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CLEAN ECONOMY JOBS, RESOURCES AND TRANSPORT COMMITTEE

Members present:

Ms KE Richards MP—Chair
Mr PT Weir MP
Ms JE Pease MP
Mr TJ Watts MP

Staff present:

Dr A Ward—Committee Secretary
Mr Z Dadic—Assistant Committee Secretary

PUBLIC HEARING—INQUIRY INTO THE MINERAL AND ENERGY RESOURCES AND OTHER LEGISLATION AMENDMENT BILL 2024

TRANSCRIPT OF PROCEEDINGS

Wednesday, 8 May 2024

Toowoomba

WEDNESDAY, 8 MAY 2024

The subcommittee met at 9.00 am.

CHAIR: I declare open the Toowoomba public hearing for the committee's inquiry into the Mineral and Energy Resources and Other Legislation Amendment Bill 2024. I am Kim Richards, the member for Redlands and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay my respects to elders past, present and emerging. We are very fortunate to live in a country with two of the world's oldest continuing cultures in Aboriginal and Torres Strait Islander people, whose lands, winds and waters we all now share. With me here today are: Mr Pat Weir, the member for Condamine and deputy chair; Mr Trevor Watts, the member for Toowoomba North; and Ms Joan Pease, the member for Lytton.

This hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee. Media may be present today and are subject to the committee's media rules and my direction at all times. You may be filmed or photographed during the proceedings and images may appear on the parliament's website or social media pages. I ask everyone to please turn their mobile phones off or to silent mode.

The committee may have some time available at the end of this program. If there are any witnesses who have not registered but who would like to make a contribution to this hearing, please make yourself known to our secretariat and they can take your details.

SMITH, Mr Andrew, Mayor, Western Downs Regional Council

TAYLOR, Ms Jodie, Chief Executive Officer, Western Downs Regional Council

CHAIR: I invite you to make a short opening statement, after which the committee will have some questions for you.

Mr Smith: Thank you. It is a pleasure to be here. It is an honour to be mayor of the Western Downs. We are an agricultural region. That is our base. We are located in regional Queensland. With an area of around 38,000 hectares and 35,000 people, it is a big area with a lot of people. We have the largest council road network in Queensland, with 8,500 kilometres. We are known as the energy capital of Queensland. We have approvals for 24 solar farms, with 10 operating or under construction; two operational wind farms, one under construction and many more proposed in the region; a renewable-based hydrogen plant currently under construction; the largest battery plant in Queensland, with several more proposed; coalmines; gas and coal-fired power plants; and a strong and growing gas resource sector. Our GRP per capita is equivalent to Brisbane and 65 per cent higher than the lovely city we are in at the moment, Toowoomba. Growth in GRP has risen by 15 per cent over the last five years. Successful coexistence is something we see every day on the Western Downs. It is something we are very proud of as a region and it makes our region thrive.

Mr WEIR: Thank you for appearing today. As you are aware, a significant part of this bill deals with the issue of subsidence. As you say, you have had gas in the Western Downs for many years, but it is now encroaching into more prime agricultural area, which makes a difference. Does the council see there could be any impacts on the Western Downs? Do you have any concerns about subsidence issues with CSG?

Mr Smith: We are not geologists or hydrologists, so I am careful in making any comment around subsidence at all. From a council perspective, however, we do not see issues with regard to the infrastructure that is coming out of our works department. I am sure our CEO can comment if I am off the mark there. We advocate around coexistence and ensuring that everybody is being listened to, and that is our ag sector as well as the energy sector. I am hesitant to make too much comment around subsidence in general.

Ms Taylor: We are supportive of a framework being introduced around subsidence. We query the need for the 12-month lead time that is being proposed for the agreement of a subsidence management action plan and the impact that would have on the commencement of production. We
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are concerned that any unnecessary delay in production could adversely impact businesses and the wider economy of the region. That is something we have taken into consideration. We also query the practicality of making a subsidence agreement between tenure holders and landholders before production begins. The potential impacts of CSG operations will occur, we believe, over a period of time, and the effects will be cumulative based on the number of wells that are operating. These predicted impacts could change the development phasing as modelling tools are improved over that time. We believe that impacts will occur over time and the required remediation cannot be determined before operations begin. We struggle with understanding that. We are unsure how subsidence could be accurately predicted possibly years in advance.

In our submission we have suggested that consideration be given to similar to water bore make-good agreements and that they be imposed in the framework but that a make-good agreement not be required ahead of the commencement of production but rather a short time frame before the impact is predicted to occur or immediately on impact being identified. This would be consistent with existing frameworks that are in place. It will allow for the landholder and property-specific concerns and practices to be considered at the time and ensure that compensation is adequately calculated. For us, it is thinking about whether there is an impact on the economic output from that landholder as a result of the subsidence. When subsidence agreements are made based on predictions rather than actual or imminent impact, landholders may not receive sufficient protections or compensation and tenure holders may be committed to excessive mitigation and compensation payments. Those are the concerns of Western Downs.

Mr WEIR: I notice you made a number of recommendations. Recommendation 3 talks about the extended remit of the Land Access Ombudsman. What are your concerns there? There does seem to be a little bit of confusion about the role of the ombudsman and the Land Court and so on. What are your concerns around that part of the bill?

Ms Taylor: We support the proposed expansion of the Land Access Ombudsman's functions. We support providing tenure holders and landholders with alternative dispute resolution processes to reduce the escalation of matters to the Land Court. If we can get that sorted, it reduces that impact as well. In addition, parity in negotiation between landholders and tenure holders will be strengthened by providing landholders, who often have limited surplus resources, with support for legal costs, agronomy costs and other consultation expenses that may occur as part of the negotiation process. We are supportive of that remit being expanded.

Mr WEIR: You would indicate the need to give more assistance to landowners to go through that process?

Ms Taylor: Absolutely, and therefore we also support the expansion of the GasFields Commission to become Coexistence Queensland—we were very supportive of that—and ensuring it is well funded and able to adequately provide support to landholders involved. With the renewable sector coming in, as well as the impacts from the resource sector, it is particularly important.

CHAIR: It certainly sounds like you have an abundance of renewable projects coming into the region.

Ms Taylor: We do, and there are more and more. We had a meeting yesterday with another two wind farms. From conversations we have had already, we are expecting at a minimum 10 wind farms from proponents and industry representatives in the region already, in addition to our 24 approved solar farms, so there is a lot happening in the Western Downs.

Mr Smith: I think what is important, too—and Jodie mentioned it—is around staffing and looking at Coexistence Queensland to make sure it is adequately staffed, which would allow more one-on-one. A lot of landholders—it is quite understandable—do not want to engage in town hall meetings in front of neighbours and friends, so we are really strong in hoping that Coexistence Queensland is staffed adequately to especially deal one-on-one with landholders.

Mr WATTS: I want to take you to recommendation 4 and get more information about that. I am particularly interested in the baseline data. Who do you think should pay for it? When should it be done? How do we draw a line so we know what it is we are measuring into the future?

Mr Smith: I do not think it is a cost to the landholder. In terms of any baseline data, the sooner it can be attended to the better. That is a really simple answer. We do not believe that the landholder should be funding that sort of data.

Mr WATTS: In council's view, at the moment do you know to what extent baseline data is available across your area? Is anybody storing that? Is it public? Where is it up to?

Ms Taylor: The lidar data that is being provided and OGIA's data is not held by council. To be quite honest, we have asked for some of that data because we believe that from a natural disaster perspective—flood mitigation—potentially that data could assist us in understanding what impacts there might be on some of our towns within the region. It certainly does not sit with the council. We understand that the industry itself has some of its own lidar data, and obviously OGIA has been undertaking those assessments. As the mayor said, we are really supportive of those baseline assessments being undertaken. We believe it should be funded by the industry, not landholders. We do not believe it is their responsibility to do that. We are very supportive that the information provided is based on science.

Mr WATTS: In council's view, who should hold that, who should have access to it and how should that be managed, if that data is all collected?

Mr Smith: I do not know whether that is a make-or-break to the argument at all, but potentially OGIA. Landholders will have their own data.

CHAIR: We actually heard yesterday that there are landowners who are sourcing their own baseline data.

Mr WATTS: If the data is collected and there is a dispute about the data, what are your thoughts on who is the arbiter between someone doing a private survey versus someone doing a government survey, for example, and the two not matching?

Mr Smith: It is a good question. There has to be one form of truth. OGIA at this stage has lidar available. Surely it has to be OGIA that is the one base of truth. With all due respect, the more arrows that come into the circle the more difficult it becomes. There has to be one form of truth.

Mr WATTS: As a final aside to that, how would you manage soil expansion during wet season versus a drought season? How would that information be recorded?

Mr Smith: That is a question for OGIA, I think.

Ms Taylor: Council will not get involved in land disputes or expansion of soils—those sorts of things. The difference would be if it is impacting on council's or the community's assets. That would be something we would certainly take into consideration at that point.

Mr Smith: What is really important, as I said earlier, is that we are not hydrologists or geologists. We can talk about the importance of the energy industry in our region. We have a diverse economy that started with agriculture. We are still very strong in intensive agriculture and we are the energy capital of Queensland. It is important that we talk about our diverse economy rather than the details that will be dealt with by OGIA, the land ombudsman and the professionals.

CHAIR: Has council had a role in the complaints or any of the issues that have been raised by individual landholders at this point?

Mr Smith: Certainly, we have been strong advocates of Coexistence Queensland. I can confidently say that that came out of the Western Downs—that original push for Coexistence Queensland and for the renewables to be engaged in that as well. If the government does not have the necessary framework and policy, we find that we are the first port of call. We certainly do not want to go back 10 or 15 years, where we were at the start of the coal seam gas industry, where there was a lot of frustration and a lot of questions. That is why we are really happy to see Coexistence Queensland and why we are really advocating that it is funded and supported well.

Ms PEASE: I congratulate you and all of the members of the Western Downs Regional Council for engaging with renewable energy. You are a REZ. You have your own renewable energy zone. That is pretty amazing to see and creating wonderful opportunities for employment. I want to acknowledge your agricultural engagement as well. That has evolved over the years, no doubt. We see that there is a lot of cotton growing at the moment. What was it prior to cropping? Was it dairy farming or beef? What sort of agriculture was it?

Mr Smith: If we go back far enough, cattle and sheep were strong. To the east is prime farming country. We still see a lot of animals in the west. I do not want to understate the importance of agriculture in our region, but 42 per cent of cattle on feed in Australia are within 200 kilometres of Dalby. The intensive ag industry is critical to our economy. I will continue to talk about our diverse economy, and that is made up of a number of industries that are really important not only to us as a council but also to community, our children and our current landholders. Ag is critical. I cannot give you a year as to when cotton started growing in our region. It was probably 40-odd years ago.

Ms PEASE: I guess what I am trying to highlight is the diversity of the area and how adaptable the agricultural sector is in this environment and how it adjusts. I note that much of your infrastructure and the council's land would be neighbour to a CSG well; would that be correct?

Mr Smith: Yes.

Ms PEASE: You mentioned in your opening statement that you have not had any indication of subsidence on council owned property; is that correct?

Ms Taylor: That is correct. Specifically when I talk infrastructure, the key infrastructure directly adjacent or within close proximity would be our road infrastructure, bridges, stormwater et cetera. The advice that has come back from our infrastructure services team is that we have seen no impact as a result of subsidence on our road infrastructure.

Ms PEASE: Do you have any wells on council owned property?

Ms Taylor: Yes, we do.

Ms PEASE: Has there been any evidence of subsidence on those properties?

Ms Taylor: No. That land predominantly where we have well infrastructure is in that Kogan Creek area. We have not seen any impact in that location.

Ms PEASE: Are you aware of constituents of the council and their experiences with subsidence?

Mr Smith: Certainly, we have engaged with landholders who are suffering subsidence. I have not been onsite. I keep reminding everyone that I am not a professional geologist. I do not have any further comments around that except for the fact that, yes, we hear that it is a concern to landholders.

Ms PEASE: I want to go back to Coexistence Queensland. It is a good opportunity, given that you are an inflight REZ at the moment. You will have that oversight and a place to go. You are quite comfortable? You have made some recommendations around what we should be looking at with that area?

Mr Smith: Absolutely. The group which is now known as Coexistence Queensland is something we have been advocating for. We see it as critical going forward. We are probably 12 months behind where we hoped it would be, because the renewable energy sector is strong in our region already.

Ms PEASE: I congratulate you and all of the council for their vision to be able to be adopting that, and congratulations on being the energy capital of Queensland.

Ms Taylor: I think it is important to stress that Coexistence Queensland—because it is a gap in the region right now when it comes to the renewables sector—is particularly important. We are actually working with Coexistence Queensland, the Renewable Energy Council and government with regard to having a forum in the Western Downs, because there is a lack of knowledge among particularly a lot of our landholders as to how they understand the process. Similar to an impact from gas, this is going to be particularly important for the Western Downs region. We have just introduced a communities partnering framework for the Western Downs—another gap that we identified, while policy and the reforms are catching up. We have actually implemented that in the Western Downs. Again, it is working up-front with industry that is coming into our region to be good neighbours and what we expect of them in the region versus what they can expect from us at council as well.

Mr WEIR: That is interesting because, with the renewable energy bill that recently went through the House, one of the things local government was really concerned about was that they were going to have to face a lot more costs that were not necessarily within their lane or they did not see as their responsibility. Do you believe that the changing of the GasFields Commission to Coexistence Queensland will help to alleviate that in terms of having people swimming in their own lane so to speak?

Ms Taylor: Absolutely. We have been supportive; in fact, we have been advocating for probably close to two years that that should happen, because we now have had solar farms in the Western Downs for a number of years. With the Western Downs renewable energy zone being part of that, it opens up that it is not just based on a tenement; it is the whole region. We can see them anywhere in the region. Obviously, landholders want an understanding of their rights and the process around it. We have seen land banking and issues like that happening in the region. This is an opportunity to give that support to our community.

