take to make good the impact of their resource activities.

This underground water management framework was expanded to include the mining sector from 6 December 2016 with the commencement of the Water Reform and Other Legislation Amendment Act 2014. The Land Access Ombudsman Bill 2017 will enhance the existing land access and make-good frameworks by establishing an independent statutory office of the Land Access Ombudsman. The Land Access Ombudsman's primary function will be to help resolve disputes between landholders and resource companies who are parties to conduct and compensation and make-good agreements. It will help resolve them quickly, simply and at no cost to the parties to the dispute, providing an alternative to lengthy and expensive arbitration or court actions.

The Land Access Ombudsman will be a first port of call option for a party provided they have already made some reasonable attempt to try to resolve the dispute. The idea is to have a relatively simple, cost-free process to nip the problem in the bud so that all parties can quickly resolve the dispute and get on with their lives and their jobs. The proposal to establish the Land Access Ombudsman arises from a recommendation in the report of the independent review of the Gasfields Commission Queensland, which was completed last year by retired Land Court member Mr Robert Scott. The Gasfields Commission Queensland review report noted that, once any dispute resolution mechanisms in the agreement are exhausted, the only legal remedy for a breach of a conduct and compensation agreement is resort to a court of competent jurisdiction.

In coming to his recommendations in the Gasfields Commission Queensland review report, Mr Scott interviewed dozens of stakeholders including landholders, industry and community groups, peak producer groups and industry peak bodies, as well as government agencies and local governments. In doing so, he gained a good feel for the approach needed to help people resolve these types of disputes which otherwise can have a significant economic and emotional toll on the parties concerned. I thank Mr Scott for his work and his important insights on these issues.

To address the concerns raised by stakeholders, the review recommended the establishment of an independent statutory body that has the power to investigate and facilitate the resolution of disputes between parties to conduct and compensation and make-good agreements. The government supported this recommendation and considered the best model to deliver this recommendation would be through the creation of a Land Access Ombudsman.

This office will achieve the same outcome as contemplated in the Gasfields Commission Queensland review report, which, in effect, is a role that could be delivered by an ombudsman. As outlined by the Australian and New Zealand Ombudsman Association, the fundamental role of an ombudsman is the independent resolution, redress and prevention of disputes. The role of an ombudsman should not be confused with that of a regulatory body in that it should not have regulatory, disciplinary and/or prosecutorial functions.

The primary function of the Land Access Ombudsman will be to investigate disputes about existing conduct and compensation and make-good agreements and to facilitate the resolution of these disputes. A party to a conduct and compensation or make-good agreement will be entitled to refer a dispute to the Land Access Ombudsman without having to first exhaust the dispute resolution mechanisms contained in their agreement. Access to the Land Access Ombudsman will be free to both parties. Referred disputes will be dealt with in a facilitative and conciliatory manner and may involve meeting with the parties, hearing their views, offering advice on the merits of each party's position and making recommendations on how the dispute could be resolved.

The Land Access Ombudsman will not have the power to make binding decisions on the parties. It is not an alternative to a court or arbitration. Consistent with Mr Scott's view that the position provide a holistic service, the Land Access Ombudsman will also be able to provide parties with information about relevant health services. This is to assist in lowering the stress that may arise over the dispute. In order to ensure the Land Access Ombudsman has access to relevant information to help facilitate dispute resolution, the Land Access Ombudsman will have powers to compel production of documents by the parties and to answer questions. Where necessary, the Land Access Ombudsman will also have powers to enter the land subject to the dispute to perform an investigation. Where the Land Access Ombudsman reasonably believes that a resource authority holder or a resource tenure holder has contravened a resource act, a condition of an environmental authority, the Water Act 2000 or the Environmental Protection Act 1994, the Land Access Ombudsman can make recommendations to the relevant department that the matter be investigated.

024 The Land Access Ombudsman will also be able to identify systemic issues arising out of disputes and provide advice to government about these issues. This is an important feedback loop alerting the government to broader issues, facilitating early government intervention. The Land Access Ombudsman will not be subject to direction by a minister, a chief executive or government about the way its functions are performed, the priority it gives to investigations or the advice it gives to parties, or the systemic regulatory issues it identifies during the course of its investigations. However, to ensure appropriate transparency and accountability, the Land Access Ombudsman will be required to provide an annual report to the responsible minister, which must be published on the ombudsman's website. This annual report will provide a description of:

- land access dispute referrals made;
- land access dispute referrals that the Land Access Ombudsman has decided not to investigate or continue to investigate;
- land access dispute referrals the ombudsman has investigated;
- written notices provided to the parties under clause 51 of the bill;
- notices given to a chief executive under clauses 53 to 55 of the bill; and
- details of other functions performed by the ombudsman during the year.

