From: Peter Dart
To: SDNRAIDC
Subject: submission to MWOLAB 2018
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27TH February 2018
Committee Secretary
State Development, Natural Resources and Agricultural Industry Development Committee
Parliament House
George Street
Brisbane
sdnraidc@parliament.qld.gov.au

Dear Secretary, **Re: Mineral, Water and Other Legislation Amendment Bill 2018**

Please also find attached my following submission.

I write as someone concerned that mining, particularly gas mining, does not restrict farmers ability to operate and that in negotiating CCAs that they are not disadvantaged by power and financial resource differences when dealing with mining companies and that the precautionary principle is the overarching guide to addressing environmental concerns (Randall 2011; Chen and Randall 2013)

I applaud the willingness of the Queensland Government to address these issues through amendment of the relevant Acts and Regulations. I support the proposed amendments under **Clause 45 section 91 and clause 64 (definition "negotiation and preparation costs"** which expand the resource authority holder's liability to compensate

- landholders for fees incurred in evaluating the impact of the proposed activities on the landholders and their lands, and
- landholders for the professional fees necessarily and reasonably incurred when negotiating or preparing a CCA even when the negotiations do not result in an agreement.

Under **Clause 45 section 89 –** costs, including legal representation during arbitration negotiations by the landholder(s) and of the ADR practitioner be paid by the resource authority regardless of who issues the ADR notice and that an appeal mechanism to arbitration findings be established.

Under **Clause 50 section 96B** giving the Land Court the jurisdiction to declare costs incurred by a landholder when negotiating a CCA or a deferred agreement.

I also support the removal of the automatic referral to the Land Court **(clause 78)**, and instead establish a distinct arbitration process **(clause 45).**

The following comments deal with issues where further changes would improve the outcomes and fairness for landholders.

Clause 33 amends the *Mineral and Energy Resources (Common Provisions) Act 2014* section 43. This provision requires resource extraction operators to seek permission from a landholder prior to entering land to undertake activities which the operator is permitted to undertake under the Act. The amendment seeks to allow operators to undertake activities without agreement if the landholder is undertaking an arbitration process or an application to the Land Court. In fairness to the landholder(s) the clause should be amended to require the operator to seek permission of the landholder(s) before undertaking activities on their land at any stage in the process.

A further vexed issue is the inability of the landholder to secure insurance against damage from land access under a CCA. This needs further investigation by the Government.

The required terms of a CCA need improvement to ensure they cover the following:-

- Extensive off-site and downstream impacts such as contamination of surface or

underground water. This has become a very real issue in shale gas operations in the USA where the EPA has documented many cases of such contamination including from well casing failures and fracking. There are now more than 1500 peer reviewed academic papers regarding this issue published and collated by Cornell University. Seismic events are a very real cause for concern. The reason that Government ARENA funds were withdrawn from the hotrocks (granite) electricity generation project in the Cooper Basin, Central Australia was partly because of the seismic risks. More than 4000 earthquakes of a significant nature were recorded. Similar risks will pertain with any shale gas developments in Queensland (https://www.business.qld.gov.au/industries/invest/mining/resources-potential/petroleum-gas).

Legislation needs to specifically address compensation and duty of care and make good issues regarding such contamination events as evidenced by the Queensland Governments action against Linc Energy where several square kilometres of land remote from the underground site where the coal was ignited were contaminated indicating that pathways exist for gas and contaminated water to migrate from a mining operation site.

The bubbles of methane in the Condamine River are another example where depressuring of the coal seam gas in the Walloon coal measures by extraction of CSG for commercial use is likely to have exacerbated this process. Origin have built 4 wells to extract gas and flare it (in the process creating another greenhouse gas), near the river in an attempt to reduce this source of contamination being sheeted home to their activities in the Surat Basin.

