AGRICULTURE, RESOURCES AND ENVIRONMENT SUBCOMMITTEE

Members present:

Mr IP Rickuss MP (Chair)
Ms J Trad MP

Staff present:

Ms H Crighton (Acting Research Director)
Mrs M Johns (Principal Research Officer)

PUBLIC HEARING—MINERAL AND ENERGY RESOURCES (COMMON PROVISIONS) BILL 2014

TRANSCRIPT OF PROCEEDINGS

TUESDAY, 19 AUGUST 2014

Toowoomba

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Subcommittee met at 11.31 am

CHAIR: Welcome, ladies and gentlemen. I declare open the meeting of the Agriculture, Resources and Environment Committee. I acknowledge the traditional owners of the land on which this meeting is taking place. I am Ian Rickuss, the member for Lockyer and chair of the committee. With me is committee deputy chair Jackie Trad, the member for South Brisbane. Today's hearing will be conducted by a subcommittee of the committee. Please note that these proceedings are being transcribed by the parliamentary reporters and a copy of the transcript will be publicly available on the Parliament of Queensland website, following the hearing. The purpose of this meeting is to assist the committee in its examination of the Mineral and Energy Resources (Common Provisions) Bill 2014. The bill was introduced by the Hon. Andrew Cripps and subsequently referred to the committee on 5 June, with a reporting date of 5 September 2014. The committee report will help the parliament when it considers whether the bill should be passed. I remind everyone that the bill is not law until it has been passed by the parliament.

First this morning the officers from the Department of Natural Resources and Mines will provide a brief introduction to the key aspects of the bill. We will then hear from a number of submitters about their concerns about the bill. Time permitting, we will also allow some time for everyone to join in the discussions and to take questions from the floor.

BARR, Mr Dean, Manager, Mining and Petroleum Operations, Department of Natural Resources and Mines

BEARE, Mr Geoff, Director, Business Strategy and Performance, Department of Natural Resources and Mines

DITCHFIELD, Ms Bernadette, Executive Director, Lands and Mines Policy, Department of Natural Resources and Mines

NICHOLS, Ms Elisa, Executive Director, Reform and Innovation, Department of Natural Resources and Mines

CHAIR: I now invite Bernadette Ditchfield from the Department of Natural Resources to provide a quick introduction to the bill. If you have any questions or comments on Bernadette's presentation, please save them until Bernadette has finished the presentation. Welcome, Bernadette.

Ms Ditchfield: Good morning, Chair and members. My name is Bernadette Ditchfield, the Executive Director of Land and Mines Policy in the Department of Natural Resources and Mines. Sitting with me at the table today are colleagues from the Department of Natural Resources and Mines and the Department of Environment and Heritage Protection. I will provide a short opening statement to the committee, which is an overview of the components of the Mineral and Energy Resources (Common Provisions) Bill 2014. My colleague Elisa Nichols will then provide a statement regarding amendments to the Environmental Protection Act 1994 relating to the notification objection reforms in the bill.

I propose to focus on the key aspects of the bill that have attracted the majority of public submissions. First, I will focus on the part of the bill that delivers the first stage of the Modernising Queensland's Resources Acts Program towards the phased development of a single common resources act for the state's resources sector. At present, Queensland's current resources legislation is lengthy and overly prescriptive, with common administrative processes duplicated across five separate resources acts, making the legislation inefficient and costly for government and industry to administer. The benefits of the MQRA program are through commonality of process, where there is no reason to maintain a difference for a particular resource type. Simplification of the regulatory environment and a centralised reference point for resource administration will be of benefit to all stakeholders, industry, landholders and the community alike, both now and into the future, and will facilitate an improved understanding of the resources framework.

This bill implements the first stage in the consolidation process by creating the common provisions act into which harmonised legislation from the Mineral Resources Act 1989, the Petroleum and Gas (Production and Safety) Act 2004, the Petroleum Act 1923, the Geothermal Energy Act 2010 and the Greenhouse Gas Storage Act 2009 will be progressively transferred. The new act consolidates and harmonises provisions relating to dealings, caveats and associated agreements, private and public land access and other minor provisions. These provisions are largely settled policy issues. The consolidation process has been undertaken in consultation with industry, agricultural bodies and the community through a broad consultation process that has included government industry working groups, the circulation of discussion papers on policy matters and the distribution of exposure draft legislation. Generally, these documents have been made available to all stakeholders through the department's website, the whole-of-government Get Involved website and distributed by email to all stakeholders that have registered their interest in the MQRA program.

The bill also implements three actions from the government's six-point action plan of reforms to the land access framework relating to private land in the common provisions act. Queensland's land access framework provides a statutory and policy framework for accessing private land to undertake resource activities and compensating for associated impacts. In 2010, the Queensland land access framework was introduced with the aim of balancing the interests of landholders and resource authority holders through a particular focus on compensation arrangements and the need for good communication and relationships.

In November 2011, an independent review of the effectiveness of the framework was undertaken. An independent review panel, the Land Access Review Panel, comprising agricultural and resource sector representatives with an independent chair, was established. The purpose of the review was to assess the efficacy of the framework against its original objectives. The review involved in-depth consultation with stakeholders who had direct experience or expressed strong interest in land access arrangements across Queensland. Stakeholders consulted included landholders, community groups, peak bodies, resource authority holders, lawyers and other land access professionals from around the state. The panel made 12 recommendations to address the issues that had been identified, as well as detailing the optimal process and steps involved in successful land access negotiations. In December 2012, the government released its response to the review and committed to addressing the key issues identified as well as acknowledging the feedback from stakeholders. The focus of the government's response was a six-point action plan to improve the framework.

In February 2013, the government established the Land Access Implementation Committee to advise and oversee the policy development to support implementation of the government's six-point action plan. These reforms, which implement the committee's recommendations, aim to strike a better balance between the interests of the landholder and the resources sector in negotiating land access and compensation arrangements. These amendments require expanding the jurisdiction of the Land Court to hear matters and make determinations relating to conduct; a resource authority must, at their cost, note the existence of an executed conduct and compensation agreement on the relevant property title; and allowing two willing parties to opt out of entering into a formal conduct and compensation agreement at the election of the landholder.

Industry and community responses to the consultation draft provisions were largely supportive. I would like to focus specifically on the introduction of opt-out agreements. Submitters to the committee have expressed concerns that mining companies will coerce landholders into entering into a conduct and compensation agreement. The department is committed to implementing the Land Access Implementation Committee's recommendations, including recommendation 4.2, which requires the development of a fact sheet by the department to be provided to landholders prior to the execution of any opt-out agreement. This is designed to ensure that landholders are aware of the implications and consequences of entering into such an agreement.

In addition, a written opt-out agreement or legal release entered into must provide for the following as a minimum: the landholder acknowledges that the option to opt out of the land access framework is at the election of the landholder; the landholder or occupier entering into the opt-out agreement has the right to do so; the resource authority holder has informed the landholder that they have the right to negotiate a CCA and are not obliged to sign an opt-out agreement; the resource authority holder must comply with the obligations set out in the land access code; the resource authority holder acknowledges that they are not absolved of any compensation or liability

required under the framework; the resource authority holder must lodge the appropriate information with the registrar of titles to have the agreement noted on the relevant parcel of land; a 10-day business cooling-off period applies from the signing of the written agreement.

For your information, I would like to table the land implementation committee report that relates to opt-out agreements.

CHAIR: Thank you. That is accepted.

