Mineral and Energy Resources and Other Legislation Amendment Bill 2024

Submission No: 33

Submitted by: Tabitha Karp

Publication:

Attachments: No attachment

Submitter Comments:

Tabitha Karp Springvale (Dalby)

Farming Family (Priority Agricultural Area) directly impacted by Shell's (Arrow Energy) coal seam gas industrial zone over the Condamine Alluvium. Despite saying NO to this forced coal seam gas activity, we are still fighting Shell (Arrow Energy) to ensure the Qld Govt does not give A Regional Interest Development Approval to Shell's (Arrow Energy) coal seam gas development on our farm's sub-surface, thereby compromising our life valuable underground Condamine Alluvium water. No amount of money thrown at us could ever compensate for loss of Australia's water & food. Our stance is for all Australians.

The Merola amendments do not address a direct pathway to compensation for family farmers in Priority Agricultural Areas (Qld RPI Act 2014) – we are being hoodwinked and are being forced to accept coal seam gas induced impact and coal seam gas development at farmers' expense.

The Merola Bill is in conflict with the:
Qld Regional Planning Interest Act 2014 (Precautionary Principle – Statutory Guideline 02 – see 3rd last paragraph below for explanation)

Qld Human Rights Act 2019 (Knowingly & unreasonably causing surface impact to private freehold property + any Subsidence Management Plan/Agreement will be listed on a farms title deed, creating a direct devaluation of that property)

EPBC Act (Precautionary Principle)

Environmental Act 1994 (Precautionary Principle – coal seam gas induced subsidence causes impact to overland flow)

The P&G Act 2004

804 Duty to avoid interference in carrying out authorised activities

A person who carries out an authorised activity for a petroleum authority must carry out the activity in a way that does not unreasonably interfere with anyone else carrying out a lawful activity.

Maximum penalty—500 penalty units.

Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 814A, to have also committed the offence.

According to the Department of Resources:

The primary objectives of the Mineral and Energy Resources and Other Legislation Amendment Bill 2024 (the Bill) are to:

- enhance the State's coexistence framework;

- provide a framework for managing the impacts of coal seam gas induced subsidence;
- improve regulatory efficiency; and modernise the Financial Provisioning Scheme

The MEROLA Bill is being used to advance the resource industry.

The purpose of the MEROLA should be to protect (directly compensate) individual farmers already impacted by coal seam gas, who have had their property rights (Human Rights Act 2019) violated and who sit in Priority Agricultural Areas (Qld RPI Act 2014) - not to advance the resource industry without genuine oversight, at the expense of Private Freehold Priority Farmland & Farmers.

If the intent of the Qld Regional Planning Interest Act 2014 continues to be corrupted, ignored and/or intentionally weakened, the Merola should be to protect (directly compensate) individual farmers who will be impacted by coal seam gas, who will have their property rights (Human Rights Act 2019) violated and who sit in Priority Agricultural Areas (Qld RPI Act 2014) - not to advance the resource industry without genuine oversight, at the expense of Private Freehold Priority Farmland & Farmers.

A genuine independent pathway to compensation for farmers would address/how to access the following;

1. Pool of Experts (coal seam gas/LiDAR/InSAR/subsidence/hydrogeology/geology/agronomist/agro-econimics experts) – there is a significant dearth of experts for various reasons.

    - Pool of experts is needed to potentially oppose any OGIA findings that may be in conflict with real impact that is occurring and poor baseline data. At the end of the day OGIA is funded by the Resource Industry and its administration is under the Qld Department of Water.
    - I ask the Qld Govt to find an expert in each of these fields (not associated in past or present with Qld government in any formal sense).

2. How to pay for pool of Experts– this is a very costly exercise

3. Pool of money – no substantial subsidence compensation fund has been set aside for the value of each farm potentially impacted from sitting in a coal seam gas industrial zone. Important if subsidence is predicted to occur (which is largely irreversible) long-term until 2060-2070. Source: Coffey Report(s) (Arrow Energy's consultants).

4. No overland flow study completed across our floodplain from the effects of coal seam gas & subsidence. Without this, the true cost of coal seam gas induced subsidence impact is not known.