- The fracking process may not only cause damage to the landholders property for which a CCA is in place but also neighbours properties and they need to have a right to have "make good" or have mandated compensation provisions for the aquifer and soil gas contamination that can occur.
- Mining activities particularly gas extraction can result in loss of industry accreditation (eg clean and green and organic farming, free range poultry). Further gas extraction activities have resulted in a decrease in property land values and landholders need support in calculating a fair value for the changes in their equity in the land and to their enterprise and access to water occasioned by the gas extraction activity when negotiating a CCA. This is an area requiring research that should be supported by the Queensland Government in order to enable a level playing field for landholders in CCA negotiations.
- Noxious weeds and other land management issues such as the effect of gas well access roads on flood plain water movement. The current wash down regulations regarding weed seed removal from vehicles are quite inadequate for the purpose, and need to be considerably tightened (Bawa et al 2018). Once a landholder has parthenium weed introduced to the property by a mining operation, it is very difficult indeed to eradicate.

I recommend the committee recommend that the Government investigate the implementation of CCAs in order to ensure that the above matters are comprehensively and fairly dealt with using the precautionary principle (rather than an economic development "driver") as the underlying mode of addressing such pernicious and long lasting environment contamination issues.

In general changes to legislation should ensure

- protection of Strategic and Good Quality Cropping Land
- restriction of the unlimited right to "take/extract" groundwater from aquifers which it affects by the resource operator
- that landholders have a right to say no to unconventional gas (CSG and Shale gas) extraction on their properties and that make good agreements are fairly negotiated particularly for water supply
- Any *temporary release of water* not being used for from a strategic water infrastructure reserve under the **Water Act 2000 Clause 237** should ensure that it adequately considers the requirements of environmental values and water quality objectives established under the **Environmental Protection (Water) Policy 2009.** Also **Clause 255** establishes the Ministerial or Chief Executive the power to address urgent water quality issues by flushing a waterway by release of water from a dam. It is important that such releases are consistent with the policy and actions under the Reef 2050 Long Term

Sustainability Plan and the Murray Darling Basin Plan and considers the water quality in all terrestrial and marine receiving waters.

Under **Clause 239 of the Water Act** it is commended that there is a requirement in water planning to take into account the "water –related effects of climate change on water availability" but the committee is asked to note that the **Quality** of water is also very important and needs to be included in Clause 239(g).

Bajwa AA[1], Nguyen T[2], Navie S[3], O'Donnell C[4], Adkins S[4]. **Weed seed spread and its prevention: The role of roadside wash down.** J Environ Manage. 2018 Feb 15;208:8-14.doi:10.1016/j.jenvman.2017.12.010. Epub 2017 Dec 11.

Abstract

Vehicles are one of the major vectors of long-distance weed seed spread. Viable seed removed from vehicles at roadside wash down facilities was studied at five locations in central Queensland, Australia over a 3-year period. Seed from 145 plant species, belonging to 34 different families, were identified in the sludge samples obtained from the wet particulate matter collection pit of the wash down facilities. Most of the species were annual forbs (50%) with small or very small seed size (<2 mm in diameter). A significant amount of seed from the highly invasive, parthenium weed was observed in these samples. More parthenium weed seed were found in the Rolleston facility and in the spring, but its seed was present in all facilities and in all seasons. The average number of viable seed found within every ton of dry particulate matter removed from vehicles was ca. 68,000. Thus, a typical wash down facility was removing up to ca. 335,000 viable seed from vehicles per week, of which ca. 6700 were parthenium weed seed. Furthermore, 61% of these seed (ca. 200,000) were from introduced species, and about half of these (35% of total) were from species considered to be weeds. Therefore, the roadside wash down facilities found throughout Queensland can remove a substantial amount of viable weed seed from vehicles, including the invasive parthenium weed, and the use of such facilities should be strongly encouraged.

KEYWORDS:

Invasive species; Parthenium weed; Prevention; Vehicle wash down facility; Weed control; Weed seed spread

Chen, C. and A. Randall. 2013. "The Economic Contest between Coal Seam Gas Mining and Agriculture on Prime Farmland: It May Be Closer than We Thought", *Journal of Economic and Social Policy* 15(3), Article 5.

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