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JH:RM

20 January 2012

The Research Director
Industry, Education, Training and Industrial Relations Committee
Parliament House
George Street
BRISBANE QLD 4000

By Email: ietirc@parliament.qld.gov.au

Dear Sir / Madam,

RE: INQUIRY INTO RESOURCES LEGISLATION (BALANCE, CERTAINTY, EFFICIENCY) BILL 2011

Western Downs Regional Council (WDRC) welcomes the invitation to make a submission in relation to the Industry, Education, Training and Industrial Relations Committee Inquiry into the Resources Legislation (Balance, Certainty, Efficiency) Bill 2011.

Council acknowledges that the aim of the Bill is to balance the goals of a strong resources sector and maintain liveability, by establishing urban restricted areas to further limit resource exploration activities in and near urban centres in Queensland.

Initially, WDRC responded to Hon Stirling Hinchliffe's request on 22 September 2011, in relation to the Queensland Government's proposal to apply a 2km exclusion zone of mining exploration around urban centres across the State. Council expressed its concern that, due to the limited timeframe in which a response was required, consultation with its communities in relation to the above was unable to occur in order to fully assess its future social and economic implications on own towns. WDRC believes this to be an integral part in this process and therefore acknowledges the important role of the Inquiry currently being undertaken by the Industry, Education, Training and Industrial Relations Committee.

Whilst Council agreed in principle that there was a need to ensure towns have a level of protection against unwanted mining exploration, numerous concerns were raised in relation to the major ramifications of the policy in regards to the negative impact the policy could have on areas and their ability to leverage off opportunities that the resource sector could provide. Concern was also raised as to the lack of detail outlined in the proposal.

Council's submission also proposed that should such policy be introduced, there should be sufficient flexibility allowed for the removal or reduction of the buffer zone, whilst also insisting that local government become involved in the assessment and approval process to determine whether mining can or cannot take place within a restricted area. WDRC urged the Queensland Government to undertake appropriate measures to ensure that the proposed changes would not have any future implications on towns, whether or not they are under or above 1,000 in population. WDRC also expressed concern that if rushed, such legislation could have negative implications on towns and local government's ability to provide the best direction for the sustainability of the region.

WDRC therefore responds as follows:

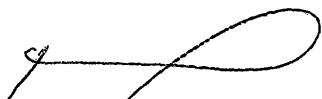
1. If the Bill is passed, WDRC holds concern in relation to the improved efficiency of streamlined approvals and process. Whilst Council acknowledges that improved administrative consistency would be beneficial, it is concerned that such proposed change would enable resource companies to benefit by requiring less regulation and empowering leaseholders with increased flexibility.
2. WDRC acknowledges that exploration and certain mining activities within urban restricted areas will now require local government consent, however is concerned by the fact that if consent is not given, the matter can be referred to the Land Court with no provision for appellant mechanisms made available to local government. WDRC believes this to be an imbalance of power and does not believe that this will provide for an equitable process.
3. As WDRC will be required to assess relevant applications for consent within 40 days, Council strongly believes that they should be resourced appropriately in order to process such applications. Council's planning and economic development departments are already under resourced and under extreme pressure due to the overwhelming number of environmental authorities, planning and development applications and the like as a result of the emerging resource sector. WDRC strongly urges that the provision of resources to process these applications be supplied to the local government sector.
4. Additionally, WDRC raises another issue in relation to the granting of power to the Minister to override the Land Court. As the Bill proposes, if a decision is referred to the Land Court, ministerial discretion allows the Minister to override the Land Court's decision and either include or exclude such areas. Council believes that by giving the Minister discretion over the Land Court, a serious separation of powers issue arises which should be reconsidered given its potential ramifications.
5. Whilst WDRC acknowledges that the provision for the registration of easements will be made possible under the proposed amendments, it does hold concern for landholders affected by such registered easements on their property. Of particular concern is that by providing a registered easement option to leaseholders, landholder's property values and coinciding productivity will be properly realised and will therefore result in a myriad of issues, including a deduction in property values or loss of income through the reduction in productivity as a result of such easement. This is of particularly importance as a registered easement survives the transfer of a property occurring from one party to another.
6. WDRC supports the requirement for a leaseholder to submit an annual infrastructure report for incidental activities to support authorised activities between permit areas. It would be requested that local government authorities be given access to this information in order to inform Council in

a wide range of areas. Council does however raise concern regarding the allowance of incidental activities to be undertaken, such as roads, electricity lines and fibre optic cables to be constructed across adjacent petroleum permit areas. WDRC believes that such activities should require approval from relevant authorities before such activities commence, in order to reduce the amount of unnecessary infrastructure constructed on these properties. Council also believes that such requirements should be imposed on existing leaseholders regardless of whether their activities have been approved or not, which in return would allow for more consistency. As much land has already been acquired by leaseholders, it is essential that this provision is not applied retrospectively. It is important that the insertion of a clause which requires existing mining and petroleum lease holders to seek local government approval under their environmental authority be adopted.

7. Additionally, WDRC raises concern is relation to the provision which allows for the construction and operation of common use water treatment and brine processing facilities on petroleum leases. Council seeks clarity on how landholder will be affected by such provision, in relation to retaining their existing farming operations and best practice methods if interference was to occur. Clarification is also sought in regards to how such provision will affect the property values of land which must cater for these infrastructure requirements.
8. Whilst the Bill details that relevant resources acts will be amended to provide landholders with the right to refuse resource activities within 100 metres of their home or 50 metres of other structures, WDRC believes that this exclusion area should be further extended to a more significant degree.

We thank you for the opportunity to make a submission in relation to the Industry, Education, Training and Industrial Relations Committee Inquiry into the Resources Legislation (Balance, Certainty, Efficiency) Bill 2011, and look forward to your response.

Yours faithfully



Phil Berting
CHIEF EXECUTIVE OFFICER