Ms Ditchfield: I turn now to amendments in the bill relating to restricted land. Currently, different land access rules may apply depending on the resource being accessed. This can be a complex and confusing system for landholders and the resource sector alike. Other than mining leases and claims that require a compensation agreement prior to grant, the 600-metre rule currently applies to all resource activities. This requires resource companies and landholders to negotiate and enter into conduct and compensation agreements—or CCAs—for low- or no-impact activities within 600 metres of an occupied residence or school. This does not cover neighbouring landholders. The mineral and energy resources bill will introduce a single and consistent restricted land framework to provide certainty for landholders affected by all types of resource activities. A consistent restricted land buffer of 200 metres will be established around homes and businesses within which resource companies must have landholder consent for most resource activities.

Submitters to the committee have expressed concern that the restricted land area is being reduced from 600 metres to 200 metres. Whilst the amendments mean that a landholder not have the right to a CCA for preliminary activities between 600 and 200 metres, this is replaced with a much higher level of protection, because the CCA framework and 600-metre rule never gave landholders a right to withhold consent for low-impact activities. They will now have this additional and more substantive right. These consent rights will also extend to neighbouring landholders whose homes or infrastructure are within the 200 metres. This new framework will apply to the petroleum and gas sector for the first time. Importantly, a CCA is still required for advanced activities and a notice of entry is still required prior to the commencement of any activities.

The intent of the restricted land framework is to provide certainty for landholders near their homes and other critical infrastructure. Submitters also expressed concern about the exclusion by the bill of infrastructure such as stockyards or bores from the restricted land framework. The potential impacts on stockyards, bores, artesian wells, dams and other artificial water storages connected to a water supply are already managed under the conduct and compensation agreement framework for the petroleum and gas sectors. The proposed changes ensure that this approach is consistent across all resource sectors.

There are exemptions that apply to the restricted land framework, particularly in situations where mining and residential uses cannot co-exist, such as with open-cut mines. In these situations, it is not intended that the landholder will remain within the locality of the mine in the event that the Minister for Natural Resources and Mines is of the view that the mine should be approved with full surface rights and be expected to co-exist without any restricted land. Instead, in such situations restricted land would be extinguished and the landholder would be compensated not only for the loss of their right of consent but also to relocate from their existing residence. This is a significant change to the existing situation and, in recognition of this, the bill includes a requirement for the minister to have particular regard for any impact that may result to the owner or occupier of the area of restricted land prior to deciding any such mining lease application.

The bill introduces a new framework to manage overlapping coal and coal seam gas tenures in Queensland under the common provisions act to facilitate co-existence of the two industries to ensure they work together to achieve the best commercial outcomes for both industries and for Queensland. The new framework is based on a joint coal and coal seam gas industry proposal set out in a paper titled *Maximising utilisation of Queensland's coal and coal seam gas resources—a new approach to overlapping tenure in Queensland* provided to government in May 2012. The proposal was designed to overcome the complexities of the existing framework, which the industry claims have resulted in delays and the stalling of resource developments. In the period since the original framework was first introduced in 2004, there have been substantial developments in the nature and scope of both the coal seam gas and conventional coalmining industries in Queensland, presenting both industries with a number of concerns and barriers to future development.

The new framework will provide increased certainty for the grant of production tenures in circumstances where overlapping tenures exist. The main components of the amendments are a direct path to grant for both coal and coal seam gas production tenure, the coal tenure holder to have a right of way to develop coal deposits, an ongoing obligation for overlapping coal and coal

seam gas tenure holders to exchange relevant information and proponents will be free to negotiate other arrangements as an alternative to the default. The department has worked and continues to work closely with external stakeholders on the development of the new framework. Safety operations are to be addressed through legislative amendments, which will be included in a separate bill later in the year requiring a documented and jointly agreed approach to safety for both the coal operator and the coal seam gas operator.

Finally, a separate and final component of the bill is the amendments to provide for the remediation of legacy boreholes. Boreholes and wells are drilled by resource companies that have been granted tenure to explore for coal, minerals, petroleum and gas. Uncontrolled gas emissions from legacy boreholes present a potential safety risk, particularly if above the lower flammability limit—or LFL. The LFL is the lowest concentration level of gas at which it can ignite. An incident in August 2012 highlighted the potential risk of uncontrolled gas emissions from a legacy coal borehole that was not plugged effectively. The incident occurred on the Darling Downs, where gas seepage from a legacy coal borehole ignited on state owned land.

The legacy borehole amendments seek to find a balanced approach for remediation of legacy boreholes. Where the type, origin and ownership of a bore are not possible to ascertain, the amendments provide a discretionary means for the state to authorise action. The amendments in the bill, together with existing provisions in the resource legislation, will provide two new approaches for remediation of legacy boreholes. First, the bill includes provisions that allow the government to appoint an authorised person to act immediately to access land to remediate any legacy borehole incident. Secondly, the bill amends each of the resources acts to allow holders of tenure under resources legislation to remediate legacy boreholes within the area of their tenements. The existing requirements for notifying landholders or occupiers of access will apply.

Submitters to the committee have expressed concern that there is no adequate description as to what constitutes a legacy bore—whether it is an old exploration bore placed and irresponsibly left by the mining industry or an old or current water bore used by farmers. The inclusion of the provision for landholders to 'reasonably believe' is to enable action where it is not possible to prove the type and ownership of a particular borehole. It is also important to note that the definition in the above clauses includes a provision that it is a well or bore that is no longer used for the original or another purpose. That means that, where a bore is being used for water, it would not meet the definition of a legacy borehole. The proposal for the state to authorise remediation action where there is a safety concern with a bore does not extend to water bores, only where there is a risk to life or property, or it is on fire, or is emitting gas caused causing a gas concentration in the surrounding area greater than the LFL, which is the lower flammability level. I will now ask my colleague Elisa Nichols to talk about the objection notification amendments in more detail.

CHAIR: You will have to be fairly brief.

Ms Nichols: The bill includes a range of amendments to the Mineral Resources Act and the Environmental Protection Act, which affect the notification of mining leases. To be clear, it is only mining leases; it is not other tenure types. The first changes under the Mineral Resources Act where tenure will now, it is proposed, only be notified is to directly affected landholders, to infrastructure providers on that land and to the local government in which that land arises. That is quite a change from the current situation, which is more of a public notification situation. In addition, there are amendments proposed to the Environmental Protection Act that restrict notification for applications for environmental authorities to give mining leases to what would form sites of significant applications. I will explain a little bit about what that means.

We have two types of applications. One is site specific, which is your larger mining types and your high-risk mines and the other is standard. Standard is defined in the environmental protection regulation. It is limited to certain types of mining, for example, hard-rock mining, dimension stone mining, opal mining, shallow-pit mining. In this region, for example, there are a number of sandstone mines around Helidon. They are all standard mines. They used to be called level 2 mines. They operate under standard conditions and they have done so since 2000 when the act commenced. In addition, there is a size limitation. The whole site cannot be greater than 10 hectares and the mine workings can be only five hectares. There are also some environmental criteria, which means that they cannot operate within certain distances. So those standard claims will no longer be subject to public notification.

The package together means that 90 per cent of mining lease applications will no longer be widely publicly notified. To be clear, however, this package has been designed so that all major mines continue to be notified. That means that coalmines will always be notified, major mineral mines will always be notified under the proposals in the legislation. Even though it is 90 per cent of

mines, an analysis done by the department showed that, in the last five years, the only objections that have been put into that category of small mine has been by the landholder and they will still be notified under the changes in the bill. So it is a limitation, but it is designed to be risk based and to make sure that major mines are still subject to full public notification.