5. Lack of 10-year baselines (before coal seam gas began):

    - For landholders yet to suffer development + subsidence/ landholders who have suffered development + subsidence - they have not had time, nor been informed to acquire an extensive independent baseline for their farms. Contrary to govt personnel belief, this is an extremely difficult + costly + time consuming process
    - It is very time consuming
    - Requires specific equipment
    - Requires extensive knowledge of equipment
    - Requires extensive time to formulate & analysis data
    - Requires general knowledge
    - Requires intimate knowledge of LIDAR/INSAR data
    - Requires an extensive budget

6. "Subsidence is largely irreversible" – Coffey Report(s) (Arrow Energy's consultants)

7. Subsidence is predicted to continue until 2060-2070 in the Springvale area Coffey Report(s) (Arrow Energy's consultants). So even if "compensated" the first time – what happens if it occurs again? How does MEROLA address this long-term outlook? How does MEROLA address above points 1-5?

I'm not confident, as an individual farmer & family farming business, in using arbitration and taking on a conglomerate Shell (Arrow Energy) – I don't have the time, I don't have the money, I don't have the experts, I do not have the baselines. I have FREEHOLD PRIVATE PROPERTY FARMLAND IN A PRIORITY AGRICULTURAL AREA.

The MEROLA proposes the following pathways for compensation for family farms against Shell (Arrow Energy);

1. Arbitration
2. ADR (mediation)
3. Land Court

- There's usually a general principle that prevents matters of "public" law going to arbitration
- A mediator (ADR) can't make a binding ruling like an arbitrator can
- Any ADR process cannot force you to agree a resolution (including Shell – Arrow Energy)
- The main problem with arbitration is that you can't appeal if the arbitrator makes an error of law
- Given the uneven bargaining power of the parties (family farmer vs Shell – Arrow Energy) I would argue arbitration is not appropriate - aka if it's the family farmer against a mining company, the family farmer is kind of fucked. Excuse the extreme language, but this is an extreme situation.

It raises the questions why the MEROLA Bill proposes ADR (mediation) & arbitration):

- I think they might be putting in the arbitration clause in the hope they can pick individuals off and then have a confidential outcome which would prevent a class action/public records.

This is another attempt by the govt to act as if they are doing something when in fact, they are digging a deeper, more complicated & convoluted hole for farmers, whereby the govt is exempt from its responsibilities. The onus is still on the farmer. The proponent is still exempt through a myriad of loopholes. There is no band aid large enough to rectify this situation, i.e., coal seam gas activity taking place on private freehold farmland/farm businesses. The fact is, coal seam gas activity should not be occurring on Private Freehold Priority Agricultural Areas nor over the Condamine Alluvium. FULL STOP. Can you imagine being forced into signing a SMA knowing full well, you're causing your own property harm? The Qld Govt is knowingly causing impact to PAA & PALU by potentially implementing the amendments in the MEROLA 2024 Bill without proper tools and oversight.

Third last paragraph: In a nutshell, technically the Regional Planning Interest Act 2014 says there cannot be CSG induced surface impact resulting in a loss of productivity to Priority Agricultural Areas. Alternatively, if CSG induced impact to Priority Agricultural Areas + loss of productivity does occur, the resource proponent is required to return the land to its original use & state. However, by omission, the RPI Act refers to impact that is unknowingly caused by a resource proponent – hence why the RPI Act refers to the precautionary principle. We now know, and it has been confirmed by OGIA and this involved MEROLA Act, that subsidence will 100% occur. Without a steady existence of experts (independent), money for experts, extensive baselines, overland flow study – this is not possible. The MEROLA in its current state is not realistic.

Keep in mind, there are farmers who are already impacted by Shell's (Arrow Energy) coal seam gas induced subsidence. They are being thwarted and dragged through the mud by Shell (Arrow Energy), and by extension the Qld Govt, who approved a mining activity (this is a mining activity) on PRIVATE FREEHOLD PRIORITY AGRICULTURAL FARMLAND AREA & STRATEGIC CROPPING AREAS OVER THE CONDAMINE ALLUVIUM.

This is truly criminal what is being done to us. Shameful. Everyone in the Queensland Government should hang their heads in shame. You are ruining the rest of lives. You are ruining the rest of my life. We will have to deal with this until our dying days. You represent your voters, your constituent's, your country's democratic values (this includes basic property rights), not Shell. Water is life and so is food.