Mr WEIR: I notice you also make comment about the community leaders council. Would you still like to see more local government involved in that?

Ms Taylor: Absolutely. It needs to be place-based. We need to really be thinking about what the impacts are from the various regions. We all are very different. We have different priorities and different needs. We as a council are supportive of that group being formed, but I believe the LGA should have input into that as well and be part of that group. It is particularly important that it be place-based.

Mr WEIR: That is an interesting comment. The LGA is representative of all councils but, as you said, different areas will face different challenges as we go through this renewable energy rollout in particular. The Western Downs is going to be different from Central Queensland. Should the local REZ areas have a voice on it?

Ms Taylor: We believe there should be a voice. A very good example of that—we believe it is coming our way—is that we will start to see renewables, gas and other developments in similar locations, so coexisting themselves. What does that mean for landholders who may be in the middle of that? For example, if you have a wind farm and gas wells on one property, or solar and gas on one property, what does that look like? It is particularly important that we take that into consideration as well.

Mr WATTS: Recommendation 6 of your submission states—

Ensuring strong stakeholder engagement and communities partnering ...

What does strong stakeholder engagement look like to you and what sort of process do you think it should be?

Ms Taylor: To me it is about one-on-one, direct stakeholder engagement—direct with landholders. We believe it is with communities, from a benefit perspective, and also with councils. We need to understand what is happening within our region as well. Quite often we do not necessarily find out, particularly in the renewables space. We understand tenement areas. We still expect that of all of the industry in the region so we can plan our infrastructure. When you think about housing and impacts in regional areas and the culmination of projects, you have a construction workforce in region at any time. If there are a number of projects which are being proposed in the Western Downs, what is the impact going to be in terms of your operational workforce as well? It is about ensuring we have adequate community infrastructure in place. It is also advocacy to have support services et cetera in region. It is our role to help advocate for that and ensure we are bringing those services to support the growth of our regions adequately.

Mr WATTS: Do you think that consultation should be formally laid out—step 1, step 3, step 3; must include this, must include that? Is that how you are imagining it? Obviously the consultation is going to be different in different areas and stakeholders are going to be different in different areas, so I am just trying to understand what would work in your environment.

Mr Smith: I think having a framework around that engagement is a good idea. What we are seeing, especially with the renewables, is that it is a very different industry from different backgrounds. Having a framework would be beneficial. I support Jodie in saying that part of that framework has to be one-on-one. Part of it has to be engaging with local government. One of the issues we are finding is that—Jodie briefly mentioned it—projects are well and truly along the line of development before we find out what is going on, yet we are the ones dealing with community infrastructure to support these projects. I would support a framework around engagement.

Ms Taylor: Something that has worked well in the region is consultative committees. QGC has a consultative committee. We have seen that with Origin and others in the past.

CHAIR: There is obviously a very big space for the private sector to be helping drive that engagement piece, given its involvement in your region—whether that be in gas, wind farms or solar. It is a very broad church of economic opportunity for Western Downs Regional Council out here.

Mr Smith: Absolutely.

Ms Taylor: Those consultative committees are very successful. It has a broad cross-section of community and community groups and landholders. We have seen some really positive outcomes as a result of those consultative groups that have been in place.

CHAIR: Thank you very much for appearing before us. There are no questions on notice.

RONNFELDT, Mrs Zena, Private capacity

CHAIR: It is good to see you again this morning. I invite you to make a short opening statement, after which the committee will have questions for you.

Mrs Ronnfeldt: Good morning. Thank you for the opportunity to appear before the committee. Our property is ground zero for reported subsidence causing critical damage to intensive cropping. My family has been farming the flood plains around Dalby for more than 80 years. I hold a bachelor's degree in commerce and have received awards in accounting and industry. I have been a member of national and state committees and am involved in industry representative roles. Along with my husband and our son, in the past 35 years we have grown our landholding from one to 10 farms and we farm another. Put simply, we are very good at what we do. Having been forced to navigate subsidence caused by coal seam gas mining and trying for the past four years to manage and remediate its impacts at our own cost, I am well positioned to advise on what is needed in a management framework.

We have found the existing process of compensation problematic, causing unnecessary cost, time and stress and not yet resulting in agreements to resolve the issue. Farming businesses must be treated fairly. Why is it okay for miners to come onto our properties whenever and wherever they like to do whatever they want for however long they wish, to cause damage to our land and infrastructure if, in their view, it is reasonable for them to do the damage?

A deficiency in this bill is the unreasonable, unfettered access it grants gas miners for all land in the subsidence management area, both inside and particularly outside of their authorised tenure areas. This bill does not extend landholder protection from tortious liability to off-tenure landholders, risking our ability to obtain insurance. This alone will put us out of business on many of our farms, put us in technical default on our bank mortgage and lending agreements, and result in our letting a couple of our employees go.

The IESC has acknowledged that agricultural dams are at risk to subsidence from CSG mining. Our 1.2-billion-litre dam started seeping millions of litres of water a year through the bottom of the dam about three years after Arrow Energy unlawfully dug a gas well under it from neighbouring land. This has caused us significant crop loss and pumping costs to try and replenish the lost water. A deficiency in the bill is the omission of agricultural dams from the framework. Landholder time spent in this framework is a major cost to the landholder in business terms and, put simply, uses up their life. If landholder time is not given, they are penalised through risk of detrimental outcome.

Under the United Nations Global Compact in relation to forced labour, the definition of a penalty is far more than a monetary fine. The bill is deficient in effectively requiring the landholder to give unpaid time to the miner for subsidence damage that could be or will be caused by the miner. This goes far beyond what a reasonable person would consider necessary to negotiate access to mine gas and is not justified. If you were an employer and treated your staff the way we are expected to spend time and provide information, you would end up in jail. Landholders must be fairly compensated for their time.

The bill fails to speak with the many other laws that landholders in business and in regulated flood plain areas must comply with, effectively forcing landholders to act unlawfully to stay in business. To name a few, we are subject to laws relating to workplaces, biosecurity, food—because we grow food—employee housing and complex water laws. Comprehensive consultation is needed to identify where this bill conflicts with other laws.

Confidentiality of landholder information, whether it be gathered by or given to CSG miners, is paramount, yet this bill fails to ensure that all information is kept confidential. Cropping is our whole livelihood. We are the stakeholder with the most at stake. To manage subsidence, we need better consultation and a transparent process, starting with baseline reporting which scientifically is based on best methodology to take guesswork out of compensation and impacts—guesswork caused by regulatory failures in the legislation and its administration. Arbitration is problematic because it will lead to inconsistent decision-making rather than a judicial and binding body of case law.

We are in a regulated water area. Every subsidence action done and not done can have far-reaching water flow consequences impacting farm infrastructure, soil conservation, business investment decisions and ability to borrow money. Our reality is that subsidence caused by CSG mining is not going away. It is an ongoing issue with far-reaching implications, and we do not know when it is going to stop. The bill needs to work, but it fails to clear the hurdle of providing for the repeated need for rectification measures to keep a farm operational. There are too many outstanding

unidentified issues in this bill which need further consultation and consideration. There is no point having a subsidence management framework if, because of some unidentified technicality, it is prevented from being able to achieve its purpose.

Mr WEIR: You talked about a lot of things that are in the bill and should be in the bill. We will just talk about a couple of things that are in the bill. In your submission you say that the Land Access Ombudsman cannot assist in preliminary activities. What do you mean, specifically?

Mrs Ronnfeldt: When you are given a notice of entry by a coal seam gas mining company, you have nowhere to go if you dispute that the activity is preliminary or even something about the way the activity has been done. You as the person without an agreement but in receipt of the notice of entry are required to give access, but you have absolutely no protection or anywhere that you can go in a dispute situation. I believe that the Land Access Ombudsman is not an office which is actively used by any landholder with an agreement. The records in the annual reports of the ombudsman show that. The one demographic in desperate need of that assistance has not been afforded it in this bill.

Mr WEIR: Are you saying that it is more about what is deemed as a preliminary activity?

Mrs Ronnfeldt: A gas company is able to self-assess whether or not, in its opinion, the activity that the gas company is doing on the landholder's land will cause an impact to the landholder. The current system provides no input by the landholder to that. In fact, the landholder's only option is to go to Land Court if the landholder disputes that the impact on that landholder's land is no more than minor. They are the people who need to be able to access the mediation services of the Land Access Ombudsman so they can get into an effective conversation with the gas miner, because there is ombudsman oversight over it—to bring the people together and to make the gas company listen to the landholder's genuine and reasonable reasons about why that activity is causing an impact to them. Those are the people who need help.

Mr WEIR: What would be the simplest way to resolve that?

Mrs Ronnfeldt: For the bill to provide that any landholder who has been served with a notice of entry—or in fact any landholder in a petroleum tenure area—can go to the Land Access Ombudsman and raise a matter to be addressed with the gas company through the ombudsman. It should not be restricted to having agreement. If you are in an authorised tenure and you have a problem, whether or not you have received a notice of entry, you should be able to go to that service. It would vastly improve sustainable coexistence, because those unheard people, whose only option is Land Court, have an avenue.

Mr WEIR: You also mentioned public liability insurance. I know there was an issue a while ago. I thought that had been resolved. Has that not been resolved?

Mrs Ronnfeldt: The issue with public liability insurance is created by the fact that this bill gives a gas company access to land that is not within its tenure. The exemption that was coordinated by the GasFields Commission between ag industry landholders and the insurance industry relied on three things: there being an agreement between the landholder and the gas company; the tortious liability limitation of the landholder which sits between the petroleum and gas legislation; and the insurer having a clause in their legal liability policy that they give the landholder that they will not cover any liability that arises due to an agreement that the landholder has made with an outside party. If you are a person who owns land and are adjacent to the tenure area but are in a situation where the gas company can come onto your land and do whatever it likes, because there is no limitation on whatever it likes for those landholders because they are in the subsidence management area—they can do advanced activities or activities that cause more than a minor impact on your land—you have no say in that. You do not have to agree to it; they do not have to compensate you before. Those landholders have no agreement.

There is no provision in this bill for the limitation of the landholder's liability—that is, their tortious liability for problems and liability that the gas industry creates for them. With the exemption that is in the product disclosure statements for the farm insurance policies, there is no agreement. What will happen is that the insurance industry will again pull out of farm legal liability. This is a different issue that is actually connected but has been created by the drafting of this bill.

Mr WEIR: I will see if I am getting this right. What you are saying is that if they are to investigate or monitor for potential subsidence in areas where they do not have a CCA or even tenure—surely if they do not have tenure they would have to receive access to a property. In a CCA, you might have some agreement drawn up.

Mrs Ronnfeldt: Under this bill as it is written, all the CSG miner has to do is issue a notice of entry. They are bound by the Land Access Code, which was written for the grazing industry and most aspects of it do not apply to intensive cropping. Other than that, that is all they have to do. They can literally come onto your land and do whatever they like wherever they like for as long as they like.

CHAIR: Is that access under the definition of a preliminary activity? Could you drill down into that a little bit further?

Mrs Ronnfeldt: If you are in the authorised area of the coal seam gas miner, you are bound by restrictions under the Petroleum and Gas (Production and Safety) Act and the MER(CP) Act about what you can do as a miner on that landholder's land.

CHAIR: Which is what you are describing as a preliminary activity?

Mrs Ronnfeldt: Well, it is split into two things. There are preliminary activities, which are activities that will cause no or only a minor impact on the land, and then there are advanced activities which cause more than a minor impact. For advanced activities, if the activity is occurring on the tenure then the gas company, prior to doing any activity and accessing the land for the activity, must make a conduct and compensation agreement with the landholder.

CHAIR: With an advanced activity there is an agreement between landowner and gas company?

Mrs Ronnfeldt: On tenure.

CHAIR: On tenure. For a preliminary activity the agreement is not in place?

Mrs Ronnfeldt: No.

CHAIR: And it is preliminary activity that has no or minor impact?

Mrs Ronnfeldt: Yes. The problem arises because, off tenure, the gas company is authorised to access under this bill, so for those landholders that are off tenure there is no distinction between preliminary or advanced activities. There is no requirement whatsoever for the gas company to make an agreement to do activities that will cause more than a minor impact as part of their subsidence activities, being the baseline farm field investigation or monitoring. Further to that, if you happen to be a poor soul whose land off tenure must be accessed to do subsidence activities off tenure, you are not even entitled to a notice of entry. You literally could be on your tractor or in your house and you could look up and see a gas miner driving across your paddock or in your gate and lawfully there would be nothing you could do to prevent that access. You could not even complain that they were doing it without letting you know, because this bill authorises them to do that. It is a big loophole.

Mr WATTS: I just want to take you to some baseline land monitoring and get your perspective on when it should be done, who should pay for it and how it works ongoing. In that, could you also talk around dams and some areas that have been excluded?

Mrs Ronnfeldt: We are going to be here for a few hours!

Mr WATTS: I am happy for a short summary.

Mrs Ronnfeldt: It is really fundamental to remember that the state has actually sold land or leased land to the landholders. We have freehold land, but the state has reserved the right to access the petroleum gas and mine the petroleum gas. That is all it has reserved the right to. As part of the responsibility for that, it is the responsibility of the state to ensure that the activities of its lessee—that is, the coal seam gas miner—are not damaging the land or the land use of the person who owns the land. Effectively, what we have is a contract between the landholder and the state, which is the reservation of the gas, and then the state has a contract between itself and the lessee.