CHAIR: Thank you very much for that brief synopsis of the bill.

ERBACHER, Mr John, Private capacity

HOUEN, Mr George, Landholder Services Australia Pty Ltd

Mr Erbacher: I defer to George's experience and, if there is enough time after George has finished, I would like to speak on two issues. One is restricted land and the other is this stupid idea of vexatious litigation. So I defer to George.

Mr Houen: I am a rural consultant with Landholder Services. I have to say that I am disappointed in the arrangements for this consultation process. I would suggest to you that the time allowed is ridiculously short. You have a lot of people here who have come considerable distances. You are virtually giving them five minutes and that is not realistic, but let us move on. I want to deal with some on-the-ground issues that arise from the proposed amendments to the Mineral Resources Act in particular. There is a wholesale destruction of the rights of the landholder which will only become clear once the bill is actually in operation. People who do not work with it every day would probably have difficulty identifying what those problems will be, but they are very real.

I think the government is abdicating its responsibility to manage the land-use conflict that inevitably arises in Queensland with mining because we are in a unique position of having the vast majority of the state's resources located in the better quality, more closely settled, more highly valued land. I find it extraordinary that the government is throwing away the work that has been done over the past 25 years since the introduction of the Mineral Resources Act which has all been designed to improve the balance between the landholders and the miners in this inevitable land-use conflict. This is a wrecking ball. It is a train wreck. It is an acid bath for the rights of the landholder. There will be a great increase in the level of conflict between landholders and miners. If the government is doing this in the belief that it will attract mining companies to Queensland with their jobs and royalties, I think you might find that mining companies know enough about how the land lies here to know that the amendments you are proposing will cause enormous added conflict with landholders that they can do without and I think you might find they do not find it quite as attractive as the architects of this legislation imagine.

In terms of small mining, there are enormous heartaches here for landholders under the existing Mineral Resources Act. Given the laxity of the department and of the various governments that have been in power to do anything about the situation particularly in old goldfields and old gem fields, often the applications for a mining lease are nothing more than somebody wanting a cheap place to live where they can set up a few acres and fence it off or occupy it in the middle of somebody's property and maybe run their recreational horses there and generally make life pretty well impossible for the owner of the land. That is a problem in that at the moment a person can object to such applications on the basis that the applicant has a bad record, that there is not any mineral there at all and it is a sham mining lease application; it is just somebody looking for a place to live. Under the new rules, you will not be able to object to any of those things. This is a fundamental issue.

The grounds of objection for those who still have some right to object under the changes are pathetic. They have nothing to do with the day-to-day variables and problems that arise from mining. They are academic issues. You cannot advance any effective evidence on them and people who try to do so are likely to have costs awarded against them in the Land Court because they are not able to sustain their objections with evidence. That is a real problem for the people affected by small mining. It is a bigger problem for people affected by large mines. There is absolutely no doubt—and I work in this field all of the time—that the neighbours of large mining projects are the ones who have the most to fear because of the likelihood that their groundwater will be adversely affected, that they will have dust and noise and blasting—those sorts of disturbances—and excessive light. I was at a mine site in Central Queensland on Thursday and that has been an enormous problem there where it is like daylight 24 hours a day. I am sure that has a bad effect on the normal habits of the cattle, for example, in terms of the feeding and resting and so forth that they would normally be doing if they were undisturbed, but the place is lit up like a Christmas tree 24 hours a day. That is just one of the issues.

These are some of the things that neighbours to a major project have to fear but, as I see it, the legislation that is coming will virtually wipe out their right to object. If they could object, the grounds are so ineffective and irrelevant anyway that it would be a complete waste of time and money. From the point of view of the people whose own land is proposed to be affected by a major mine, I believe that those restricted grounds of objection are likely to mean that you just about have to give up your right to object simply because you will not be able to meet the requirements to substantiate your objections with evidence. There is no way that you will be able to produce

evidence to satisfy the court that that was a reasonable ground of objection. So in terms of the whole thing from the landholder's point of view, when you take into account the abolition of the treatment of artificial water facilities and stockyards as restricted land, that is really going to affect landholders badly on a day-to-day basis.

It is absolute rubbish, with due respect to the departmental speaker, to say that that is all taken care of under a conduct and compensation agreement. Firstly, that would be reasonably difficult to achieve for the landholder if it were for advanced activities. Where it is for preliminary activities, there is no conduct and compensation agreement. The prospector—the mining company that is just doing surface surveys and soil sampling and environmental studies and the like—will be able to disturb those stockyards and those water facilities to their heart's content because the landholder will not have any right to keep them out.

Finally, I want to take another shot at the legacy boreholes bit. I keep saying—and nobody takes any notice—that there are tens of thousands of open boreholes left by exploration companies, particularly throughout the Bowen Basin and to a lesser extent the Surat Basin. If you took the Galilee Basin you would find that something like over 5,000 holes were drilled in the past six or seven years. The only property that I know of on which those holes have been rehabilitated—plugged—where they intersect groundwater is one where we made that happen through a conduct and compensation agreement. The rest of them have just been left open. The aquifers are mixing with each other—the good water with the bad—and nobody is doing anything about it and I want to know why not. This is about legacy boreholes, which is a fancy name for any of those tens of thousands of holes which happen to be emitting gas. Of course, they are never mentioned because if they happen to ignite then they get on television maybe, and that could be embarrassing. I should leave it at that, thanks, because I am already over the time.

Mr Erbacher: Thanks, George. Just to follow up on those legacy holes, have a look in the EIS at the Wandoan coal project. It is stated there that there are 2,000 exploration holes that are unplugged, and we know that they are unplugged. They said in the Land Court that they were, but I lived there and they are not plugged. I want to just keep going on the restricted lands. By the way, I put a private submission in. You can find it at 199, Erbacher. I also had input into the Basin Sustainability Alliance submission. I think my opening remark sums it up—

> The intent of an exploration permit for coal or Coal Seam Gas ... should not authorize the explorer to restrict the operation or productivity of the agricultural enterprise on the land that is being explored.

This is what it comes down to. From an academic point of view, it is not a big deal. But from an on-the-ground issue, the preliminary activities mean that they can come on to a property with a notice of entry without the landholder's consent and they can do what they bloody like, to tell you the truth. In my case I said, 'No, you're not.' They said, 'Yes, we can.' I said, 'I want $5,000 per vehicle per day to cover any future liability against weed intrusion,' because they do not even need a wash-down certificate, a third-party wash-down. They rang back two days later and said, 'We're not going to do that,' and then I said, 'Well, you walk.' They walked. That is unfair. The preliminary activities should be included. I think there should be a notice time payment on preliminary activities. There should be set standards of third-party wash-downs. There are two wash-down certificates or weed hygiene certificates. Third party will have to be done by an independent organisation whereas the majority of weed hygiene certificates are done in-house by their own people. They just sign them on the morning. They would not even have a look underneath their own vehicles, to tell you the truth.

