



Our Reference: DM#5368297
 Contact Officer: Megan Phillips
 Telephone: 131 872

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The Research Officer
 State Development, Infrastructure and Industry Committee
 Parliament House
 George Street
 BRISBANE QLD 4000

To Whom It May Concern

Gas Commission Bill 2012

Thank you for referring the Gas Commission Bill 2012 (the Bill) to Council for comment. Toowoomba Regional Council supports the Government in providing a measure to improve stakeholder scrutiny of and input to decisions about gas extraction proposals in our Region.

As well as suggested review of specific sections of the Bill it is requested that consideration be given to the following:

- Legislative review to remove the separation between existing legislative frameworks for mining and the planning of all other land uses in Queensland. Under current legislation, mining legislation grants proponents exploration licences exempt from the need to gain planning approval. There is also limited or no provision for mining proposals to be refused. This currently places limits on approval and advisory bodies to address issues and impacts related to resource extraction activities and could constrain the Commission's role if unaddressed.
- Arrangements for review and monitoring of the commission including performance measures either as part of the Bill or separate to it.

Council requests consideration of the following in reviewing the Bill:

Sections 2, 6 and 7 - Purpose, Commission's functions and powers-

- Reflection of the precautionary principle in the Commission's purpose and functions and powers ie if an action or policy has a suspected risk of causing harm to the public or to the environment, in the absence of scientific consensus that the action or policy is harmful, the burden of proof that it is not harmful falls on those taking the action.

Sections. 5 and 9 - Establishment of commission; eligibility for appointment as a commissioner-

- It is unclear how these sections will apply to already appointed Commissioners. Please clarify in line with relevant legal principles.

Section 6 - Commission's functions:

- Section 6 (c) - Define "co-existence" and "identified area" in order to give effect to this function e.g. does "identified area" include the Petroleum Leases or the Exploration Permits, or both?

- Consider adding functions relating to:
 - How the Commission will address the role of agriculture in the Queensland Economy and the need to recognise it as a finite resource, in particular the best cropping land in line with the Government's four-pillar economy policy;
 - Procurement/ access to government or independent high-level technical expertise for peer review of technical material including Environmental Impact Assessments as input to assessment and approval decisions;
 - Facilitate timely stakeholder, including local government, access to better information as input to assessment and approval decisions;
 - Provide access to technical, financial and legal advice for landholders required to enter into contracts with resource companies eg land access, land management plans, compensation etc. This is in addition to "educational material" referred to in S 6 (j).

Section 9 - Eligibility for appointment as a commissioner

- Recommend adding a dot point requiring expertise in agriculture as distinct from "land management". In the absence of this expertise i.e. a commissioner from a farming background, it is unclear how successful the commission will be in understanding the role of and issues and impacts facing the agriculture sector.

Section 17 - Disclosure of interests

- Request review to strengthen provisions to ensure conflicts of interests are avoided both in appointment of and deliberations and decisions made by commissioners.

Section 25 – Publishing information

- Request addition of provisions relating to public disclosure of decisions /meeting minutes to ensure public accountability of the commission's activities, deliberations and decisions.

Section 27 - Gasfields community leaders council

- S. 27(2) - Add a requirement to specify that the council will include a representative from the "farming sector" in addition to from "regional communities" given that impacts on that sector is likely to be most affected by resource extraction and other stated representatives i.e. local governments, regional communities and the onshore gas industry may not necessarily be best placed to represent that sector .
- S. 27(3) -The Bill outlines the commission's powers but doesn't give equal weight to its responsibilities /accountability/responsiveness to the community leaders council. Request review to add provisions to specify how the commission will interact with this body further than the chairperson presiding at meetings.

Sections 28 and 30 - General Manager & Alternative staffing arrangements

- These sections make reference to the commission being able to be attached to a Government department. Please review to ensure the commission operates at arm's length from the Government as an independent body.

Schedule 1:

- Add definitions of critical terms including "coexistence", "identified area" and "sustainable" as meant in the context of this Bill.

Please contact Megan Phillips on 4688 6309 or via email megan.phillips@toowoombarc.qld.gov.au for any queries.

Council looks forward to participating in opportunities to support the Commission's purpose.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stewart Somers', with a long, sweeping horizontal line extending to the right.

Stewart Somers

General Manager – Planning and Development