From the viewpoint of the landholder—and in fact I think the viewpoint is that it is the responsibility of the state to ensure that all the mechanisms are in place and that information is gathered and paid for by the CSG miner that can ensure that if it is causing any impact that impact is able to be identified, particularly in the situation where we know that CSG induced subsidence is a result of coal seam gas mining. Geoscience Australia and the IESC said more than a decade ago that it was a risk to land use such as intensive cropping, so I do not think there is any question that the gas industry is the one that should be responsible for collecting this information. It is part of their responsibility—part of their lease.

The problem that arises is that it was known that subsidence would be an issue. It is not an issue to all things, but it happens to be an issue to intensive cropping on very flat flood plains. Not only was data not kept, even though it was required to have been kept under the federal environmental authority that the tenure holder in our area is responsible for, but there has not been

any real scientific investigation over that intervening decade on the type of baseline that is actually suitable for identifying and measuring impacts to agricultural land use. We have only measures that are suitable for environmental land use. There is a very big difference between environmental purposes and intensive cropping and irrigated cropping.

What we are having to do in our situation, because we are ground zero, is we have a dryland paddock that has been encroached towards by vertical coal seam gas wells. We have found that there is lidar data available. In general terms, the lidar does show that the western side of our paddock has fallen—sunk—near the creek, therefore identifying there is an indication that there is disruption for water flow. The ability for us to effectively use that lidar to identify not just that general subsidence, which may be the thing that is important for environmental purposes, but also the small areas that are causing a critical impact to our ability to get a crop growing is just not there. We have had to, over the last four years, research this problem.

As stated by Western Downs Regional Council, they thought the Office of Groundwater Impact Assessment should be responsible for determining whose data is best, because we have gone and commissioned from suitably qualified professionals, whose reports would be acceptable in a court situation—because for us it is about getting compensation and about getting something done about the impacts we are sustaining. I have gone to someone who can provide a report that I can use in court, whereas I cannot use the information that the Office of Groundwater Impact Assessment has because, aside from anything else, they have put a big disclaimer all over it saying, 'You cannot use this to measure subsidence. You cannot rely on it. We have not checked it.' Basically, you can use it for pretty much not much. What that has meant, then, is that we have had to commission our own baseline data, which we are expecting to cost us \$1½ million by the time it is finished. This is simply just to get a survey of our property which will be able to measure the subsidence, because the Office of Groundwater Impact Assessment has said that the lidar cannot measure the subsidence.

Addressing the issue of our irrigation dam, Arrow Energy secretly and unlawfully drilled a directional well underneath one of our dams. We have two on that property, very similar in depth and construction, that have been there for decades and decades. In 2018 a directional well was drilled without our knowledge. Arrow Energy was subsequently fined \$1 million for that in 2022 by the Queensland government. Bear in mind that we have eight irrigation dams across our properties. There are two on this one. When you have been an irrigator for decades, you can look at your dams and at the water level and see the differences in them. On that property we had two that were always behaving about the same. Our larger one suddenly started dropping much faster than the other one, the result being that we are now losing millions of litres of water out of that dam each year.

These dams have an earth base. They rely on the fact that there is groundwater pressure underneath them. The subsidence can open little fractures whereby the groundwater can go downwards or sideways. On top of that, we are in an area where there is connectivity between the coal, where the gas and the water is coming out and also the layers above. We are now in a situation with that dam that we have millions of litres of water lost. There has been no baseline done on it. We have telemetric monitoring on it now, but how do we prove that the subsidence started after the gas well was put there and how do we prove that it is the gas? There has not been anything done to the dam other than the gas well, but how do you go and prove in a court of law that that is the cause? That is where the manifest deficiency is in this bill.

CHAIR: How long has coal seam gas in your vicinity been operating for? When did the first wells come in?

Mrs Ronnfeldt: The first wells were drilled after the petroleum lease was issued in 2005. There were gas wells being drilled in 2006 through to 2009. They came toward the boundary of our property and started operating within 2½ kilometres. In about 2014-15 there were quite a number of vertical wells operating.

CHAIR: We have had about 10 years pass. In terms of the significant water loss that you have described, what was the time frame of that occurring?

Mrs Ronnfeldt: There was a directional well put under it in 2018 and three years later, in 2021, we started noticing dramatic water loss.

CHAIR: Have you had any technical reports done?

Mrs Ronnfeldt: We have had a geotechnical report on it and we have telemetric water monitoring on it.

Ms PEASE: You mentioned that the CSG company, Arrow, were fined.

Mrs Ronnfeldt: They were.

Ms PEASE: What remediation work did they undertake?

Mrs Ronnfeldt: Whilst the Queensland government fined Arrow Energy \$1 million, the government did not require Arrow Energy to take any actions, so nothing.

Ms PEASE: What action have you taken with regard to your dam?

Mrs Ronnfeldt: We have put telemetric monitoring on the dam and we have had a geophysical survey done. We are currently assessing what on earth we are going to do about the fact we have this enormous water loss.

Ms PEASE: Can I go back to the issue of insurance. You were talking about public liability insurance. You claim that mining companies can come onto your land at any time but these people are not covered by public liability; is that what the concern is? If you have public liability on your property, would the mining company people not be covered by that or would they have to have their own? I am just trying to understand what the issue is around public liability insurance.

Mrs Ronnfeldt: As a farmer and a farm business, I have a legal liability insurance policy which covers me for my farming activities. My insurer is not interested in covering a gas company for their activities.

Ms PEASE: If someone from a gas company came on and was injured, they would be covered by their own insurance—or you say they are not covered by any insurance?

Mrs Ronnfeldt: If you are off-tenure, you have no way of knowing whether the gas company has its own insurance.

Ms PEASE: I understand that. I am just trying to understand what the issue is around the public liability. Basically you have said it: your insurance covers people who are undertaking the business of the farm and anyone that comes in is not covered.

Mrs Ronnfeldt: That is right, in simple terms. The issue in the bill is: you have not extended the tortious liability in the petroleum and gas act to the off-tenure. Also, the exemption that is there at the moment that was agreed between IAG and gasfields and industry and the gas industry really relates to on-tenure where there is a conduct and compensation agreement.

Ms PEASE: In relation to your experiences with subsidence, you have the leaking dam on the property that you talked about earlier. You have nine other properties. Have any of those experienced subsidence?

Mrs Ronnfeldt: Eight of those properties are not in the tenure and the other one is further away from where the wells have been operating. What we have seen is subsidence starting on the area of our property which is closest to the oldest wells and then we have had more wells drilled around us that are directional wells, and the subsidence is now encroaching across our property as the wells have encroached across our property.

Ms PEASE: Is that one property, property No. 10, your most recent purchase? Are you talking about that when you are saying it is encroaching across your property? Is it one property or all 10 of them?

Mrs Ronnfeldt: The other eight properties are not in the Arrow Energy tenure. They are quite a long way from any existing wells. We expect that there will be five of them in the subsidence management area that are off-tenure that will be impacted. There are two in the Arrow Energy tenure. They are not our most recently purchased ones, but there is one that is within the oldest area of gas development, because we are neighbours to Arrow Energy in terms of the actual land that they own. The other property in that tenure is between the property that is subsiding and the off-tenure properties that will take longer to be impacted.

It is taking us quite a long time to get the baseline done on our property because it has to fit in around our farming operations. It is being specifically done so that it will be absolutely repeatable and able to measure the exact point again. We have had part of that second property surveyed—the part that is closest to where the gas wells are. Our expectation is that it will be seeing impacts within the next few years.

CHAIR: Finally, depending on what you are cropping and the weather conditions, does that affect the topography of your land at all?

Mrs Ronnfeldt: Not as much as everybody seems to be indicating that it is. For example, the paddock that we most often refer to, which is our western paddock against the older vertical wells, is not a vertosol; it is a sandy soil, so it actually does not have that big expansion and contraction reaction. What we are seeing in that paddock is the broader area but also small areas of subsidence,

some of which are only about eight metres across that are distinct depressions. Some of them have small areas of uplift next to them, which is also something that can be a complication of coal seam gas subsidence. It is like when you have a sheet of something and you put a weight in the middle. A bit goes up on either end. Subsidence is not just about ground sinking; it is about uplift as well. All of it affects drainage.

CHAIR: Thank you very much for your time, Mrs Ronnfeldt. We are very grateful. Thank you for allowing us to meet with you yesterday also.

BALMAIN, Mrs Liza, Private capacity

CHAIR: Welcome. Would you like to make a short opening statement? Then the committee will have some questions for you.

Mrs Balmain: Thank you for giving me this opportunity to speak before you today. I apologise that I have not put in my submission yet.

CHAIR: That is okay.

Mrs Balmain: If you are happy for me to talk a bit longer but cut me short if needs be—

CHAIR: We have 30 minutes. We have a bit of time.

Mrs Balmain: Thank you. To give you some background, my husband and I and our two young children run a family farming enterprise at Cecil Plains on the Condamine flood plain. Our property has been in the family for over 100 years. Our children represent the fifth generation to farm this land. Ours is an intensively farmed property. We grow a mixture of crops ranging from cotton to sorghum, mung beans, wheat, barley and chickpeas. We have been known to grow all six crops in one year.

Our world renowned black clay mulching soils, favourable rainfall, close proximity to the markets and the Port of Brisbane and, most importantly, the groundwater that sustains our farms make our region a gem of agricultural production in Queensland. This is demonstrated in the gross value of agricultural production figures for Queensland for 2022-23. The Toowoomba region, which is our region, topped the statewide scales with an outstanding \$1.36 billion in gross value of production and the Western Downs came in a close second at \$1.1 billion. They were the only two regions within Queensland to exceed \$1 billion in agricultural production. Their agricultural value to the state of Queensland is immense.

Our area is recognised as a priority agricultural area under the Regional Planning Interests Act, which was established in 2014 to protect Queensland's areas of regional interest, including our best agricultural lands, from the widespread and irreversible impacts of resource mining, including coal seam gas. Queensland has the smallest amount of arable cropping land of all the states in Australia. Priority agricultural areas such as ours are extremely scarce in Queensland and make up just 2.86 per cent of state. They should rightly be protected for our future food and fibre security needs, which will become increasingly challenged as climate change takes hold.

Our farm has petroleum leases granted over it that were approved in 2019 as part of Arrow Energy's Surat Gas Project. At present, we are undeveloped. We do not know when we will be developed but, yes, we can see what is coming. I have spent the past four years doing extensive research and getting myself duly informed about the impacts of coal seam gas. I think we can all agree the impacts are not negligible. They represent long-term and often irreversible damage to our soils, our climates, groundwater, social community structure and, importantly, mental health. A region such as ours will never be better off or mutually benefit from the introduction of coal seam gas. There is no amount of money available that will be able to rectify the future damage our region faces if this industry proceeds across the Condamine flood plain as is intended. Many of the impacts are already occurring in other areas to the west and to the north. It is only a matter of time before they snowball across this food bowl.

One such impact is coal seam gas induced subsidence. As we know, it will have long-term negative effects on our farming operations, our ongoing productive capacity, our financial viability and our mental health. Being a very flat flood plain, our farms are highly slope dependent and many fields in the region have been laser levelled to improve drainage and enhance water use efficiencies. Our farms are highly susceptible to any changes in land form that will have detrimental effects on drainage, the effective application of irrigation water and changes to overland flow pathways. All of those impacts have the potential to result in significantly higher production and economic losses, as has been acknowledged by the GasFields Commission. Subsidence will occur over an indeterminate time. No-one really knows how long it will play out. The Office of Groundwater Impact Assessment have suggested until 2060 whereas other experts suggest much longer. Therefore, the impacts and the consequences will not affect just our generation but have the potential to traverse generations, with terrific burdens and risks imposed on our future farming generations.

A subsidence management framework is now needed for those farmers impacted, and to be impacted, caused by coal seam gas development that has erroneously been allowed to occur over agricultural areas most vulnerable to coal seam gas induced subsidence. It is needed to ensure the resource companies liable for causing the damage are held accountable and pay the rightful compensation owed—something that, sadly, is not occurring at present. They are either denying liability or denying that it is having an impact on farming operations. Without a regulatory framework, they will continue to get away with this flagrant abuse of their social licence.

It has to be noted that the need for this framework comes as a result of the failure of the Queensland government to ensure that existing legislation is administered as per its intent. If the Regional Planning Interests Act had been administered and appropriately enforced as resource companies entered onto the priority agricultural areas and strategic cropping areas of the Condamine flood plain without the ability to exploit exemption loopholes, with no checks and balances from the department that has jurisdictional responsibility for the act, then we likely would not be in the situation we are in today.

According to Arrow Energy's latest water monitoring and management annual report, 247 production wells have been installed under the Surat Gas Project with not one regional interest development approval, otherwise known as a RIDA, being obtained for those wells, despite the majority of those wells being located on privately owned priority agricultural area or strategic cropping area land. The lawfulness of those wells is questionable. This has been a fundamental flaw in the protections put in place to safeguard Queensland's most vulnerable areas of regional interest from the irreversible impacts of coal seam gas extraction. The government now finds itself having to create legislative amendments to fix the issue where legislation intended to protect our best agricultural lands has failed in its remit due to a lack of enforcement.

Through my opening statement I would like to focus, if time permits, on the following issues within the subsidence management framework in the bill, those being the severe lack of agronomic expertise and oversight, the lack of up-front security for farmers, the inherent levels of self-assessment being permitted in the framework and the quantity of detail missing, the complete lack of economic analysis, and the fact that this is a highly complex piece of legislation that is being rushed before the science and research supporting it is complete.

As you may be aware, this subsidence management framework is being mirrored on the make-good framework for water boards in chapter 3 of the Water Act. However, a fundamental difference is that it is being proposed to be administered by the Department of Resources. This is totally inappropriate as this department's vested interests lie in the resources industry. The minister's title says it all: he is the minister for resources, not for agriculture, which is the matter to be protected. This risks bias and partiality against the interests of agriculture and its stakeholders. It is imperative that the Department of Agriculture and Fisheries is the department responsible for administering the subsidence management framework as it concerns resource impacts inflicted upon agriculture, just as the Department of Environment, Science and Innovation, DESI, is responsible for and manages impacts that occur to environmental values.