With regard to restricted lands, the existing one in the Mineral Resources Act provided some protection, and I have been thinking about it: the time frames do not let us think things through to their inevitable conclusion. I think a new term in the bill should be 'exclusion zone'—that is, the house, the dam, the trough, the tank, and they are visual things—and any intrusion or damage on those exclusion zones be met with an automatic withdrawal of the notice of entry until the issue can be resolved through mediation by the Land Court or a Land Court appointed mediator. In terms of the restricted lands and the prescribed area of 50 metres, that can be covered under a conduct and compensation agreement. It would be a breach under the agreement and you would sort it out as happens now. We have had coal seam gas explorers and production holes. There have been breaches outside the defined areas. There was a fire and I commended the contractors for putting the fire out, so we let that one go. But there are other blatant things where they are just too lazy—for example, instead of doing a five-point turn they just do a big U-ey outside the area where there is no agreement on control of weeds in the future. In the conduct and compensation agreement they will have liability for weed intrusion on the defined area, but outside that there is no agreement. They will not agree and you have to sort that out through conduct and compensation.

In terms of the dams and the bores—and this is all in my submission, too—if a coal seam gas production bore is at 600 metres, why can a water bore not be 600 metres from their production bores? It is as simple as that. That would take care of any of the seismic issues, blasting and would ameliorate—it is not going to lessen the impact of drawing water because 600 metres is not that far when you are drawing huge amounts of water out for coal seam gas.

With regard to vexatious litigants, it is a stupid falsehood proposed by the mining companies. In driving down today—here is a legal term for you—this is what I could say of their attitude towards vexatious litigants: it is pathetic whining from petulant bullies upset that mining companies did not get their own way. They go simpering to government, whining, 'It's not fair.' Can they bash us up? Up until now my government has told them they cannot bash us up.

I think the whole thing about vexatious litigants should be put to bed. They state the Coast to Country and our Wandoan coal project objection was the Friends of the Earth on climate change. I was bemused—I sat through the whole Friends of the Earth hearing—that the Xstrata lawyers did not test the validity of the objection on legal grounds because climate change is to do with scope 3 emissions. The climate change debate or the objection is about scope 3 emissions. I put a submission into the terms of reference and tried to get scope 3 emissions included in the EIS. The explanation that I was given was that they could not be included. The emissions in an EIS are divided up into scope 1, scope 2 and scope 3. Scope 1 are the fugitive emissions—the methane that comes out of the coal when it is disturbed. They are the gas that comes up inside the boreholes. They are the gas that bubbles up in the Condamine River. They are scope 1 emissions. They are fugitive emissions. Scope 2 emissions are the emissions from mining the coal—the trucks, the dozers, the power generated for the draglines, the trains and later on the ship. Scope 2 emissions are all part of the shipping and the unloading to the point of use at a power station or a smelter.

The explanation as to why scope 3 emissions could not be included in the EIS was that the coal is sold FOB—free on boat—so that the project does not own the coal after it is loaded on the boat. That was the explanation I was given. So the scope 2 emissions after that could not be included in the EIS, and therefore scope 3 emissions could not be included. My thought on the process is that the miner themselves allowed the Friends of the Earth to go ahead with their objections on climate change because they could see the risk in the future.

CHAIR: You might have to wind up now too, John.

Mr Erbacher: Okay. They could see the sovereign risk in the future from a challenge, say, in 10 years time. It is a lot easier to win the whole climate change debate now when public opinion is divided, but in 10 years time when we are facing global food shortages I think this whole argument on climate change is going to be a bit harder for miners to win. I will leave it at that.

CHAIR: Thank you very much, gentlemen, for your input.

CAMERON, Mr Neil, Committee Member, Basin Sustainability Alliance

SHANNON, Mr Peter, Committee Member, Basin Sustainability Alliance

CHAIR: Welcome. Would you like to make an opening statement, and could you please keep it as short as possible so we can ask you some questions?

Mr Cameron: I am a landowner in the Millmerran district. I am a tax consultant with a large rural based accounting and advisory firm. I am also a committee member of BSA. I have basically seen firsthand and through clients' eyes the huge impact of mining and CSG activities on farming operations and lifestyles. BSA is a Queensland based group representing the concerns of landowners and rural communities in relation to coal seam gas development. I could continue with our charter but all of our details are at notatanycost.com.au.

We did make a written submission. We feel very strongly about all of the issues that we raised in that written submission, and I would like to summarise what we went through. I will start with a little quote from the Hon. Mr Cripps, who said that the goal of the bill was—

> … to optimise development and use of Queensland's mineral and energy resources and to manage overlapping coal and petroleum resource authorities for coal seam gas ...

BSA agree in principle with this goal, but when we start reading the detail in the legislation it seems to erode landowner and individual rights.

The following main issues were raised in our submission. Firstly, the restriction of the public notice under amendments to the EPA, and this is in relation to site-specific areas only being required to have public notification. Secondly, objections to mining leases and the restriction of who can object, and the definition of 'affected person' seems to be too narrow in that it only includes owners and the regional council. Thirdly, the restricted land definition, and this seems to involve a reduced protection of infrastructure. Clause 217 gives no protection to landowners if they are already affected by a CSG activity. The distance definition as prescribed by clauses 67 and 68 seems to leave things up in the air. We believe that a CSG well—or whatever mining infrastructure it is—should be at least 600 metres from homes. I have heard 200 metres mentioned this morning, which is just too close.

Fourthly, there is too much legislation being left to regulations where no public input is possible. Fifthly, the opt-out agreements where landowner protection can be potentially compromised. Sixthly, the remediation of legacy bores seems to be very good in principle but landholder bores should not be shut down without compensation just because they may have gone over the gas limit, which seems to be a very moderate gas level emission limit. That is basically a brief summary of our submission. I would like to defer to Peter who has comments to make about the general natural justice impacts of this legislation.

Mr Shannon: I am a lawyer of 30 years practice on the Darling Downs. I do nothing but coal seam gas and resource law. I am also a landholder and a citizen of Dalby. This whole situation brings out a number of odd bedfellows, you might say. I do not always agree with George Houen but he absolutely hit the nail on the head before.

This is flying under the radar. This is the most serious potential incursion on landholder rights I could imagine, and the lack of attention that this has had to date has been staggering. I am very conscious of the fact that your committee is charged with one particular task—that is, to look at whether this act complies with the Legislative Standards Act. The importance of your committee cannot be understated, because at the end of the day it is meant to be a nonpartisan approach to protecting our democracy and the fundamental principles of that. Unfortunately, this whole issue keeps getting political. It is a social issue and it needs to be dealt with on a conscience basis. What is happening out here really needs a lot more attention and thought for the people who are actually impacted by it. Every Queenslander considers his home his castle, and at the end of the day what is happening here is legislation is allowing people to intrude on that castle for what is seen as a greater good—fair enough—but at the end of the day if you are going to do that then surely you have to do all you can democratically to protect those rights and protect the people to make sure they are not the ones paying the cost of the implementation of the industry.

There are four key values in that Legislative Standards Act that are meant to be observed. Really, when you look at it, you are the upper house in a way here. You are the bill of rights. You are all we have got, you might say. The four principles that the Legislative Standards Act talks about are, firstly, where administrative decisions affect rights and liberties, whether they are subject to appropriate review. It just screams out then that, when you remove the right to object, you have not

got a right of review. It says that it 'does not adversely affect rights and liberties'—you cannot get more intrusive on rights and liberties than what you are doing. You are forcing people to allow people on to their property for the greater good—fine. It must also provide 'for the compulsory acquisition of property only with fair compensation', so surely you must be mindful to protect the position of the landholder to ensure that that happens. Also, it must be 'consistent with principles of natural justice'. Now they are not rocket science.

