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State Development, Natural Resources and Agricultural Committee
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Protect the Bush Alliance (PTBA) is an alliance of 30 NGOs and community groups in Queensland and Australia representing over 30,000 people. Our goal is to implement ways of preventing the continuing loss of areas of high conservation values to inappropriate development. One of the ways we do this is by conducting flora and fauna surveys on properties of high conservation value and on the properties which link them.

Members of PTBA have had, and will continue to have, close association with communities when developments strategically impact on areas of biological significance and diversity of concern to that community. We also work closely with Lock the Gate community as they seek to protect our farming lands which in turn protect remnant vegetation (more we wish), significant regional eco-systems and our free flowing creeks and rivers. We concur with recommendations included here which are the work of Lock the Gate.

The State Development, Natural Resources and Agricultural Committee inquiry into the Mineral, water and Other Legislation Amendment Bill 2018

Our concerns are: Protecting the greater landscapes of Queensland for our rich environmental heritage, for safe food production, safe water for farmers and nature and to advocate that cropping land be protected from unconventional gas mining.

February 2018

The rules governing the extraction of unconventional gas and the development of coal mines in Queensland are stacked against communities, farmers and water users.

1. There are no provisions to protect Strategic Cropping Land, or other productive farmland, from unconventional gas exploration and mining. State Forests set aside by the Bligh administration to be gazetted for National Parks are now fragmented by CSG wells.
2. The gas industry has a statutory right to take of groundwater from the aquifers that it effects. Fragile systems like our fresh water springs are being compromised, for ever. The ponding of industry salt water waste, remains a vexed issue.
3. Landholders do not have a right to say no to unconventional gas on their properties, and are forced to negotiate make good agreements when their water supplies are effected.

Major improvements are needed to protect our resources and communities. We are seeking measures to:

1. Permanently protect Strategic Cropping Land from unconventional gas mining
2. Extinguish gas licences that are up for renewal. Tenements around established communities such as in the Fraser Coast/Wide Bay Burnett region should be declared a statutory 'no go' zone.
3. Provide legal protection for Channel Country rivers and floodplains from unconventional gas mining.
4. Give landholders and Traditional Owners the right to say 'no' to gas mining and prevent any new legislation that weakens landholder rights.

The [Mineral, Water and Other Legislation Amendment Bill 2017 \(MWOLA\)](#) was [introduced](#) into Queensland Parliament in August 2017, but was not passed. It includes some positive changes for landholders, but it also includes some measures that substantially weaken existing rights.

The three major changes that are required to the legislation to best protect farmers are to:

1. Ensure that it does not prevent landholders from claiming compensation for damage or nuisance caused by activities outside their properties.
2. Ensure resource companies are required to pay all reasonable costs relating to arbitration and alternative dispute resolution, including covering landholders time.
3. Ensure that landholders are entitled to legal representation in all dispute procedures, including arbitration, which is paid for by resource authorities, and provide landholders with a legal appeal right to arbitration outcomes.

We commend Lock the Gate for the suggestions contained in Attachment 1.

<http://www.abc.net.au/news/2018-02-27/fracking-ban-in-nt-should-stay-say-leading-climate-scientists/9486380>

31 of Australia's leading climate scientists and doctors have written an open letter to the Northern Territory Government calling it to not permit the opening up of new gas fields for hydraulic fracturing. An argument may be made that here in Queensland, not all wells are 'fracked'. However, the ground is cleared and fragmented woodland and grassy eco-systems become an accumulated debt to the health of habitats for all fauna and flora.

We respectfully urge the committee to take strong measures through this committee process to realise greater protection for Queensland landscapes.

Yours sincerely



Dr Stephen Prowse

Chairman

Protect the Bush Alliance

Attachment 1: MWOLA Bill 2017 Problems and Solutions**Problem 1**

Shine Lawyers and the Queensland Law Society have both drawn attention to a major problem with the Bill. Clause 37 of the Bill amends section 81 (4) (a) of the Mineral and Energy Resources (Common Provisions) Act 2014. Those amendments will limit compensation such that it will only apply to compensatable effects from resource activities which happen *on the claimants own land*.

Currently, under that section, a landholder is liable for compensation from resource activities '*in relation to the eligible claimants land*'. This is a broad clause which allows neighbours and other landholders who may be affected by resource activities occurring on other land titles, to claim compensation. Gas activities frequently cause extensive off-site and downstream impacts, including noise and air pollution impacts.

We are concerned 'who advocates for nature, after things go wrong'?

Solution

Amend clause 37 and any related clauses to retain the current wording of s81 (4) (a) '*in relation to the eligible claimants land*'.

Problem 2

The Bill goes some way to covering landholder costs for negotiating with resource companies, but in our view does not go far enough.

Solution

The Bill should be amended to make resource authority holders liable for all professional costs reasonably and necessarily incurred by the landholder, including legal costs, and the time spent by the landholder in negotiations and dispute resolution.

Problem 3

The Bill introduces a new voluntary arbitration process into the relevant Acts where a landholder and a resource company cannot agree on a Conduct and Compensation Agreement. However, landholders are not entitled to a lawyer during arbitration unless the other party agrees, and the findings of arbitration are binding at law and there is no appeal process. In NSW, arbitration processes have been found to be heavily biased against landholders, and have not delivered fair outcomes for communities. Therefore, it is essential that legal representation is available in all cases, and that an appeal mechanism is available. Furthermore, clause 33 of the Bill allows for a resource holder to enter private land for an advanced activity whilst arbitration is still underway.

Solution

Amend clause 45 to ensure that landholders are always entitled to legal representation during arbitration, and provide an appeal mechanism to arbitration findings.