To elaborate, in chapter 3 of the Water Act, which the subsidence management framework is mirroring, it is the responsibility of DESI, whose interest lies with the environment, the matter to be protected. The same needs to be done for prime agricultural land and its productive capacity. The framework governing its integrity should be administered by the body responsible for its interests and the matter to be protected, DAF. DAF must be the department responsible for the administration of chapter 5A and schedule 1A of the MEROLA Bill, including the responsible party for all facets of risk assessment and subsidence management, including the development of any technical guidelines.

It is appropriate that the Office of Groundwater Impact Assessment carry out and are responsible for the subsidence modelling and monitoring as they are already being commissioned under section 376 of the Water Act. However, they do not have the necessary agronomic expertise to be managing risk assessment and subsidence management over invaluable agricultural areas. Without this fundamental change in oversight of the framework, the Queensland government risks further imbalance and inequity in the coal seam gas regulatory space for which the Queensland Audit Office has already been really scathing.

The next point is the fact that there is no up-front security for farmers. As I see it, it is a fundamental flaw of the proposed legislation that farmers are being expected to take on the immense burden of risk of coal seam gas induced subsidence and its consequences without any up-front security. The proposed framework encompasses a trademark lack of regulatory oversight which permits continued self-assessment by a company, in our instance Arrow Energy, which has already been found guilty of breaching land access legislation, resulting in a \$1 million fine. The onus of proof continues to rest with the farmer, who will likely endure a fraught and arduous, immensely time-consuming, costly and mentally harrowing experience in establishing liability and consequence in order to claim the most basic of rightful compensation for a continuation of damages and financial losses over an indefinite number of years against a well-resourced multinational company. There are no assurances in place that the appropriate and rightful compensation will ever eventuate.

The Queensland government has taken care of its own financial risk in the form of the financial provisioning scheme, yet the state government is not providing any such assurances for farmers, those most at risk from the impacts. The Queensland government are essentially looking after their own backs while they throw us farmers to the multinational, well-resourced wolves. Farmers who grow the food for and clothe the citizens of Queensland and the nation are to become the downtrodden doormat of big fossil fuel business that trample all over us to seek their carbon-intensive, little-to-no-tax, offshore destined profits. It is shameful conduct for a nation that prides itself on being the land of the fair go. There is nothing fair in this situation.

As I see it, the only way the subsidence management framework will work and enhanced sustainable coexistence will be achievable is if an up-front surety bond in the form of the value of our properties is provided by the relevant holder. It needs to be of such value in light of the extreme risk of high compensation costs foreseen in the form of both continual high crop losses and high remediation costs. This up-front surety fund would need to be reviewed on an annual basis taking into consideration updated development plans, evolving subsidence modelling and inflationary increases to ensure realistic costs are assured for the long term. It would need to be administered by a fully independent statutory body that would be responsible for not only the annual risk assessment to ensure adequate levels are maintained within the fund but also the processing of claims and settlement of compensation to be paid from the fund. This not only ensures security and a far more equitable arrangement for landholders but also ensures that the state and ultimately Queensland taxpayers will not be wearing the costs of compensation liability post surrender of the tenure or if the responsible resource company were to go insolvent. It allows the resource company to factor the realistic costs of compensation liability into their ongoing business decisions.

CHAIR: Mrs Balmain, do you have much to go? I note we only have 15 minutes left for the committee to ask you questions. We are very happy for you to table that or make the submission beyond that.

Mrs Balmain: The other thing I want to touch on is the unacceptable levels of self-assessment being permitted within the bill. There is a plethora of self-assessment. For example, we have the relevant tenure holder in charge of baseline data collection, land monitoring, farm field assessments and even choosing the farm field auditor. This level of self-assessment is unacceptable. There is also a severe lack of direct regulatory oversight and scrutiny from the government. Baselines and land monitoring are needed to establish liability. It is in the interests of the resource company, which is in charge of these factors according to this bill and whose focus is on keeping the compensation liability to a minimum in order to maximise profits, to not carry these out in the interests of a future compensation-seeking party.

We will have a repeat of the flawed absence of future liability insurance as is occurring with the water bore baselines. The water bore baselines being carried out in our area are being done to an unsatisfactory standard, with no direct regulatory oversight or scrutiny being applied. This means that the landholders that rely on these baselines for any future impacts will not be able to rely on them in a court of law setting. I can see this being repeated for the topographic baselines needed in the bill. As I said, according to the bill, they are in charge of doing the farm field assessments. This is akin to leaving the fox in charge of the henhouse. It is in their interests to find the impacts to be less than minor and the farm field assessments were undoubtedly engineered this way. The farm field assessments must be carried out by an independent panel of agronomic experts to ensure just fairness, due process and impartiality.

The other main issue with the bill is the crucial information that is missing. Most of the crucial detail is yet to be developed in the form of guidelines. For example, we are blind as to how land will be categorised as to what farm field assessments will entail. We do not even know the type of survey methods that are to be used for the baseline data collection and land monitoring and whether they will be appropriate to ensure compensation. The devil is in the detail and, without it, we as the most affected and at-risk stakeholder are being severely penalised and I find this unacceptable.

Another major flaw is there has been absolutely no economic analysis—

CHAIR: I am going to pull you back now because we are down to 11 minutes to ask questions. If you would like to table that, we are happy to take that so it forms part of the submission. Is leave granted? Leave is granted.

Mr WEIR: You talked early in the piece about the RIDA process. You said that you think the RIDA process would have gone to addressing a lot of these issues. Could you just run through how you believe that if the RIDA process had been followed we would not be in this situation?

Mrs Balmain: I will explain the situation. To develop on priority agricultural area or strategic cropping area land, the resource company has to apply for a RIDA, a development application approval, unless there is an exemption in place. The particular exemption is called section 22, landowner exemption. It states that they have an agreement with a landholder but also they have to satisfy the other conditions where they will not have a significant impact on the land to be developed and they will not have an impact on neighbouring lands.

At the moment the company in question, Arrow Energy, have been able to self-assess their eligibility for that exemption, but there are no checks and balances in place over that eligibility. They are not obliged to notify the department. The department have not been stepping in to question that, so that is how they have been able to ride roughshod and develop in the area without the appropriate risk assessments taking place. I believe that if there had been more enforcement of that legislation that would not have been the case.

We are seeing there are two RIDA applications in process for priority agricultural area land in our region and they have stalled; they have not been able to be approved as yet. I would attest that is because of the impacts of coal seam gas induced subsidence and the known impacts they will have in the long term.

CHAIR: In terms of the breach where Arrow were fined \$1 million, was that part of the RIDA process?

Mrs Balmain: No, that was completely separate. That was under the land access framework, whereas the Regional Planning Interests Act sits under the planning framework. They are two different processes. At the moment, if we as landholders want to contest their eligibility to the exemption under the Regional Planning Interests Act we would have to then seek a declaration under the Planning and Environment Court at great expense to ourselves. I believe that is where the department should be stepping in and enforcing that legislation and making sure they can adhere to the conditions of that section 22. They have to be able to prove beyond a reasonable doubt that they are not going to have a significant impact on the property to be developed and they are not going to have an impact on neighbouring land. As we know with subsidence, it is far-reaching and it is very impactful in priority agricultural areas where it is very flat flood plain country.

Mr WEIR: Basically what you are saying is that by bypassing the RIDA act it triggers a reverse onus of proof? The landowner has to prove—

Mrs Balmain: Yes.

Mr WEIR: This bill gives OGIA a lot of carriage over the subsidence issue. What are your thoughts on that, and should there be more oversight or scrutiny over the findings of OGIA? To me, it is putting a lot of onus on a very few.

Mrs Balmain: I agree. OGIA definitely have the expertise in the modelling and the monitoring, and that is where the remit should remain. They do not have the agronomic expertise to determine if the subsidence they are predicting will have a consequential impact on that type of farming country. That is where you need agronomic and irrigation engineer expertise. Yes, like you say, there is a lot of power being put into a small number of hands.

OGIA is an independent body, but it has no governing regulatory oversight—or very little. Where the GasFields Commission have a broader commission overseeing that body, OGIA has no such thing. I definitely think that needs to be addressed. These legislative reforms in the changes to the coexistence institutions would be a great opportunity to address that and enhance that oversight, integrity and accountability over OGIA. I think that is definitely something that is needed.

Mr WATTS: Further to that, one of the critical things in forming a RIDA would be to have a baseline measure. Who should be responsible for developing that baseline measure? That is a question I have asked a couple of times now. In your opinion, who should be responsible for it, who should then have control over it and who should be able to use it?

Mrs Balmain: I think we need to go way back to when the LNG projects were approved. I think the Queensland government was remiss in not establishing baselines back then. The federal environment department commissioned Geoscience Australia and an independent expert—Habermehl, I think it was called—to do an assessment on the impacts of the three LNG projects, being Origin, Santos and QGC. It was before Arrow Energy came into the mix. Part of that assessment included subsidence. Geoscience Australia agreed with those three proponents that there would be subsidence in the order of several centimetres. Geoscience Australia recommended that the Queensland government enact a baseline monitoring program. That did not happen. There has been a major flaw from the get-go, so we are now playing catch-up.

It is critical that these baselines are established. Unfortunately, there is a question over their suitability or if there is an adequate baseline because we have issues with lidar and its repeatability and its inaccuracies. It is only really suitable for establishing a change in slope, not actual elevation. Then there is InSAR, which is more suitable for a change in elevation but it has limitations in thick vegetation and it cannot penetrate standing water. If you looked at an InSAR map, you would see there are lots of data points in forestry areas in the more marginal areas, but in our intensive cropping area over the Condamine alluvium, because of the variation in crops, you do not have many data points; they lose that coherence. There is a question over the adequacies of the methods available.

As to who should be undertaking them, I would rather see an independent body managing the collection of the data but funded by the gas industry. I think the data should be publicly available, whether or not that is held by OGIA. Yes, I think it definitely needs to be publicly available.

Ms PEASE: What an amazing legacy your family has made to Queensland. Thank you for that dedication. You mentioned in your opening statement—and excuse me if I got this wrong—that you currently have undeveloped leases on your property. How did that come about and when did that happen?

Mrs Balmain: They have not got to us yet. It is approved; they have the rights to produce petroleum under our farms, but they have not come to us yet. That is—

CHAIR: So you are in preliminary activity, not—

Mrs Balmain: No, they just have not come into our area yet. When they come in, that is when they determine if what they are doing is preliminary or advanced.

CHAIR: It is one step back from that?

Mrs Balmain: Yes.

Ms PEASE: Are there any wells on bordering properties?

Mrs Balmain: No.

Ms PEASE: No-one has come there yet, but it is part of the progression?

Mrs Balmain: Yes, it is part of their plans for the wider Surat Gas Project, yes.

Ms PEASE: You talked about your plots being levelled. Why did you have to have that done?

Mrs Balmain: We are extremely flat. It is all about the movement of water; you do not want water to sit for too long because it will affect your crops. It will either reduce their yield or kill them.

Ms PEASE: I understand that.

Mrs Balmain: So you want the water to drain off your paddocks. We have done laser levelling to ensure appropriate drainage.

Ms PEASE: Was that recently?

Mrs Balmain: It was over a number of years.

Ms PEASE: What was the purpose of getting that? I understand the purpose of it, but was it unlevel? Had the topography changed on the property?

Mrs Balmain: No, it was just natural topography. Say, for example, when you have furrow irrigation, there were patches where the water may not be consistently watering certain areas. So you laser level it so it is a consistent, uniform—

Ms PEASE: So there were already areas that might have been higher or lower or not level all across the whole thing, and what would have caused that?

Mrs Balmain: This is natural topography. It is the natural lay of the land. It is what God created.

Ms PEASE: Okay, so it was there naturally? It required levelling prior? On a regular basis you have to do some levelling; would that be accurate?

Mrs Balmain: No, we have only done levelling once. You tend to just do it the once because it is a very expensive exercise and there are certain impacts. There are long-term impacts such as compaction impacts from that levelling, so you try to do it as little as possible. We have done it the once and, yes, we have not had to level all our paddocks, just certain ones—irrigation paddocks mainly.

Ms PEASE: Have you always done cropping in all of the 100 years that you have had this going?

Mrs Balmain: It was originally sheep farming but cropping since my in-laws took it on, yes.

CHAIR: That is our time. Thank you very much for your contribution. We really appreciate it. Did you want to table that document?

Mrs Balmain: Can I do a neater form?

CHAIR: Of course.

Mrs Balmain: Thank you.

PROOF

ARMITAGE, Mr Stuart, Private capacity

CHAIR: Welcome, Mr Armitage. I note that you have not yet made a submission to the committee, so we will wait to hear your opening statement, after which we will have some questions for you.

Mr Armitage: Okay. Virtually I am still on the tractor; I just got off it. We are farmers at Cecil Plains. We have been there 50 years. I have been intimately involved with the gas industry on the priority agricultural area now for 15 years and dealing with coexistence and the definition of it. I was on Jeff Seeney's taskforce to develop the Regional Planning Interests Act. I was the only person there from agriculture. In terms of what Liza just said before about levelling, we just did a light level the other day on 40 hectares and it cost \$60,000 and it was able to be irrigated prior to that, so it was just to make things a bit more efficient.

I would like to talk a little bit about the bill. On reading this bill, at first read it appears to be a blatant piece of legislation to enable the gas industry to take advantage of family farming landholders through paperwork and jargon that no-one can begin to understand fully and potentially wreck our sustainable farmland for generations to come. I just ask this committee: who fully understands this bill? I talked to the chair of CDIL on the way in. He said that he cannot even begin to understand this bill and what its ramifications mean to us as farmers.