Basically, the principles of natural justice are summarised this way. A decision maker must give a person who is the subject of the decision an adequate opportunity to present their case and the decision maker must be free from actual or perceived bias. When a decision is being made that affects the rights, interests and status or legitimate expectations of a person, it should not be removed without providing an opportunity to the person to put their case to the decision maker. To talk about these mines as small-risk mines just totally underplays the impact that they have on landholders. If you have got a kitty litter mine, which is the type of clay that is processed, if you have got bentonite, if you have got opals or whatever, you name it, then what is happening on your property is everything to you, but now we are basically saying, 'Sorry, folks, you've got no right of objection.'

I will come to the environmental authority objection because, frankly, it is nothing like the objections that are under the Mineral Resources Act. There are different grounds under the Mineral Resources Act. There are economic grounds, there are social grounds, there are broader grounds than what is under the Environmental Protection Act. For the minister to come out and say that that adequately addresses the fundamental principles of natural justice here is, with great respect to him, because I have respect for him, absolutely ludicrous. For the Law Society to be quiet on this issue just astounds me. You cannot get a more fundamental intrusion into rights and liberties and natural justice than what is happening here. That is with the small mines.

With the large mines, it is just mind blowing. How you can remove the right of the community to have a say in those things and the public interest on those things just beggars belief. For the legislative standards to be set that low as to remove what are existing rights and basically discard them and make this all about making Queensland open for business without protecting people beggars belief.

I will talk very briefly about the opt-out provisions and the absolute rubbish about the protection that that document will afford. I could not draft that document better for the mining companies. All it does is guarantee them there is no comeback. Where is the protection of the landholder that is subject to drought or that is desperate for money or that is ill-educated? And, by the way, there are plenty of them out there and people under all sorts of pressures. Where is the protection to ensure there is consumer protection there? There is not even a code of conduct about how these companies are to behave. People are left with the normal recourse to the courts and having to prove unconscionable conduct, and there is no way landholders can afford that. There must be protection in this act or in the legislation or in the resources provisions for people to be able to revisit the way they have been handled at any time to make sure that we are getting fair compensation and on just terms—not just saying, 'Bad luck. You should have negotiated. You should have seen a lawyer,' or 'You had a lawyer,' or however you want to deal with it.

It is a pretty fundamental concept—to protect people who are vulnerable and disadvantaged. We are not talking about that. We are assuming people can fend for themselves. I promise you that, in my daily work, there are so many people who get shafted in this process that it is ludicrous to suggest that they can stand up for themselves. As I said, you are about to remove the basic process of being able to object and have a say. Obviously, neighbours are impacted, people downstream are impacted, people eight or 10 kilometres away are impacted and you are saying it is just going to be a process about the environmental impacts.

It is a very clever way in which you basically make this an as-of-right way of proceeding to rampage across the place purely mopping up after you go, because environmental conditioning, frankly, is useless. The number of different conditions on noise levels, for instance, between different environmental authorities seems to be purely a function of how badly the company is going to make noise in that area. We get inconsistent provisions or noise limits within the department. If there is a perception that the departments are well resourced, highly functioning and sophisticated—and they might be at certain levels but there are not many people left there who are not working for the companies or who have the experience that this warrants.

It comes back, I suppose, to that concept of you being the last resort, you being the upper house or you being the parties charged with making sure those fundamental principles are protected. I do not see that anyone in this room would see that this is not an issue about natural

justice; that this is not an issue about being able to have your say, being able to appeal and have input. I cannot believe that anyone is lining up to remove that from neighbours or to remove it from the general community. I cannot believe anyone honestly thinks that is a good, democratic process.

I am afraid, much as the current minister has much to commend him, the reality is that we only need look over the border at New South Wales to see what the hell has gone on there. If there is one place or one area of law or society that you can guarantee there is going to be trouble, it is going to be in mining or development. Historically, we have repeatedly had ministers have trouble or politicians have trouble, with the greatest of respect to those sitting over on that bench, but that is life. Unless we have our checks and balances—and do not forget the minister here does have a bias; he is a minister of a government saying, 'We want Queensland open for business. We need the royalties.' The mere perception of bias is one of the principles of natural justice. Having the courts there to protect that process is a fundamental principle that we are about to abandon.

Finally, I would like to say that BSA endorses the eight points that were tendered by Jo Bragg for the EDO. We were not invited to that tendering through the EDO. It deeply concerns me that this gets so party political, because if you are seen to align anywhere in particular you can be dismissed, or your concerns can be dismissed as belonging to a particular persuasion. I have voted for all parties, frankly, and I have recently contributed to the National Party to get rid of a government in Queensland that I thought had run its course well and truly. I cannot see that these sorts of issues are not fundamental to everybody west of Toowoomba, frankly. Those who make these decisions go home, make a cup of tea, put on the television and get on with their lives. Those who are affected by it live it from the moment they are impacted for the next God knows how long. We owe it to protect them. If that means putting in provisions where there is a tribunal that they can go to to revisit any agreement, to make sure that justice is being done or that adequate compensation has been paid, we need to do it. We need to make sure that they are not bearing the cost.

CHAIR: Please we are running out of time and you are only going to waste more of it.

An audience member: We have a right to clap as well as object.

CHAIR: If you want to waste your own time, please do.

An audience member: You are wasting ours.

CHAIR: Peter, have you had much action with small mines? The department said that there has been very little action with small mines in the last five years.

Mr Shannon: No, I can honestly tell you I had a call maybe two months ago from someone—sorry.

CHAIR: I am the member for Lockyer so I have mining with New Hope, which is down in Ipswich, and I also have some sandstone mines. They are not quarries. A lot of people think they are quarries but they are actually mines.

Mr Shannon: At the end of the day with this system at the moment at least if someone is badly affected or has enough of a history they can run through the process. To merely say, 'The right is there, no-one is using it, let's remove it,' is not a good solution because the right being there is the fundamental principle, do you know what I mean?

CHAIR: Yes.

Mr Shannon: I had someone ring the other day who was so badly affected by opal mining that they were contemplating suicide. Yet they are a small mine. So they would be railroaded.

CHAIR: And this was one of the neighbours?

Mr Shannon: This was a person whose place was affected but in terms of actually having the resources to deal with all the many grievances—and, as George says, you are now going to remove the ability to be able to point to that person's conduct. The minister will now carry that decision. I am afraid I like the idea of a process to ensure that those decisions will be made properly. As I say, we need to be looking at making the companies accountable. We sit here and say we can tell you how badly they behave and you will deal in circles where that is not accepted. Let us at least put in a code of conduct and a way of dealing with that that ensures that what we are saying is addressed if it is right. That should not be going to a lawyer and spending thousands of dollars. It should be a quick recourse. As I say, we have this adaptive management regime on the impacts for the companies and water and things like that. It should be an adaptive management regime for the compensation process or the individual landholders compensation agreement so that he can go back at any time and say, 'I have been shafted here,' and have redress that is practical and inexpensive.

Ms TRAD: The department referred to the land access implementation committee report in its opening statements. Can I ask you, Mr Cameron—and I did want to ask Mr Houen as well—do you recall ever being consulted on that access framework? This is the report that underpins all of the access to restricted areas, the 600 down to 200.

Mr Cameron: Personally I have not, no.

Mr Shannon: No, I do not, although I confess there have been so many of these things over the last four years that it is almost impossible to keep up with it. I have certainly had input into the original concepts—

CHAIR: The white papers—

Mr Shannon:—of Dr Watson's committee, but that was to be reviewed after the first year or so because it was happening so quickly. We seem to have lost sight of the fact and now we are basing everything on what was happening out at Roma basically and the impacts that was having. It has got far bigger than that. That committee should be called to sit again and to actually review its findings because a lot more issues have arisen since Dr Watson's inquiry.