The enabling legislation also provides for the process for appointment of the Land Access Ombudsman and conditions of the appointment and the administration and staffing of the Office of the Land Access Ombudsman.

A second objective of this bill is to further simplify the dispute resolution processes available to parties to a conduct and compensation agreement by providing the Land Court with exclusive jurisdiction to deal with alleged breaches of a conduct and compensation agreement. Currently, parties are required to apply to a court of competent jurisdiction for resolution of these disputes. By providing exclusive jurisdiction to the Land Court, it will become the sole court parties need to interact with to resolve disputes both before and after entering into a conduct and compensation agreement. This change is consistent with the dispute resolution approach for make-good agreements.

In summary, the Land Access Ombudsman will give landholders and resource companies a trusted, easily accessible and independent person to help resolve problems before they escalate into full-blown legal disputes, and it does this in a more streamlined dispute resolution process which is cost-effective and efficient. Importantly, by listening to people's concerns and offering advice on ways to resolve them, the Land Access Ombudsman will provide a valuable service to landholders and the resources sector. Helping parties resolve their disputes early will not only reduce personal stress for landholders and those in the resource industry, but it will also help support and grow our multi-billion-dollar agriculture and LNG industries.

Finally, this bill also includes amendments to save provisions contained in the Mineral and Energy Resources (Common Provisions) Transitional Regulation 2016—or 'MER(CP) Transitional

Regulation'—which will expire in September 2017. The MER(CP) Transitional Regulation contains provisions relating to the land access framework for resource authorities and the industry developed overlapping tenure framework for coal and coal seam gas tenures. The bill also inserts additional provisions into the MER(CP) Act that are required as a consequence of saving the overlapping tenure provisions contained in the MER(CP) Transitional Regulation, which relate to when a petroleum lease tender is released over a coal tenure. I commend the bill to the House.

First Reading

Hon. AJ LYNHAM (Stafford—ALP) (Minister for State Development and Minister for Natural Resources and Mines) (2.53 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Infrastructure, Planning and Natural Resources Committee

Madam DEPUTY SPEAKER (Ms Farmer): Order! In accordance with standing order 131, the bill is now referred to the Infrastructure, Planning and Natural Resources Committee.

CORRECTIVE SERVICES (PAROLE BOARD) AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 9 May (see p. 983), on motion of Mr Ryan—

That the bill be now read a second time.

Mr DICKSON (Buderim—PHON) (2.54 pm): I rise to speak to the Corrective Services (Parole Board) and Other Legislation Amendment Bill. This bill amends the Corrective Services Act 2006, the Judges (Pensions and Long Leave) Act 1957, Parole Orders (Transfer) Act 1984 and a number of other acts. However, the primary objective of the bill is to amend the Corrective Services Act 2006 to establish the Parole Board Queensland and to also make technical and clarifying amendments to the Corrective Services Act to facilitate the electronic monitoring of persons released to parole whether court ordered parole or board ordered parole. I will make a short contribution regarding the amendments in relation to the electronic monitoring of parolees and also a submission by the Queensland Homicide Victims' Support Group.

Recommendation 60 of the 2016 Sofronoff review report identified that the application of GPS monitoring of paroled offenders in appropriate circumstances based on assessed risk could assist in both improving reintegration of parolees into the community and reducing re-offending. The Legal Affairs and Community Safety Committee examined the bill. I note that the bill proposes to implement parole review report recommendations that the global positioning device—GPS—monitoring of parolees be undertaken. I understand from the committee report that the government views implementation of these recommendations as a priority, and I support the government on this.

The bill provides that a parole order may contain a condition that the prisoner must follow directions given by a Corrective Services officer that may restrict the prisoner or enable the prisoner to be monitored; and a Corrective Services officer may give a direction to a prisoner to remain in a stated place for a stated period—a curfew direction—and wear a stated device and permit the installation of a device or equipment at the place where the released prisoner resides—a monitoring direction. Failure to comply with these directions can be actionable as a breach of that parole.

The Gold Coast Centre Against Sexual Violence supports monitoring some parolees via electronic devices based on the assessed risk of each parolee. The Queensland Homicide Victims' Support Group also support this provision, noting—

The use of GPS tracking devices to help regulate the movement of parolees will help to provide warnings both to the homicide victim families and to alert Police in situations where the parolee is detected as in danger of breeching parole conditions.

The Queensland Homicide Victims' Support Group also consider that the victim of a crime should be alerted when the perpetrator of the crime is about to be released on parole wearing a GPS device for