For me it is an imposition on our human rights. I have worked for quite a long time with depression and rural suicide in farming areas and to me this bill is designed to isolate and intimidate farmers. We already work in an isolated environment. When something like this comes along and is overlaying on our daily work life, a lot of farmers, myself included, would certainly feel very intimidated having to deal with this. I could not deal with this bill without getting outside assistance and I do not know where I would get that from. The bill will force owners of private land to work in the sense of preparing for and negotiating plans and agreements which I see as a violation of the Human Rights Bill, but in Minister Stewart's words he says that the bill does not impinge on landholders' human rights.

I do not know how they can expect us to deal with these going forward when we have family to deal with and our lives. We have a lifestyle. We have to continue that lifestyle. There are a lot of very good farmers out there—and I am hopefully speaking on behalf of them—and they are very good at doing business, but this is just another layer of bureaucracy that they are going to have to deal with because they own land where the gas companies want to develop and they are given the right by the government. I cannot see how it is not a violation of human rights that we have to deal with another layer of bureaucracy that we do not understand. We can sit back and do nothing and bear the consequences of no farm field assessment and no subsidence management and no compensation, and I think our bank would have something to say about when their security is potentially being eroded by a third party. You have to remember that the banks have a pretty big say in what we do. There would not be—

CHAIR: I think they have a fair say in what most of us do.

Mr Armitage: Yes. Our property is mortgaged pretty well and the bank wants us to continue to produce what we are doing today.

The other thing I want to talk about is allowing the company to do the assessing. Our experience so far with Arrow Energy regarding baseline assessment of bore levels is that they came last year. We have four irrigation bores and three domestic bores. They sent us a completed, in their words—they wrote us a letter—assessment. One bore had a baseline level. With regard to the others, they said they could not get them. My son went around with them—we were away—and they did not even attempt to. We are talking to them to come back this year to do a baseline assessment, so how many of their baseline assessments are right and proper? You spoke earlier about the million-dollar fine that they have received. Why would we let a company self-assess on our land when they have already been fined for illegal works?

We are not big farmers and I am not here to skite, but our land is worth somewhere in the vicinity of \$30 million. You are dealing with big businesses here. They are not just farmers who are kicking a few cows around. These are big businesses that have a lot of assets. When we put together the Regional Planning Interests Act Jeff Seeney's main thought was for the best land in Queensland. This land that we are dealing with here is—and there is no argument about it—the best land in Queensland and the most productive. It cannot be repeated elsewhere. It is on the suburbs. In terms of the irrigation water that is there, we have had a cut of 50 per cent in our allocations to make it sustainable. It is an asset that even Toowoomba Regional Council have in their back pocket to pump into here to use for their water, so this is a very precious part of Queensland.

The other thing is that this bill is designed for coexistence, but I have yet to find anyone in government or the GasFields Commission who can give me a definition of 'coexistence'. To my mind we are here farming. The gas companies should not impinge on what we are doing. We should be able to continue doing what we are doing, producing what we are producing, employing those that we are employing and spending what we are spending in the local area. We should not have to have bills like this MEROLA bill to enable coexistence.

CHAIR: What would be your suggested alternative then in terms of being able to then manage coexistence between agriculture and the energy sector, whether that is gas or whether that is renewables?

Mr Armitage: Do what we do in real life. It is called the free market. If their ability to coexist is proper and right, we will welcome them. We are in the business of going further and getting better, and it is a free market. There are certain companies that we do not deal with and there are certain companies that we do deal with because it is a free market. If Arrow Energy are a good, reputable company and they can guarantee that they can do what they are going to do and not do any destruction to our land, we will welcome them on. If there is a risk to what we are doing, I do not see why we should have to have a sheath of laws to allow them to coexist.

Mr WEIR: Stuart, I asked the question earlier in that Liza and you were involved in the formation of the proposed RIDA process. Do you believe that if they had to go through the full RIDA process we would be having this conversation?

Mr Armitage: I do not think so, Pat. I think the RIDA process through the Regional Planning Interests Act is a very good, solid piece of legislation. The biggest problem I think with it is people who have had damage from gas infrastructure on neighbouring properties and it is causing damage to them and they do not have any comeback at this stage.

Mr WEIR: Yes, and that is probably where this bill is.

Mr Armitage: Yes. I think that is where this bill is trying to go but it is not going through. It is far too complicated.

Mr WEIR: Yes. I have just a couple of other issues. I am picking up on things that Liza said earlier. She talked about the financial study. Just out in the Cooper Basin there was a RIS done. Has anything like that ever been done over the Downs or the Arrow tenement in any way that you know about?

Mr Armitage: You will have to explain what it was.

Mr WEIR: A regional impact statement.

Mr Armitage: Yes. I think the PA land should give us all we want. The PA land under the Regional Planning Interests Act should give us the strength that we want and need, and to me the big issue is that we have DoR handing out the MEROLA Act over land when it should be DAF. The top six or eight inches is really not DoR's interest; it is more DAF's interest, and where is DAF in all of this? With regard to overland flow, the MEROLA Act does not address overland flow, yet it is important to know that overland flow is not going to be changed because that is all part of the Murray-Darling. If we changed the overland flow, DAF will prosecute us. Where is DAF in the MEROLA Act? Where is DAF looking after us?

Mr WEIR: Would OGIA have any input or say on that, or are they solely looking at underground water?

Mr Armitage: I believe OGIA will eventually be tasked with looking at the overland flow, but just trying to catch up is the issue. The MEROLA Act should be waiting to see what OGIA finds out about overland flow, because why bring out an act when you do not know if it is going to change the overland flow? There is potential—there is high potential—that it will change the overland flow which will leave some people's dams high and dry in that they will not have water to pump and other people will get more water than they have ever had before.

Mr WEIR: Another thing that is coming out today is the role of OGIA. As we know, that is only a couple of people, essentially, so you would need to have ultimate faith in what those findings and recommendations are. Should there be an overarching board? Should OGIA be part of a board that presents a 'whole of' view and recommendation instead of just purely on subsidence?

Mr Armitage: I have had a lot to do with Sanjeev and Sanjeev struggles to keep his independence because he is pulled along by different levels of government and asked to appear in different places, and I think it would be good if Sanjeev was joined by some others to help maintain

their independence. As far as science goes, OGIA is all we have as landholders to help us through these things—potential disasters, and I talk about them as potential because they are not real to a lot of us yet. To some of us they are, but—

CHAIR: Can you give us some examples of some that are as we sit here today, because that would be really helpful to hear?

Mr Armitage: I think Zena would be the one that would have spoken about it because they live in the inner gas field and they are seeing actual damage. I think OGIA is working on trying to prove it. If we were to have subsidence of this much in part of our field, our cotton production this year would fall by 50 per cent.

CHAIR: Do you have gas on your property?

Mr Armitage: No, we are near Liza. We are at the stage that—

CHAIR: It has not got there yet.

Mr Armitage:—if they are coming, we need to have things right. We do not want to be playing catch-up where we are, we want everything in place. The trouble with giving Arrow or the gas companies the ability to self-assess is that we have to prove that something has happened to our farm—that is not fair.

Ms PEASE: With regard to self-assessment, what alternative would you like to see? You spoke about welcoming them with open arms if they are fair and reasonable but you are not happy with self-assessment; what is the alternative?

Mr Armitage: DAF should surely be the people who do the assessment. They are the government department that deals with land and water so DAF—not DOR. DOR deals with royalties, to put it bluntly.

Ms PEASE: Okay, thank you.

Mr Armitage: We talk about where we are going and what we are doing a lot. The other interesting thing in our area is: our agronomist has 41 customers, 40 have succession plans. They have young people that will come home to the farms so we do not want to destroy this for those young people. It is a great area.

CHAIR: That is really good to hear.

Ms PEASE: That is understandable. We have heard Liza's stories about the legacy that is there. Everyone has spoken about it, and I acknowledge that. Coming from South-East Queensland, it is great to hear what it is like in rural Queensland. I thank you for everything that you continue to provide for Queensland. Now that we are entering a new phase with renewables, it is amazing that you continue to hold Queensland up on your shoulders. You mentioned that you have recently completed levelling on your property. Was that to gain some baseline data in preparation for Arrow, or one of the mining companies, coming into your area?

Mr Armitage: We have opened up another field for irrigation. We have irrigated a couple of times before and it was reasonably successful, but we wanted to realign things. The more even it is, the more efficiently the water runs. Similar to Liza's place, we are level and should it not be irrigated under the guidelines.

Ms PEASE: Is it relatively level, or are there areas where there are higher and lower bits?

Mr Armitage: We are farming roughly 2,000 acres and that is the only block that we had to run a laser bucket over.

Ms PEASE: How long does it take?

Mr Armitage: It took him about 10 days. Aside from the \$60,000, there was a lot of fuel that went in, then we had to rip it. You do have not topsoil any more so it will take two or three years to recover.

Ms PEASE: Have you planted crops in there yet?

Mr Armitage: We are working towards that now.

CHAIR: How long would that last? When would you anticipate having to redo that levelling?

Mr Armitage: I expect we would not have to re-level that for 50 years.

Mr WATTS: From what you have said, I am interested in obtaining the baseline so we can model the overland flow. I am interested in who should be doing that baseline, who should be keeping that baseline and how it should be administered so that if there is any change or damage we know who and by how much? What are your thoughts?

Mr Armitage: Yes, I totally agree. It should have been done 10 years ago. It should be done by OGIA with funding from the gas industry and with the oversight of DAF.

Mr WATTS: If DAF are overseeing it and OGIA have the information, it should then be openly displayed and publicly available so that we can all see what the slope is. In your testimony you said 'by that much'. What is the fall on your land across a kilometre?

Mr Armitage: Can I just ask Liza?

Mr WATTS: Yes.

Mr Armitage: It is 200 to 300mm fall over a kilometre.

Mr WATTS: The reality is that, in terms of overland flow, if there is reasonable subsidence, it has the potential to change everything in the landscape—

Mr Armitage: Yes.

Mr WATTS:—not only in terms of the overland flow but also in terms of ponding and other disruptions to farming practices.

Mr Armitage: The main reason we can irrigate as we do is because we have a hill that keeps the water in the furrow. Then we have a tail drain on a level. That is an unnatural fall that we give to the tail drain to take the water away so the water runs very slowly down. We can very rarely irrigate a 500 kilometre field in under 20 hours.

Mr WATTS: For the record: what would be the difference in yield that you would get on a per hectare basis when the water soaks in at the correct pace, rather than it either flooding or drying out?

Mr Armitage: Compared to what?

Mr WATTS: If you were doing it on dry or non-irrigated land, or if the irrigation was not standard because of the slope change.

Mr Armitage: If it was irrigated over dry land, most years it would be double; cotton quite often can be triple.

Mr WATTS: So double or triple is the capacity difference in your land being levelled correctly versus not being levelled correctly?

Mr Armitage: Yes. If we have depressions—we had them from floods once or twice—and that depression holds water for more than two days, you halve your yield. If we do not drain the paddock or the field you will halve your yield if that water stays in there for two days or longer. If it stays there for five days, you give it away—you will not get anything off it.

Mr WATTS: I wanted to make sure we have that on the record. For someone like me who lives in an urban footprint it does not seem like a couple of centimetres would be a big deal but, for you, it could be the impact of a third of your income versus your full income.

Mr Armitage: OGIA did some levels on the farm. On a fairly tight area, say we irrigate that way, in some places the fall is that way, that way and that way within 10 square metres. That is how level it is.

CHAIR: Arrow Energy have given an indication that they are heading your way at some point in time. We had the opportunity to speak with different farmers yesterday. Some had properties which were not part of a financial return agreement, and some had properties which were. Will there be a financial benefit when they make their move on part of your property?

Mr Armitage: It is very hard to say because all of Arrow Energy's contracts are in confidence so no-one is allowed to impart what they are being paid. We have no idea what we will be paid.

CHAIR: I know that you cannot talk about the terms and dollars, but you anticipate being a financial beneficiary of that contract?

Mr Armitage: No, I don't, because we are talking compensation and I have never seen anyone—not that I know a lot of people—make a lot of money out of compensation. It is compensation for damage and for lack of lifestyle.

CHAIR: That is different to some of the information we heard yesterday.

Mr Armitage: Yes, some people may have done a good deal with Arrow and we will never find out what they got.

CHAIR: You don't anticipate being able to make a similar financial arrangement?

Mr Armitage: If Arrow came and I said to them 'come and see me first', I could receive a benefit, but I am part of the Cecil Plains' community and I will work with the community.

CHAIR: It is good to have that out in the open and on the table.

Mr WATTS: What is your view on directional drilling from one property to someone else's property without knowledge, information or compensation?

Mr Armitage: It should be completely illegal.

Mr WATTS: Thank you.

Mr WEIR: GasFields Commission Queensland has been involved now for some time. Now we are seeing the expansion of the OGIA and the Land Access Ombudsman. What do you see as the role of the GasFields Commission going forward?

Mr Armitage: Do you realise I am not a member of the GasFields Commission anymore?

Mr WEIR: I did not know that you were not at this point, no.

Mr Armitage: I think the GasFields Commission will be spread fairly thin with renewables. The GasFields Commission made a good presentation to government on this going forward. The government did not take a whole lot of notice of the GasFields Commission. Why would the government have an independent gas fields commission present to them and not take full advantage of the ability of the GasFields Commission?

Mr WEIR: Following on from that, the structure of OGIA would need to be different to that of the GasFields Commission—

Mr Armitage: Definitely.

Mr WEIR:—to have weight going forward on the issues that this bill is about?

Mr Armitage: When you have an independent commission with now three appointments from DOR—I will not say any more.