Ms TRAD: Taking that—

CHAIR: Do you want me to ask George about that?

Ms TRAD: Okay.

CHAIR: George?

Mr Houen: A similar answer, Mr Chairman. I suspect that the discussion papers were on the website but I have not had time to look at it.

CHAIR: No.

Ms TRAD: In relation to the removal of objection rights and also the limitation of rights around notification in relation to EIS for particular projects, is this something that was ever canvassed in the previous discussion papers in terms of constricting or restricting the ability of landowners to object or communities to object to major resource development—

Mr Shannon: I honestly do not recall that and I have to take the opportunity to say that, moving it all over into the EA process, over the years, frankly, rights have just been eroded progressively but in that course now you have to have objected in the EIS process. There are hundreds of landowners that totally missed all those EISs because they were so busy working. So then when they do come in to make a submission they are out of it now because when they see the EA application, if they are lucky enough to have it notified—and the law has also been tightened over the years, as George will attest, to, 'You have to get it right when you lodge your objection because you are stuck with those.' With most legal processes you are given a fair bit of flexibility as the case unfolds, but industry lobbied quite effectively to have that tightened to the point where you have to have lodged in the EIS, then you have to have drafted your objections perfectly and that is all you can stick to, and you are also at risk on cost now which we were not possibly. So the suggestion that the EA process is a panacea for all this is absolute rubbish.

CHAIR: Thank you, gentlemen.

MURRAY, Mr Michael, Policy Manager for Water and Queensland, Oakey Coal Action Alliance

Mr Murray: Thank you very much for the opportunity to present today. Firstly, thank you very much to our chair and one other member of the seven-member committee who has taken the trouble to come up here today. I think when you see the number of people in this room you get a real appreciation of the seriousness of this issue. I know the rest of the committee no doubt have very busy lives, but it is somewhat disappointing that they have not been able to—

CHAIR: We are meeting with them in Townsville and Mackay tomorrow.

Mr Murray: That is good. I am sure they will receive similar messages that they will receive today. This is quite a difficult bill in many ways for Cotton Australia to present on because we have a natural sympathy for trying to streamline things and relieve the heavy hand of government wherever possible. We are like the resource industry and the energy industry in many ways. We turn resources that are owned by everyone—water, sunlight, soil—into wealth for our growers, for their employees, for their communities, for our regions, for our state and for our nation. At the same time, we are also very mindful that we need to have balance. I think particularly in this issue your committee has a really important role. Peter spoke about checks and balances. Within the system of government in Queensland you are a very important check and balance in this process. The consolidation of five acts into one is a huge job. It is a huge job for organisations like Cotton Australia to have the resources to try to work through whether the legislation is right. It is a huge job for all these landholders here. In fact, it is a job beyond most of us. Therefore, your committee has an even more important role to protect the rights of those people that you represent.

With this consolidation it is absolutely critical that the golden rule for this committee is to say, 'Let's make sure that as we bring over the various provisions of the acts the highest level of protection that is available in any of the acts must come over to the consolidated act.' We cannot see any further erosion of landholder rights. Nobody looking at the balance between landholders and mining companies anywhere in Australia, including here in Queensland, would argue that landholders have the upper hand and therefore any erosion will be extremely detrimental to the industries.

We have a situation where we can provide some approval for parts of this bill. We are supportive—and we argued through the land framework process that was mentioned earlier—for the inclusion of CCAs to be on title. We talked about improving the role of the Land Court to include the areas of conduct. Both important things have been picked up. I think you will find, though, that there needs to be further thought in the way they are implemented, particularly in noting the CCAs on title.

I will in many ways refer to the detail that was included in the Shine Lawyers submission on this. While in theory it is good to have it on title and we are supportive of that, there is a whole lot of practicalities as to what that really means, what happens should the property be sold, does that agreement always pass with the property, what happens if the property is subdivided and numerous other issues. We do have concerns. They are the sorts of concerns that have been highlighted by other speakers today, and they were the same concerns in that eight-point note that the EDO tabled at the Brisbane briefing. Cotton Australia shares those concerns and had a hand in drafting those eight points. In particular, we are concerned about the notification provisions. It is just not good enough to only have notification to those immediately affected landholders who are holding the land where the leases exist. There are many situations where a mine activity can have impact on a further footprint and these people need the right to be heard as the process exists today.

For instance, in a New South Wales example, down in the Upper Namoi, a mine is proposed to be built on the ridges above the Liverpool flood plains. There is no doubt that that mine, while not directly occurring on the flood plain, could well have major impacts on the water resources that the people on that flood plain rely on. They need to be heard. There are similar examples here in Queensland. There needs to be a way to make sure that those concerns are heard.

In general, there is also an erosion here of the democratic rights that we enjoy in Australia and they need to be protected. We need to be very careful whenever we remove any democratic rights. Maybe there needs to be some sort of protections to stop frivolous-type complaints. I think looking at ways to handle that, rather than making blanket changes to the notification and objection provisions, would be the way to go.

The restricted land issues: again, I go back to the golden rule that we should not be moving away from the highest level of protection that is currently in existence. I would urge the committee to very much bear that in mind. There is no doubt that what is being proposed is less than what is

currently available, at least under the minerals act. Also, the proposed 200-metre rule being the line in the sand does not actually appear in the proposed bill; it is referred to as something that will be covered by regulation. I am afraid that that is not really good enough for something so important. That needs to be covered as well.

I spoke about the landholders not necessarily having the right to object. We feel that under the proposed bill we as Cotton Australia would not be able to object to certain developments on behalf of our members and on behalf of our growers. We do not believe that it is appropriate to place a peak organisation in that position.

I might leave it at that, although I had some other things prepared. As a committee, you guys have a really important role to get the balance right, those checks and balances between being efficient and having Queensland open for business, which is something that Cotton Australia supports, but making sure that that does not come at a cost to the rights of existing landholders. It is really important that time is given to review this. This is a massive undertaking when you are talking about bringing five acts into one. You need to take time and the Queensland government needs to take time to sit down a lot more with landholders and work this through. Thank you.

CHAIR: Thanks, Michael. Part of the process, of course, is that we make recommendations to the executive government to try to bring some common sense into legislation. You understand the difference between a small mine and a large mine.

Mr Murray: Yes.

CHAIR: I would imagine there are some bentonite mines or whatever around the Darling Downs and near some of the cotton farms. Do you get much angst from your growers about small mines?

Mr Murray: I have not had anything bought specifically to me. My reaction to that is that it may well be that very few objections come through on small mines and maybe they only come through from the immediately affected landholders. If that is the case, why remove the right for others, in those circumstances where it is warranted, to object? It makes no difference in terms of the efficiency if they are not coming through, but it provides an avenue for those circumstances where there is an issue.

CHAIR: On the larger mines that are around Oakey and those sorts of places; do you have issues with those?

Mr Murray: We certainly do. I have to say that the cotton industry is probably in a more fortunate position than many other landholders. The recent passing of the Regional Planning Interests Act and the associated regulations has provided us with an enhanced level of protection, particularly on the downs and the Central Highlands where those plans are in place. Having said that, we still have significant cotton growing out at St George, Dirranbandi, the Macintyre Valley and the like where this proposed bill would apply up until when regional plans may come into that area. We know that if there happened to be a mining application down in those areas, we would have major concerns. We would be very concerned to make sure that there were no third-party impacts on the water resource. We would be concerned about dust contamination. We would be concerned about noise and we would want to have an avenue where we would be able to raise those objections and have them heard impartially.

