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Committee Secretary
State Development, Natural Resources and Agricultural Industry Development Committee
Parliament House
George Street
Brisbane Qld 4000
***By email only*: sdnraidc@parliament.qld.gov.au**

26 February 2018

Dear Sir/Madam,

Submission on the MWOLA Bill 2018

Thank you for the opportunity to provide comment on the proposed regulatory changes introduced by the *Mineral, Water and other Legislation Amendment Bill 2018*. We are greatly concerned that the amendments proposed not only do not provide adequate protection for landholders, they also provide an unnecessary greater burden on the landholder and legislates for less accountability for Mineral and Energy Resource companies.

Please see my submission to the 2017 inquiry on the bill. I believe it is still relevant despite the assertions of Dr Anthony Lynham in Parliament on 15 February 2018.

> "During the then Infrastructure, Planning and Natural Resources Committee's consideration of this bill, some stakeholders asserted that the proposed redrafting of section 81 of the Mineral and Energy Resources (Common Provisions) Act 2014 would reduce the compensation entitlement of affected landholders where resources activities do not occur on their land. This was claimed to be a significant policy shift. I would like to clarify that this is not the case. The policy intent of section 81 is that compensation should be payable for any compensatable effect suffered by a landholder on the land on which the resource activities are being carried out."

The concern is that this statement does not clarify the concerns but through political double speak, it addresses the issue of 'policy shift', in that the assertion is, there is not shift in policy by this amendment, and that it is in fact the intent of the policy to ensure that compensation is only applied to *"those whose land the authorized activity is carried out on*". Infact no clarification of this amendment's impact is made.

It is requested that the committee and the amendment be clear, will neighbours be able to claim compensation for impacts from activities adjacent to their land as it was determined in court by Her Honour Judge Kingham in Nothdurft vs QGC. That is impacts of activities that are not related to what is on the claimants land are compensatable effects. (see also evidence provided by G. Houen at the public hearing of the previous committee inquiry into the bill 2017

Therefore it is believed that this change will be going against case law. And since this case occurred in the interim after the last reading lapsed and prior to the current reading of the bill, it should bear significant influence.

1. **Section 91C MERCP**

- It is unacceptable to limit the amount of help an individual can have in a meeting required by others to gain access to your land that will cause impacts that are limited by the same legislation

in compensation, that you did not initiate using a contract that they have written for their own purposes.

- The fact the issue has reached an ADR indicates there is irreconcilable differences.
- How can removing the rights for the landholder to have legal representation be in any interests of the landholder, let alone upholding the governments moral and legal duty to protect the individuals' rights.
- This section must be removed, and regulations with the intention to protect landholders from hungry multinational companies inserted.

2. Section 81 MERCP

- This section is to be omitted and replaced with the amended suggestion and in the explanatory notes, it is addressed as being necessary to remove the 'reasonable costs' that is provided for in another section of the amendments.
- However, the explanatory notes fail to describe the additional change the replacement amendment includes, and that is the removal of the following:

  81(4) …compensatable effect means all or any of the following-
  (a) All or any of the following relating to the eligible claimant's land –

  With

  81(4) …compensatable effect, suffered by an eligible claimant because of a resource authority holder, means –
  any of the following caused by the holder or a person authorized by the holder, carrying out authorised activities ***on the eligible claimants land*** – (emphasis added)

This amendment has the apparent meaning that compensatable effect is only related to the land that the "authorized activities" are being carried out on. The implications meaning that compensatable effects are not allocated to neighbours of land that authorised activities are carried out on.

This implication would be another further unacceptable imposition on the rights of landholders who in any other circumstance would have multiple avenues to address activities of any other party that are impacting them. This having already been attacked through the industry and government usurping local laws in the lack of respect given to town planning instruments and the established means of managing impacts on neighbours.

It entrenches a basic failure of the industry and the government to understand that these activities are not a property by property issue. All industry activities have huge impacts on the entire community.

It is also further entrenching the double standard that the industry enjoys, that for privacy and subterfuge reasons they deal confidentially with property owner against property owner completely disregarding the fact that the infrastructure and its outputs have drastic impacts that do not obey cadastral boundaries. Another example of the absurdity of the concept of 'co-existance'.

It has implications for the enforcement of environmental authorities where impacts are not limited to property boundaries

It has implications for landholders who do have infrastructure on their property but are impacted in an additional manner by infrastructure not on their property.

This amendment has too many implications that have not been considered and its failure to be addressed in the explanatory notes is further evidence that it has been poorly attended to.

Infact it is our position that the bulging mound of evidence from the community to date, since the inception of this excruciating expeditious route to climate and human rights disaster, proves that the current 'compensatable effects' are completely inadequate and that any change to this section should be a strengthening and widening of the definition.

The evidence to date from those that are expected to co-exist is thaqt real costs of the CSG Industry's activities are externalised and bourn by the landholder; the definition of 'compensatable effects' and the set and forget approach by regulators does not acknowledge the true impacts and costs to the landholder and neighbours in living with the decisions and in attempting to get them held to account.

We urge the Committee to address the concerns outlined above. There have not been adequate studies done to properly understand the impact of these activities on our health and welfare to support these changes. It would be much more appropriate to start this process at the point of adequate regulation for baseline monitoring, landholder rights and adequate enforcement, before any further removal of scant landholder protections, by resource centric legislation.

Yours sincerely,

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