Mr WEIR: The appointments and the make-up of OGIA is crucial but it needs to be a little bit broader in its remit than what it currently is.

Mr Armitage: It needs help to maintain its integrity and its ability to stay untouchable. People already do point fingers at OGIA because they receive funding from the gas companies but it is through the government. Sanjeev is in a pretty unenviable place sitting up there by himself and he can be attacked. It is probably a good idea to put a committee together to protect him and to make sure that he maintains his integrity.

Mr WEIR: Yes, which is sort of where I was going, but that raises another issue. People question the findings because if you are funded by the industry they say you are beholden to the industry; if you are funded by the government and are collecting royalties you are conflicted. How do you form and fund a body that you can say is beyond reproach?

Mr Armitage: I think by having the right people. As said before, if you had a board of two or three people—probably three—to take control. Sanjeev's big problem is that a lot of his time is taken up by answering a lot of these sort of questions, whereas if you could have a proper board and committee that he was answering to it would be better. This is new ground for me, too.

CHAIR: Are were you a member of the GasFields Commission?

Mr Armitage: Yes.

Mr WEIR: Full disclosure: he was my neighbour.

CHAIR: There is no conflict there at all!

Mr Armitage: Pat knows how flat the land is!

CHAIR: Thank you very much, we really appreciate your time here today.

Mr Armitage: Thank you.

BALMAIN, Mrs Liza, Private capacity

OGDEN, Mr Glenn, Private capacity

CHAIR: Welcome.

Mr Ogden: It may be of benefit to the committee if Liza joined me at the table. If you want to get some answers to very technical detail, there is no-one better to ask.

CHAIR: She does not have to come to the table. If we need to, we can refer to her then.

Mr Ogden: I have a farming operation on the Darling Downs and in New South Wales. We have about 17 employees. We turn over between \$10 million and \$20 million of produce on the downs a year. On quite a few of our boundaries, we have the gas industry operating. I have been concerned about this industry for at least 12 or 13 years. I was part of a Cecil Plains revolt against the industry trying to gain access to that area back then, and the industry pulled together and basically physically said no and blocked it progressing. I do not know how many hours I have spent on this subject trying to inform people in government about the concerns we have. You have asked some very good questions today. This whole problem has come about I think from a complete failure of government in Queensland, and probably everyone has a part to play there. At the very beginning, I was led to believe a tenure was sold to two individuals from the state government for \$35,000.

CHAIR: Do you know when that was?

Mr Ogden: They sold that to Arrow I believe for a figure of around \$110 million.

CHAIR: Do you know what time frame?

Mr Ogden: That would be about 15 to 20 years ago. They were pretty astute guys who were smart enough to realise the value of that and what was going to happen in the future. What they have unleashed on us is about 10 or 14 years of hell.

Where I think the failure has been in government with this whole process has been that in their mind they have wanted to have access to this gas regardless of the impact on the environment and the people who live on these farms. I do not know if the committee is aware, but we live on these farms and we work on these farms and we have a connection to the land that is equal to any Indigenous connection. We have done a pretty poor job for the poor Indigenous people of this country, and I only fully realised what it meant to them to lose that connection when we faced our problems in Cecil Plains about 12 years ago. We have not learned from history and that is a bit of a failure.

CHAIR: That has been pretty clear.

Mr Ogden: The first speakers today were from Western Downs, and I am afraid I have to disagree with a lot of their statements. It also highlights the conflict of interest we all have in this space. They spoke about their industry providing energy and it was all about the economic benefit to the area. We have a fairly good economic benefit to Western Downs too, I might add, in primary production. What stood out for me was talking about coexistence. Myself and two others presented our case to the Toowoomba Regional Council a couple of months ago, and that led them to do some investigating and they declared a moratorium on any further gas intrusion on the Toowoomba Regional Council area. I believe six of seven local governments in the South-East Queensland corner have said they do not want this industry operating—that there are too many hairs on it, too many unknowns.

CHAIR: Could you explain that a bit further? So a few meetings ago Western Downs have agreed to put a moratorium on—

Mr Ogden: No, Toowoomba Regional Council did.

CHAIR: Sorry, Toowoomba Regional Council.

Mr Ogden: Yes. So where Arrow wants to operate they share two regional councils—Toowoomba and Western Downs. We went to speak to Western Downs. They gave us five minutes, hit us with a gong. We were not allowed to ask a question of the council and they were not allowed to ask a question of us. I think you gave them a pretty fair go compared to the hearing we got. I would totally disagree with that presentation I heard.

Getting back to the problem of subsidence, and I want to stick to that: what became apparent during the first initial intrusion on our country is we were told by the industry there would never be subsidence—that there was no way the geological formations under Australia would subside, that it was rock solid. We believed what we were being told at that point, even though there were indications from experience in other countries that that was not true. Liza has indicated that the government was

fully informed at this stage that there was going to be subsidence. As this progressed, we had the feeling that OGIA had found out that there was subsidence happening on farms around the Kupunn area and decided to come out and highlight that. We thought, 'The world is running a fair way, we are pretty naive.' We thought, 'This is good for everyone. We know what the consequences are of continuing on this farming land that we operate on.'

I believe now that the state government, OGIA, were very aware that subsidence was going to happen. We had an act in place—I think the Newman government put it in place—and it was pretty clear, if you want to read it. If the impacts stop people in agriculture operating and producing, it could not continue. That is the act that is in place to this day. We felt that covered everything. I think that was a major problem for this subsidence issue.

At all times during the discussions we have had with government—and we have dealt with legions of bureaucrats, an endless supply of them; as soon as we get a relationship with someone, they seem to move on and this has been going on a long time—I think it was very apparent this subsidence was a critical impact to failing. I think this legislation is totally about trying to remove that critical impact part of the current act. There has been a reluctance to actually determine what a critical impact is. I think a critical impact is something that is an irreversible damage to the environment.

The connection between subsidence and our groundwater, our overland flow, is very real. Our farms store about 6,000 megalitres of water. It has been developed by private enterprise. The overland flow pathways can be changed to take that water in a different pathway with movement of as little as 20 millimetres. OGIA is reporting in areas around where there are current gas fields up to 135 millimetres of subsidence already. We may find our infrastructure that is designed to take overland flow may, as Stuart touched on, increase or decrease.

You seem to want to know a bit about what we have to do to fix subsidence, if that is possible. If we had to move 10 millimetres of soil over a hectare of land, that is about 1,000 cubic metres and that would cost us about \$3,000 to \$4,000 a hectare to move that soil, if the conditions allowed. We farm probably 6,000 or 7,000 hectares. Every acre of it is levelled; every acre is designed to catch the contaminated run-off, if there is any, back into storages and recycle. We are talking about 10 millimetres and that is the cost to us. If you are good at maths, have a look at \$3,000 or \$4,000 a hectare over that.

The other problem is that, when you want to fill a hole, you have to find the dirt from somewhere. If you get in your backyard and you dig a hole and you fill a hole, now you have another hole. This earth to fill this up does not just fall out of the sky. It is very technical and there is a lot to it, and that is why we have to have surveys. I am talking about the physical cost of moving that earth; I am not talking about how to design where that earth comes from.

CHAIR: Do you do surveys as a regular part of business?

Mr Ogden: We live on our farms and if there is a water ponding issue or anything we see it immediately and that is what has been experienced in the Kupunn area. These farmers, through a failure I believe of not using very good legislation to prevent this damage, have experienced this damage on their farms and they are so frustrated because no-one is listening to them.

This again is two different things. We do not want this to happen on the majority of the flood plain. This new legislation is designed about suck it and see: 'Let's have a crack. If there's a problem we'll plug a well or something and see if the problem goes away and then we'll have another crack.' That is their critical consequencing. Sometimes you cannot have a relationship with someone. The impact is something we cannot live with and we cannot continue to farm with. This is not something that is predicted BOM science; this is happening now. OGIA has the information.

The other statement I will make before questions is that I probably do not have a lot of confidence in OGIA being able to fulfil this role because they have been put in a role where they are now the judge, the jury and the executioner and they have not got the ability to do all of those things and remain independent. It feels to me in all our involvement with that organisation now that there is a motive to ultimately extract gas from under our farmland at any cost to us. It is interesting: I am on a reference panel with OGIA and Stuart is my chairman. If he heard me say that, he could kick me off. That is how we all get tongue-tied and held back and we cannot talk and we are all conflicted. Rushing this through is a really bad change. We have got a good act in place. We need to strengthen and clarify—

CHAIR: Is the act good in place though, based on what we have heard?

Mr Ogden: No, it is not. How does that happen? You are going to flog this industry with a wet lettuce with this legislation. Under the act that we should be operating on, when I read it, they should have had a million dollar fine per well, and there has only been one fine. That is what the points add

up to—6,000 points. There is a little sentence there saying five years imprisonment that goes along with it, and now you are going to flog them with a \$60,000 fine and also put a convicted violator of law in charge of deciding the impacts on our farms. I cannot believe we are even sitting here discussing this.

CHAIR: We will go to questions from the committee.

Mr WEIR: Let us go to OGIA. Somebody has to have oversight. This has to be a body that you can go to and have confidence in their findings. How do we establish that?

Mr Ogden: Like I said, OGIA are finding themselves in a position where they are going to be the judge, jury and executioner. They obviously need to answer to someone independent. When I read through this bill I think I read 20-odd pages referring to everyone who is involved in it but I could not find a word saying 'landholder'. Do I exist? Am I a human being? You cannot even say what we are in this legislation. Giving OGIA these rights with what you are touching on, Pat, without them answering to someone is unbelievable. That is too much power in one organisation. They need to present the scientific facts, and what is done with it is up to someone else, I would think.

Mr WEIR: So they could present their findings, but the impacts of their findings need to go to a body, a panel or a board to be disseminated as to the actual impacts. Is that what you mean?

Mr Ogden: We had some confidence in the GasFields Commission. We had people like Stuart on it. We had two people from an agricultural background on it. Now it is going to be stacked up with government people. We should be asked as a landholder to put forward someone to represent us. Stuart said a number of three. I do not know how this works, but there has to be some sort of a process and independence. There is a lot of good data they could provide. As this bill stands I think it needs to be torn up and started again.

Mr WEIR: The area that you come from sits over the Condamine alluvium and that makes it different from a lot of areas. Could you talk us through your concerns around that?

Mr Ogden: I want to acknowledge the fact that for the people who have experienced impacts there has to be some type of process to deal with them being compensated for these impacts, because I touched on the cost of it. The Condamine alluvium is a very small area. It is probably about the size of a couple of decent sheep stations out west. The unique thing about the Condamine alluvium is that it is the only water source currently to the township of Dalby and it provides irrigation water that underpins the production of cropping on the Downs. It is a fragile aquifer that lays over the top of the coal seams that Arrow Energy need to do. There are very few places, if any, in Australia where a gas company has to drill through a confined aquifer that is such good water, suitable for urban use and irrigation. The risks involved in this are unacceptable to us because when you introduce a drilling process through that aquifer it clears a pathway to other water aquifers that are too salty—to simplify the terminology—and it may not be with a change in pressures in these aquifers, it is more than likely the impact we will experience is that the water will then not be usable, to be used for urban or irrigation purposes. We cannot go through a process where we suck it and see, as this policy suggests, and then we will go and fix it up. You cannot fix it up. It is irreversible. There is no power on this earth that can reverse the damage that we are going to experience.

CHAIR: I think the member for Lytton wants to follow on from that question.

Ms PEASE: I have a question with regard to the contamination of water. What scientific data do you have around that? What evidence do you have that would support that the water is going to be contaminated?

Mr Ogden: The evidence I have is as a primary producer on a farm that has another alluvium on it on the Queensland border that we own. A water bore was drilled from a driller from another area and was drilling in a different aquifer. Now, that driller did not clean down his equipment and he introduced a bacteria to that aquifer and it eats steel at a rate you have never seen before. Our concern is on our aquifer if that happens and the steel that a bore uses to go between the aquifers is attacked at that rate it will then create a pathway into the alluvium. That is irreversible. You cannot fix that.

CHAIR: That is not being remediated at all?

Mr Ogden: By the time you find it out—

Ms PEASE: It is on an existing property at another place. Has that been remediated?

CHAIR: Or is it totally irreversible?

Mr Ogden: We are trying to learn how to deal with this. Science is trying to catch up with what we are doing. We are conducting the biggest science experiment known to man in Australia, remembering that we are the driest continent in the world and these aquifers are what underpins rural

communities throughout the country. We need more time to understand these bacteria. There is a report that has been given to government that we are trying to get access to where I believe the resource sector is running into hell's own trouble with these bores getting corroded and we cannot get a hold of this report at this stage.

Ms PEASE: That is in relation to one that is on the border, did you say?

Mr Ogden: Yes. We have experienced that ourselves. We have pulled it up. I can show you some pictures of what the corrosion is.

Ms PEASE: You talked about filling a hole. I was interested in that. We talked about Liza's property that was levelled recently. You would have to redress the topsoil. Explain that to me. She mentioned that it takes some time for it to become usable. Is that because you have to then redress the topsoil because the topsoil would be scraped? Liza is shaking her head. Perhaps you could explain that. What happens? You fill a hole. Where do you get the dirt from to fill that hole?

Mr Ogden: You have to find the dirt in the same field. Then you lower the entire field. It is not as simple as you think and that we can go and fix this with a bit of compensation.

Ms PEASE: No, I am just trying to understand. Have you seen subsidence in paddocks yourself?

Mr Ogden: We have done everything on our farms to make sure that the water flows and does not pool because of the impact to our crop production. Subsidence I have not experienced because we do not have the industry operating on us.

Ms PEASE: But have you seen it anywhere else, on other properties?

Mr Ogden: I have seen the visual impacts of it that Zena has shared around.

CHAIR: They are operating on the boundaries of your property, did you say?