Ms TRAD: Mr Murray, thank you for your submission this morning. Given all of the complexities in the bill with the consolidation process, is it your view that the government should put the brakes on this bill, consult more and get it right?

Mr Murray: I would certainly like to have more time where the government actively comes out and speaks to landholders and works through some of these issues. I am sure there are ways forward on many of these issues, but I think that we need to have much greater opportunity. Technically, Cotton Australia was notified about this process and we had the opportunity to go to the briefing on 25 June. We knew about the submission process and we were able to—

CHAIR: Can I interrupt there: did you put anything into the white papers about that issue?

Mr Murray: Not into the white papers. We did make a submission into the proposed bill. That went through. We are only a small organisation. Without sounding like I am whingeing about the role, at the same time we were putting in on the Regional Planning Interests Bill, the state Water Act review, the federal Water Act review, the federal water trigger amendment bills and a whole lot of legislation that is coming through, all in the last two months or so. Effectively, for us that falls to one and a half people in Queensland. Electricity pricing was added in there as well. I guess the model that we had with the Regional Planning Interests Act, where the government and the Deputy

Premier took a personal interest in it and made sure that the time was provided for us to work through the issues, was a good model. I am sure that something similar would be appreciated by the landholders in this room.

CHAIR: Thank you very much, Michael. That was very good.

COOK, Mr John, President, Oakey Coal Action Alliance

GREEN, Ms Vicki, President, Friends of Felton

LAWS, Ms Nicki, Secretary, Friends of Felton

MCCREATH, Mr Rob, Member, Friends of Felton

CHAIR: I welcome the Oakey Coal Action Alliance and John Cook, and the Friends of Felton and Nicki Laws. As there is a quite a large group, can you please identify yourself for Hansard.

Mr Cook: Thank you, Mr Chairman. My name is John Cook and I am the President of the Oakey Coal Action Alliance. I will read from a prepared statement. The Oakey Coal Action Alliance is extremely concerned about the terms of this bill and feels it is written by the resources industry for the resources industry. It ignores valid community objections and fundamental human rights. It is important that incorporated community groups retain the right to be informed and to object, not just at the environmental authority stage but at all levels of mine tenure.

Groups like ours are informed and work hard to protect environmental, social and health values. Stripping the ability of community members to do this will cost future governments dearly in terms of health impacts and costs, disharmonious and dysfunctional relationships, lowered productivity of the government sector, agricultural rural sector and resources sector, and poor environmental outcomes that will leave expensive legacies for future generations of Queenslanders. It will also cost your government votes.

OCAA undertakes, by necessity, scrutiny, monitoring and reporting of environmental and social mismanagement by New Hope Coal in particular, because the government is failing to do this. Our efforts are actually creating a better behaved resource company and this local overseeing should be encouraged, not discouraged. An example is the notorious Jondaryan coal dump, where we have advocated for three years for real-time monitoring to make it possible to prove air quality, which is the worst in Queensland with frequent breaches of the environmental authority. In the lead-up to the March 2012 election, Mr Seeney and others promised us certainty in land use and planning for the Darling Downs. The reality is far different and has caused a great deal of distress and uncertainty to rural families. We fully support the Environmental Defender's Office's eight-point criticism of this bill and table this document for the committee.

CHAIR: Thank you.

Mr Cook: Thank you very much.

Mr McCreath: My name is Rob McCreath and I am a committee member with Friends of Felton. Our president, Vicky Green, is here beside me. Firstly, I endorse the statement tabled by the Oakey Coal Action Alliance and we also endorse the eight points from the Environmental Defender's Office. I refer to the quite strange media release issued by this committee on 12 August in which you, Mr Chair, gave your enthusiastic endorsement for this bill, which happened before this and two other public hearings that have not even been held yet. That risks making a mockery of the inquiry and the fact that only two committee members are here today would further raise questions, I would think, about that. It looks like this might be a foregone conclusion and perhaps you guys are just going through the motions. Furthermore, in this media release you say, Mr Chair—

> The changes proposed to public notification and objection rights are not intended to take away people's rights to comment on major mining projects ...

That is all very well, but it clearly does take away people's rights to object to mining proposals. This is neither soundly based nor reasonable, to use your own expression. While individual rights should be sacrosanct, the rights of community groups to object to mining proposals are also very important. They are very important to the Friends of Felton and we are very much concerned about the protection of farmland and rural communities, and consider it a basic democratic right to be able to object to mining proposals that threaten other areas across Queensland or even across Australia.

It is quite clear what is going on here: the Queensland government is increasingly controlled by the mining industry, which funds its election campaigns and entertains its ministers in corporate boxes at Rugby matches. In return, the mining industry demands legislation to allow it to operate wherever it likes with the minimum of interference. This results in a short-term boost to government coffers, but at the long-term expense to farmland, water supplies, the environment and communities.

This bill is a bridge too far, Mr Chairman. It is extreme, it is manifestly unfair and it contravenes the basic democratic principles on which this state and this country are founded. Therefore, the committee should demand it be comprehensively redrafted to reflect those principles. Thank you.

CHAIR: Are there any other comments? Friends of Felton, what do you represent? Do you represent an area of land?

Ms Green: We represent a community that successfully fought, for six years, to beat the proposed coalmine in the Felton Valley that was being proposed by Amber Energy. I hope your question is simply to inform the room rather than to inform yourself, because I think we are an example of what community can do. Look at the situation at Felton. If you purely notified the people who were within the footprint of that proposed mine, on one hand you have people who are willing sellers because the resource companies come in with quite elevated prices and quite attractive propositions for those people. On the other hand, you have individuals who feel quite powerless to object and to stand up to the might of a resource company. You have this completely contrasting group of people. Then you have the community that, under this bill, would have absolutely no capacity to support those individuals within the footprint or to have any say themselves. That is of great concern to our group.

CHAIR: John, in one of its statements the Oakey Coal Action Alliance said that you have made New Hope a better corporate citizen, or something along those lines.

Mr Cook: That is true.

CHAIR: How has that worked? Is that by you doing some of the monitoring on noise, dust, light and that sort of thing?

Mr Cook: It is by putting pressure on the company through community groups and through the media to lift their game—to basically do what they say they are going to do. In relation to the Jondaryan coal dump, we still have a lot of issues there. We finally got a monitor there to monitor the air pollution—simple things like that that we have managed to do with a lot of hard work and a lot of persistence.

CHAIR: That Jondaryan dump, that is where they load the coal trains, is it?

Mr Cook: That is true.

Ms TRAD: This is a question to the whole panel and it goes back to a theme that is coming through from some of the submitters this morning about the fatigue around all the legislative changes at both a federal and a state level. Do you feel that communities are aware that this legislation will remove this fundamental right to object to mining developments?

Mr McCreath: I do not think they do. I think if you look at the wording of the chair's media release, it refers to not interfering with the community's rights to comment. People read that in the paper and they think, 'What's the change?' The change is that it is removing people's rights to object. I think that is quite a misleading statement. Look at the farmers in the Lockyer Valley. Do they know that this is going on? Do they know that, if this bill goes through, then if a mine is proposed for the farm next door they will not be able to object? I think they would be horrified. So I do not think that people do know.

Ms TRAD: So the level of public consciousness is something that you are concerned about?