Mr Ogden: They are operating on our boundaries. I would like to think they are not drilling under our property. Our property is bordered by the Condamine River. I am led to believe they have probably drilled under the Condamine River in two places now which is a significant recharge area to our groundwater. I would probably think at the moment they have done that unlawfully.

Ms PEASE: In regard to what subsidence might look like, is it where there is a little gully or something like that or does subsidence happen right across a whole paddock?

Mr Ogden: If I listen to my friends from OGIA, Sanjeev, who I referred to heads up OGIA, he is the person that represents them at all times, has suggested constantly that the subsidence will be uniform. At one of our reference meetings someone else in OGIA said it will not be uniform; it will mirror the distance from a gas well to the severity of the subsidence. It was two different stories. I believe now we are being told it will be relatively uniform. It is going to be a patchwork quilt of up and down and that is our worst nightmare. That is what we really do not know how to deal with. The overland flow thing, for our particular farms, is a big deal too.

Mr WATTS: Thank you for being here, Glenn. I am interested in a couple of things. The first one is you mentioned there may be some directional drilling underneath the Condamine, but there is no confirmation of that because there is no requirement to report it. It just seems strange that someone can just start drilling.

Mr Ogden: Can I refer that question to Liza?

Mrs Balmain: I had a lot of correspondence with the Department of Resources on this matter. When you go onto Queensland Global GeoResGlobe you can see where the wells are, but you cannot see where they are deviating.

CHAIR: You cannot see if they are multidirectional?

Mrs Balmain: No. Then I discovered through the communication back and forth with the Department of Resources that they do not know for up to 12 months the trajectory of those wells. Ten days before they drill the wells they have to give a notice of intent and 10 days after they have to give a notice of completion. Through that correspondence I discovered that they do not know the trajectory of those wells. They get the final drill log 12 months later. We, as the public, cannot access that for five years for commercial-in-confidence. The only way I discovered that they have drilled under the river is by doing a dial before you dig. I could see where the wells are. They were close to the river and then I did a dial before you dig in a certain area and I could see through that, the report you receive, that they have gone under the river in two places. I have reported that to the GasFields Commission and I have questioned the department of environment as to whether it is lawful.

CHAIR: Did dial before you dig give you a map on that or were they making some assumptions?

Ms Balmain: No, it is all mapped. There is a lawful requirement on the resource companies—

Mr WATTS: There is a metal casing they have put under the river to get to where they are going and when you have done your dial before you dig they are saying there is a metal casing there?

Mrs Balmain: It is the well, yes. The whole well head has gone under the river. Obviously through the requirements under dial before you dig they have to notify them, but there is no obligation at present within that form that they have to submit 10 days after drilling—

CHAIR: But for five years there is commercial-in-confidence, you are saying?

Mrs Balmain: The Department of Resources knows within 12 months, but for us public we do not know for potentially up to five years. They do not have to make those drill logs public for five years, but obviously the Department of Resources have them within 12 months.

Mr WATTS: As time is short I will go to another question. I am interested in the stratification on the Condamine alluvium. My knowledge goes back a long time ago now when we started this journey, but my understanding is that stratification is pretty small in comparison and that the overlying aquifer and the underlying aquifer does not have much between it which, of course, is one of the big fears. Could you outline that for us?

Mr Ogden: This is another area where science has not caught up. What we have established is that the recharge area for the Condamine alluvium is mostly from the river. There is vertical recharge and horizontal recharge. There is a means to test the water and we have found out that the water is 400 years old that we are pumping out and even older. We do have a vertical recharge after a flood event. The river is a very big concern for us because the majority of the recharge comes from that river and we do not know what the implications are from this mad rush for this industry to go ahead. On our farm we go from one side of the tenement to the other so I have the glory of potentially coexisting with these people and I will tell you that every time I hear the word 'coexist' I actually think 'subjugate' because that is what this policy is; it is going to subjugate us. Under no circumstance, whatever impact may happen to something that is irreversible, can we stop this industry going ahead under this potential policy.

Mr WATTS: Would a RIDA process affect that? Where the stratification is quite narrow and the potentially catastrophic impact is reasonably predictable, would that have stopped it?

Mr Ogden: What I would answer you with is that the RIDAs that Arrow enacted on properties just to the west of us still have not gone anywhere. I think under the legislation it is supposed to happen in 40 days or something and some of them have been chugging along for two years.

Mrs Balmain: Yes, there is no time limit on them.

Mr Ogden: I think the chief executive officer is meant to actually process them pretty quickly. I would suggest they cannot answer some of the requirements of some of the questions you are asking and there is no way to get around the current impositions on them continuing so they have just let them lie and they are sitting impatiently waiting for this act to go to parliament.

Mrs Balmain: Can I add to the Condamine alluvium question? Just because most of you will not be familiar with it, the Condamine alluvium is a shallow, very good quality aquifer. It is varying depths. On the peripheries it is probably 30 metres deep, but in the central part up to 120 metres deep. It sits directly on top of the target coal measures, the Walloon coal measures. We are told there is a transition zone of a thin impermeable layer between the alluvium and then the coal measures, but we also know that that transition zone is very thin or absent in many areas.

CHAIR: You are saying it is not consistent across the plain?

Mrs Balmain: No, and that is where connectivity risks are much higher. As is, we have a major fault, the Horrane fault. It is a 40-kilometre fault that runs from south-west of Dalby all the way to south-east of Cecil Plains. That has displacements, so where the two sides juxtapose, of 100 metres in places so there is no connectivity especially between the Hutton sandstone and the Walloon. We do not know yet the connectivity risk in the shallow section. They have done very limited seismic surveys in the area, but that can only read from 300 metres deep and below because of the resolution so OGIA just last year in May commissioned the flying of an airborne electromagnetic survey over the Condamine alluvium extent and especially over the Horrane fault to help determine any connectivity pathways that may be there in that fault zone. That is still ongoing.

CHAIR: Have they completed that work?

Mrs Balmain: No, and it will not be ready in time for the next underground water impact report. In the meantime, Arrow Energy are allowed to drill.

Mr WATTS: But by the same token, some of what we are talking about is drilling through one into the other. Effectively, you are putting a hole straight through.

Mrs Balmain: Yes.

Mr WATTS: Hopefully, you are still casing holes?

Mrs Balmain: Obviously you then have to worry about the well integrity issue. That cement casing has to last forever. That is a major concern because we know there are wells corroding already through microbial activity, which Glenn has touched on. There are also thousands of uncapped and unsealed coal exploration holes across the Darling Downs. Back in the 1960s, coal exploration companies could come in and drill an exploration hole. It would not be sealed. There is no record of where they are. They are other potential connectivity pathways waiting to happen.

There was a report done by the University of New South Wales and Dr Bryce Kelly, back in 2016 I think. They did a study over the Condamine alluvium. They touched on these uncapped coal exploration holes. They actually quantified it. At the moment, there is almost like a pressure equilibrium between the two formations. If anything, there is probably more pressure wanting to come up from the walloons into the Condamine alluvium. They estimate, through these uncapped holes, that there would be potentially a loss of 40 megalitres per year into the Condamine alluvium. As soon as you start depressurising the walloons, which will happen once coal seam gas comes into an area, in the areas where these uncapped holes are you have the potential to lose 265 megalitres per year down into the walloons because of that depressurisation. If you have one of these on your property, you are potentially going to lose that level of water in your watertable. That is it.

CHAIR: Thank you very much, Mr Odgen and Liza.

**BACK, Mr Wesley, Director/Trustee, Condamine Park Superannuation Fund,
Condamine Park Cotton, Wesley Back Family Trust**

CHAIR: I now welcome to the table Mr Wes Back. Would you like to make an introductory statement and then we will have some questions for you.

Mr Back: I was interested that right at the start there was an acknowledgement of our traditional owners. You are talking about mates of mine. Those traditional owners would never do this to the land. They had a long-term view. They tread very lightly on the land. They would literally fill the hole that their hip sat in at night and put the leaves back and make it so that there was no trace of where they had been. Our culture is totally different. There is something that we have inside us that longs for long-termness. Eternity is put in our hearts. If we do not accept that then we are the worst for it.

I fully endorse that I look forward to a very bright eternal future where I will have no regrets. This is why I have been fundamentally opposed to this from day 1. It really is simply at loggerheads with my beliefs long term of leaving a good legacy. These people want to come in and make a quick buck and do irreversible damage and get off scot-free. It is not a little bad; this is really bad.

I do not understand how we could ever consider that this is actually sustainable. We talk about renewables and we all look forward to having more renewables, but this is undoing all the benefits from renewables when we have unmitigated large amounts of gas belching out of the river, and it will continue all the way along the river. Fugitive emissions are undoing all of the benefits from solar and wind in one hit—one hit—in Queensland. We are absolutely being hypocritical to believe that this is sound.

It is scientifically flawed. People who know their stuff really understand this. They have explained it to me at length. To be totally ignoring the good science that is clearly there—how on earth can we have wisdom in Australia if all we do is have knowledge? We need to apply the knowledge. We need to think with our minds that God has given us and apply that knowledge, apply the precepts, apply the concepts. Understanding is critical and wisdom comes from applying that understanding. We live in an age of information, but wisdom is going out the door. Why? We are just doing the stupidest things. I really do view this as foolish—absolutely foolish.

We have heard from the government—and I commend them—a desire to leave the land in a more productive state than we found it. That is our state government here in Queensland. That is their statement: they desire to leave the land in a more productive state than we found it. How? How can we possibly leave it more productive when what we are doing is just so exploitive and destructive?

They established a RIDA. I commend them on establishing a RIDA. They are not doing it. We have not had RIDAs. I have been completely unable to get a RIDA. We have had our land undermined unlawfully and it is causing terrible damage to us and there is not a thing we can do. There is no compensation to us. There is no way that we could stop it. Even though we had legitimate concerns, they were totally ignored. Even the person doing the drilling would not give me his name. They were unnamed people. We had a report recently on the subsidence and no names. Nobody is willing to put their name to it because they know that they are being untruthful. With the drilling that came through underneath our property—and I caught the guy doing it; he was not willing to even give me his name. He had no drilling licence. They do not need to have a licence. I had never struck that before. We have all these processes; we have protection. It is just simply not working.

I am now finding that that very company is now digging themselves in even deeper and lying and saying it is preliminary activity. They are causing all this major damage to us. It has already caused three of my neighbours, who were long-term owners of land in the Kupunn area, to just give up in frustration and get the heck out of there. One of them I asked, 'Do you have any regrets?' He said, 'No. No regrets. My wife is alright now. I am seeing a therapist and she said there's nothing wrong with my thinking.' The problem lies in this insane plan that is coming into our area to do terrible damage and no justice at all. It is straight out bullying. No other word could be used.

I commend the government once again. They have established this committee. If this committee is here to whitewash this and not have any real teeth—

CHAIR: I will stop you. We are not here to whitewash. We have listened and we are listening carefully so please do not make that sort of reference.

Mr Back: If the purpose is to avoid any possible RIDAs then I am totally opposed to that. I am calling right now for there to be immediate RIDAs on all gas wells in the PAA land, whether they are existing or planned. They need to have proper assessments. It is just wrong—wrong on so many

levels—to bring in people with self-assessment. They even coerced our neighbours into waiving their rights to a RIDA. On a standard agreement that Arrow gives to a neighbour it has that clause in there that they waive their right to a RIDA.

CHAIR: Mr Back, I want to ask you a question.

Mr Back: I am actually in my opening speech. I am not actually ready for questions yet.

CHAIR: You have gone over the time for the opening statement so we will throw straight to questions. My question to you is: could you go into a little more detail on the coercive behaviour? I wanted to find more detail about what you were saying.

Mr Back: I have pretty well finished my opening speech anyway. I am absolutely aware that they have avoided proper RIDAs and proper assessments for the purpose of inflicting pain on us, basically.

Ms PEASE: Mr Back, I think that the chair actually asked you a question with regard to what evidence you have of coercive control. We would like to hear about it.

CHAIR: How did that coercion occur?

Mr Back: The best coercion that my neighbour told me that they have said—

CHAIR: What was the actual coercion that your neighbour said occurred?

Mr Back: Okay, I will tell you: 'Either you accept the wells on the surface and get some money or you will be like Wes Back and get no money and we'll come in underneath your land anyway.' That is coercion. That is straight out coercion. That is why they were never going to pay me a red cent. Believe me, it is a red cent too. It is a pittance in comparison to the damage that they do.

CHAIR: Thank you for answering that.

Mr WEIR: Wes, you have no agreements?

Mr Back: No agreements. I offered to give an agreement with Arrow in the early stages. They said they did not want to set any precedent of paying compensation for deviated wells because they were intending to use deviated wells under our land. They had no intention of doing an agreement with us. Later on, they offered me a \$30,000 one-off on a property that will have inflicted on it millions of dollars worth of damage. How crazy is that?

Mr WEIR: They told you that they were going to do deviated wells underneath your property. They informed you of that. How many deviated wells did they do?

Mr Back: They did five deviated wells under our property with no agreement, completely unlawful, and now they are lying and calling it preliminary activity even though it will cause massive damage. They have been open and transparent and upfront, right from day 1, that there is going to be a lot of damage. They have never hidden that fact. They have always said that there will be a lot of subsidence. They have also claimed more recently that the reason compensation is not going to be paid is because their authority allows for that subsidence. They have been open and transparent and said there will always be subsidence so we have no hope of getting any compensation.

I gave them a tax invoice back in the middle of January for our field that has seriously subsided. It was over \$100,000 worth of compensation that I sought. I have no response—no response at all. They are in denial mode. We have farmed that land for over 40 years and have had stable land for all that period.

We have never seen any water lying after it was laser planed in 1985. The land has been permanently improved. It is not prone to overland flooding or erosion. It is erosion-free, flood-free, irrigated land on some of the best soil in Queensland right in the heart of our deep Kapun scrub soil—absolute consistent, plain soil. It has been stable for all of my life. I am 64 years old this year. I have never seen anything unstable on any of our land and, suddenly, it has all gone skew-whiff. They are in denial mode. How do we deal with that? Believe me, this coexistence relationship does not exist. It did not exist from the day that they came in and hurt us so badly. Believe me, it is not just me; it is all my neighbours as well. Anyone who opposes them is run right over the top of. There are no rules to the way they play. They have no respect for the laws that are in place. That is my experience.

Mr WEIR: There was never any baseline study done on your property beforehand or to which you have been given any access?

Mr Back: There have been the lidar surveys which you can look at. They are openly available. The first thing you notice is that all of our permanent beds that have been there for over 20 years do not show at all. In terms of the lidar survey that is supposedly submillimetre accurate—or sub-10 millimetre—why are the furrows not showing? They are at least four inches deep. There are no

furrows at all. The accuracy of their lidar is very questionable. We have our own surveys. I can show you one that has been done. Every time we use our GPS base station-controlled machinery we have a ground truthed accurate survey. It clearly shows major subsidence. How do you argue with that?

CHAIR: It was interesting that previous witness, Mr Armitage, spoke about the need to laser level. I think he paid \$60,000 for that laser levelling. He anticipated that lasting him 50 years. Is laser levelling something that is a repeated occurrence?

Mr Back: No, not on this land is erosion-free and flood-free. Stuart's land does get some overland water and some erosion in flood times. We have never had any erosion because it is above the highest flood level there has ever been. The water drains off this. It is right on the watershed between the Condamine River and Wilkie Creek to the west. It has no erosion at all. I can verify that. You can talk to the—

CHAIR: Thank you, Mr Back. You have answered the question more than well enough.

Mr Back: I will talk slower

CHAIR: Thank you.

Mr WEIR: Are you happy to table that lidar material for the committee?

Mr Back: No, I do not have it here. I have our own survey.

Mr WEIR: How recent is it?

Mr Back: They have been doing baseline assessments which were required by the government. Arrow have been doing surveys on a regular basis since—

Mrs Ronnfeldt: Since 2020 when we first raised the issue of some subsidence occurring on our property and said, 'Where is your data?' Then they started doing rehabilitation—

Mr WEIR: Mr Back said that the lidar data does not show any subsidence on his property. I was wondering how—

Mr Back: It does.

Mr WEIR: It does? Okay, I misunderstood.

Mr Back: It does. What it does not show is the detail of the furrows, which are significant hollows—and they have been there permanently for 20 years—yet supposedly they are able to pick up on uneven subsidence that is only maybe 10 millimetres. Ten millimetres is enough to really wreck our paddocks. They cannot pick up on four inches. Why isn't it showing the furrows? The first thing I noticed is that it has been averaged. It has been manipulated. It has been managed. We are not getting the raw data. It is just not even close to being right in a way that a farmer could see and say, 'Oh, that makes sense.' It makes no sense when supposedly it is taking all these shots per square metre. Why is it not showing furrows that have been there for 20 years? It is all precision agriculture. It has all been perfectly aligned. Precision agriculture is the basis of our farming.

CHAIR: Thank you, Mr Back.

Mr WATTS: Thanks for being here again. I am interested in the RIDA process and baselining. You said you did some work in 1985. Are there any surveys from that time?

Mr Back: Nothing that I can retrieve that is accurate enough. There was originally a laser survey—it was back in the laser era. We did a laser survey of that property when we first bought it in 1980. Then we started laser planing it because it is extremely flat. Up on top of the watershed is extremely flat. It took us many years to do the laser planing ourselves. You could not hire a contractor to do that at that stage. It was a new technology. Laser was very new to the Downs. We were the first to start growing irrigated cotton in 1976 in the Dalby area.

Mr WATTS: But the reality is we do not have that baseline data?

Mr Back: Not at all. It would not give you that elevation that you need the accuracy of, because it was just simply a laser survey. It does not have any elevation as a starting point. There is no base to a fixed point. It is not a survey like our current ones where we do actually have elevation in metres—340 metres above sea level. GPS is very different.

Mr WATTS: Currently, your GPS equipment is giving you some level of baseline data. Does that match with the lidar?

Mr Back: Actually, I have not checked. That is a good question—whether our 340.2 is actually agreeing with their 340.2. That is a good question. I do not know that.

Mr WATTS: I am interested in what the baseline is and from where are we measuring. Using a RIDA process, you then have the ability to go somewhere. At the moment, there is no definitive baseline across your property?

Mr Back: No, not at all. I really need to stress that, with RIDAs being done, I would have confidence in the science that is clearly there with our own government scientist in that there is no way in the world this would be allowed to happen on our land. It is just so wrong.

Mr WATTS: If we were to do that baseline through a RIDA process, who should do it and who should hold the information?

Mr Back: It should be done by government departments—that is, the department of agriculture, the hydrologist here in Toowoomba and even the planning department—who have scientists who would be able to make a decision on whether this is good for our land. I have not met one person in Arrow or the government who can look me in the eye and say, 'This is good for your land': to have it subsidising for 80 years, I cannot do this. I cannot run my farm, which is based on precision agriculture and on perfectly level gradients, on extremely flat land that has so much going for it but is completely vulnerable to this sort of subsidence. I cannot do it. My son, who has done his agriculture science degree, who received honours, who went through in no time and who was an outstanding student, says, 'I cannot farm into the future if this is what they are going to do to us.' We will have no alternative but to walk off the land. I mean that. We will leave the land and we will not sell, because that is letting Arrow off. That is what all of my neighbours have done. There have been six in our Kapun area. An area that never had anybody wanting to leave, suddenly has everybody wanting to leave. Why? My psychologist says, 'You have to leave, you have to get this out of your life. It is going to put you in an early grave.' It is just so unjust. It is just breaking the community apart. People are getting paid money to hurt their neighbours. I had good news last night—

Mr WATTS: What is your view on directional drilling?

Mr Back: I had good news last night from someone I know who works within Arrow that they have been notified by the government that they are not to do anymore of these deviated wells without an agreement. For entering people's property by the surface or underneath, they need an agreement. If they cannot do an agreement, they cannot come on. It is as simple as that. Anyway, Arrow has been served that notice. I am waiting to hear the verification of that. I believe that is true. This nightmare is starting to end.

The basis of where it all went wrong was the unlawful entering of a person's property when they have legitimate concerns and have already done a perfectly good assessment themselves. We have owned this land for a long time. I have been in the district all my life. Suddenly this company comes in and just thinks it can do whatever to us. We have been totally run roughshod over. Talk about a cohesive relationship. How do you have a relationship with someone who wants to hurt you on a daily basis? How is that supposed to work? It is an abusive relationship that we have been encountering.

That is why there are so many mental health issues in our district and why so many people are being treated by the doctor in Dalby. He said, 'You have tried to warn the government for 15 years, but you will have to let the chickens come home to roost now.' That is the way he put it. He said, 'You have to get this thing out of your life; it is putting you in an early grave.' I can only say that I do believe to err is human; it is what you do then that counts. There has been a lot of error in this—a mighty large amount. It is just unethical behaviour by companies that have no ethics and are not even willing to adhere to the laws which are there to protect us.

Mr WATTS: What do you think about the self-assessment of the RIDA?

Mr Back: It is ridiculous that Arrow Energy has the right to self-assess. It needs to be done independently and without bias. When we first started growing cotton, Shell, which happens to be the company that is now coming in underneath us—a part owner, anyway—wanted us to have free agronomy advice and insect scouting. Of course, it was the days of DDT. They offered free consultancy. The guy would arrive in an air-conditioned car—and in the mid-seventies that was amazing—but the next thing he would be back at the shed writing out a docket for us to spray with DDT. You would ask, 'Oh, gee, that was quick. How did you work out how many insects were in the paddock?' He would say, 'Oh, oh, it is Thursday. It is time to do another spray.' That is what you get when you do not have proper advice.

Within a couple of years we found somebody fresh out of college who had a new business called Integrated Pest Management. He was independent of any chemical companies. He came in and he did his job for 30 years. He was our independent consultant and he gave truthful advice. That

is exactly what Shell is trying to do here. They are giving us the same type of thing they gave us in the mid-seventies. It is not independent and it is not trustable. These people are not trustable. That is what my solicitor said, 'These people are not trustable.' They have proven that again and again. If you ever want to see evidence of it, just see what they are doing to our district.

Ms PEASE: I note from your submission that you have actually had some issues with Arrow and have issued them with an invoice for some preliminary work that it did on your property.

Mr Back: No, we did the work.

Ms PEASE: You did the work?

Mr Back: Yes. We issued them with two invoices. One was for blatant herbicide drift across our crop. That was very serious damage. They have paid that. The other one was for the subsidence which was in the next field. It all started to show in the planting of 2022. That is when we really noticed it. Water was lying. We had to re-laser that field. We could not grow crops in it the way it was. It was completely unusable. We did that work last winter. I issued the invoice to them in January this year because I needed to work out how I was going to put that invoice together. I took it very seriously. I was absolutely conservative in the estimated production losses, because if we do not get production losses covered that is just hopeless.

Ms PEASE: We have a very short period to answer, Mr Back. You have a well on the border of your property with this field?

Mr Back: Nearby.

Ms PEASE: How were the dealings with the complaints process? What does the subsidence look like? Is it in little farrows, or is it a whole drop?

Mr Back: It seems to be resistant areas that just remain up, and the rest of the field goes down. It looks like it has gone up, but I think the rest of the field is subsiding. There are areas that are resisting. This subsidence will continue for 80 years, so that is well after they stop the pumps.

Ms PEASE: With regard to that invoice that you issued in January, have you had any correspondence?

Mr Back: No response.

CHAIR: What was the value of the invoice?

Mr Back: A bit over \$100,000—hardly anything.

CHAIR: That was based on a methodology to calculate crop loss and the levelling?

Mr Back: No. Nearly all of it was paying the contractor who did the work. We had already spent two weeks there with our own equipment and we were overwhelmed. It was a way bigger job than when we first developed this land. When we first developed it, we just polished it. This was major earthworks where we had to scalp big areas. We had 30 years of manure being added to the land and now that is all in the hollows. It is just terribly disruptive to the production of this land. A big area is bared.

Ms PEASE: When will you be able to re-crop it?

Mr Back: We had it able to crop this summer. We did get enough rain to plant what we call a rotational crop of sorghum. The purpose of that is to break up compaction from the heavy earthmoving equipment.

Ms PEASE: Have you had any acknowledgment of that invoice?

Mr Back: No. There's been no acknowledgment of that one, no.

Ms PEASE: Have you followed it up?

Mr Back: No.

CHAIR: Do you intend to follow it up?

Mr Back: I think it just needs to sit there. If they do not want to pay it, then the world needs to know they are not serious about coexistence, and that is the evidence. If they want to have that look, if they want to have gas belching out of the river, good on them.

Ms PEASE: Can I just clarify you have not received acknowledgment that they have received that email?

CHAIR: You have not received acknowledgment to either accept or reject your invoice?

Mr Back: No. It is just sitting there just like the RIDA's sitting there that Warakirri were able to get done. It was meant to have been approved back in August 2022 and it is just sitting there stalled. The truth is that it is not able to be approved by anyone who has any depth of understanding of any of this. The scientific evidence is completely against this development being on the Condamine alluvium at all, and they are on the Condamine alluvium and it is going to be generations of pain. It is literally hard to imagine enough money to fix it. In fact, I do not think there is enough money on this earth to fix the problems they are making.

CHAIR: They paid the first invoice for their cropdusting?

Mr Back: No, it was herbicide drift across our irrigated cotton.

CHAIR: Across your crop.

Mr Back: With no regard for our—

CHAIR: But they paid that one?

Mr Back: They did pay that. They said they did not want a claim on their insurance.

CHAIR: Thank you very much for your time, Mr Back.

Mr Back: Can I have one moment?

CHAIR: No.

Mr Back: Not at all? Okay.

CHAIR: You can have a conversation after we have finalised this, but it is all being done through Hansard, Mr Back.

I just need to confirm whether we have any submitters here. This bill is running in parallel with the Resources Safety and Health Legislation Amendment Bill 2024. No? Terrific. I am very happy to open the floor for 10 minutes until 12.15 to anyone else who would like to speak who has not had the opportunity to be at the table this morning. If nobody wants to come to the table then I will close the hearing and we can have a general conversation for 15 minutes.

HUBBARD, Ms Christine, Private capacity

Mr Hubbard: My name is Christine Hubbard. I am a farmer. We are contract laser levellers and contract harvesters. I want to try to explain laser levelling in terms you can understand. You probably need to think of our country as flat as this table. If I throw a glass of water on it, the water is not going to run from the top to the bottom of the paddock; it is just going to waterlog. What we try to achieve in an irrigated paddock is to get a grade and cross slope. We want to put the water in the head ditch so it runs down the field evenly so we have no waterlogging within our field. We are all extremely efficient and conscious of water use, so we want to get everything we can out of every litre we have. We are not out levelling our fields to necessarily get hollows and humps out of the field. We are trying to put grade on it so the water will run from top to bottom evenly. We need to get it off the field. Especially when we are watering in crop, we need to get it off the field within a 15- to 20-hour period. We do not need it to take 24 to 36 hours to get from the top of the field to the bottom of the field. That is what a lot of people are talking about here when they talk about levelling. It is not about getting original hollows and humps. Yes, that happens in the process, but it is more about putting a nice grade on our field to make our water go where we want and we are getting the best yield we possibly can out of the crops we grow. Does that make sense?

CHAIR: Yes, 100 per cent. Thanks, Christine. I declare this public hearing closed.

The subcommittee adjourned at 12.05 pm.