Mr McCreath: Absolutely. There has been such a hammering with all of these inquiries, as previous speakers have said—all of these submissions. It is a big effort to keep fronting up for these things and drawing up submissions. In fact, that is one of the reasons that our submission was only a one-and-a-half pager, because we have put huge amounts of work into previous submissions and they tend to just get chucked on the scrap heap. So we kept ours brief, but we thought that it was important to be here.

CHAIR: Could I just ask if any of you had input into the white papers that the government has put out?

Mr McCreath: No.

CHAIR: Thank you. Thanks very much for making your time available today.

MCCULLOUGH, Mr Phil, Chief Executive Officer, Condamine Alliance

PENTON, Mr Geoff, Chief Executive Officer, Queensland Murray Darling Committee

CHAIR: Thank you, gentlemen.

Mr McCullough: I am just going to make a short statement and I implore you to listen to all of the previous speakers, because I think the trends that you would have heard are probably going to be reasonably consistent for our communities that you are a part of here today. I am part of a natural resource management group. We are a not-for-profit organisation called the Condamine Alliance and we operate in an area that is bounded by the Condamine River upstream from the Chinchilla Weir. It is about 2.5 million hectares and it is probably fair to say that it is part of Australia's richest agriculture-producing region. This particular area also has a number of large scale mining operations at Millmerran, Acland, Kogan Creek and Wilkie Creek, which has now closed. It also has a large number of coal seam gas interests as well operating primarily through Arrow Energy and QGC. To the west, there is also a number of large developments, primarily in these large—what we call—development areas, which is coal seam gas. I am assuming that Geoff will speak to those as well.

As an entity, our role is primarily to deliver the Queensland government and Australian government programs but that they are programs that also benefit the environment and our local communities. It is fair to say that in the early stages of coal seam gas development in our region there were very few people around who were participating in the debate, as we see here today. It is through those large interventions that we did in the early stages that we managed to ensure that the public was aware of what the scale of development could be. I think through that we also prevented these large scale ponds of saline water being present in our catchment. We saw legislation being changed and the rules being changed to prevent that from occurring in our catchment. That is probably one of the good things that came out.

But part of that is also being instrumental in making people aware of the cumulative impacts of all of this development. It is not just dealing with one particular mine in one particular location or one development in one particular area. We are seeing the EISes being changed now to start to think about, 'What is the cumulative impact on our whole communities?' because we need to see this as a whole rather than as a single arrangement. A lot of these changes that have occurred impact on not only both landholders and local governments but also the rest of the communities. So I do not think that the legislation that is being planned just to deal with the local impacts is good enough for what our communities are facing. I implore the committee to go back and really think about what is the impact on our whole community rather than individual rights on individual farms and particularly local governments.

There are a couple of core areas that I wish to focus on. One of those is catchment-wide responses. At the moment, if you take away the rights of the broader community who have a spoken view on developments from a broader scale perspective, then you are restricting our right to have a conversation around what is right and proper in our communities. My other suggestion is around information. Notwithstanding we have a lot of good people operating in our catchment, when you start to get lots of information, particularly EISes that come forward and they are several volumes thick and can take up car loads of paper, not everybody has the time to go through those documents and provide good, constructive views. I would think that, with any constraint around this, most of our landholders who would be primarily affected under this act would not have the time or energy to sift through all the paperwork that is required and understand what it is. I also suggest that local governments do not have the capacity to have the people in place to pore through all the technical data that sits outside of those two organisations—the landholder and local governments—to have an impact and to provide advice on what is good and what is bad. Therefore, I would implore the committee to rethink who the affected entities are who should be notified and participate in the debate, particularly around large scale developments. That is notwithstanding that some small scale developments also may need to have viewpoints put on them.

I just want to pick up one point and that is around the 600-metre rule limit. Light, noise, dust and odours technically move beyond 600 metres. There have been plenty of cases. You just have to look at the effects of spray drift through chemicals. They go beyond their 600-metre limit. If the legislation is to constrain itself to 600 metres all the time without getting specific about what particular effects that has on particular things, like light, noise, dust and odours, then I think we will be in for a lot of angst around future developments. I think it is fair to say that, if you go on the current websites for the particular departments, you will see that there is conflicting advice sitting already on websites around distance based arrangements around particular things. If we are going

to fix up some of these things, then I would implore the agencies to go back and have a look at what they have put up on their websites around some of these distance arrangements, because they conflict with each other.

The last thing I wish to say is that, at the end of the day, if only the landowner, local governments and the minister of the day have the final response on any large scale development, then I think that we have lost a lot in our communities. I think we have actually gone backwards 100 years. We need to really start to define what is an objection under the act as opposed to somebody providing advice under a map change. I think the difference between the right to participate and a right to object needs clarification. Participation is one thing, but being able to object to a particular thing is another.

In closing, I would encourage the government to continue to reduce red tape—that is a good thing—but in the development and in the view of looking at a broader scale arrangement around natural resource management, particularly around farming communities and about our agricultural protection areas co-existing with mining developments, we need to think of a much better way to do that rather than this legislation. At the end—and to hand over to Geoff—we thank you for your time and indulgence in coming up here. We would implore the rest of the committee to in future to come up and visit our neck of the woods and see what our communities are facing.

CHAIR: Thank you. Geoff, would you like to say anything?

Mr Penton: Yes, I have a few statements. There is a significant risk proposed in this piece of legislation that it will be the final nail in the coffin for almost all other sectors of our economy in this region, be it tourism, agriculture et cetera, and simply put the resources sector way above and beyond the rights and opportunities for any other part of our economy which has operated in the region for many years. The resources sector, given its nature of extraction, will have a finite life and we need to be making sure that, when that life is over, the rest of our economy can still operate and has not been adversely impacted.

There has been a huge volume of changes in legislation—state and Commonwealth, but particularly state—in the last 18 months. The pace of regulatory change is simply beyond us. This piece of legislation is proposing a massive change on the end of another probably 20 other pieces of legislative change, whether that be land, water—all sorts of regulatory change. With the pace, we need to have a serious cold shower when it comes to this bill and look at a longer period of time for consideration.

I have a few specific questions. Phil mentioned the cumulative impact. This piece of legislation really homes in on site based impact. The consideration of cumulative impact, whether that be all sorts of resources sector activities, is often a key and continues to be done poorly, whether that be the cumulative impact on air, water, groundwater et cetera. It is still taking us a long time to come to terms with the cumulative impact on groundwater, a valuable resource for the whole community—both agriculture and residential communities—across this region and this piece of legislation does not help. It makes things worse, not better, when it comes to cumulative impact. With the restricted land element, certainly, our view would be that there does need to be parts of our community, parts of our region, that are no-go zones, whether that be national parks, conservation reserves. Our rivers, large areas of which are in really good condition, we really need to see some key areas that are no-go zones and not left to the discretion of the minister of the day.

The right to participate has been raised a number of times. We would agree with what has been said earlier today. The fact is that often the benefits proposed from a resource development are talked about in terms of the economy of the region—how it would help the region. It is not just going to help a particular site, or an individual landholder. Often, the proponents of resource sector developments talk about the jobs being created in towns nearby et cetera. So it would seem reasonable that the region needs to have a say on a proposed development if it is going to impact on the whole region, not on a specific site. So that area of ability to participate, whether you are the directly affected landowner or a range of other people in the community, this bill is a step in the wrong direction, not the right direction.

Another element is the right of way for coal over possibly coal seam gas. The Queensland Murray-Darling Committee works for the coal seam gas sector in lots of ways, including suggesting to them how they might improve their operations as well as being a partner in a number of projects. Coal seam gas economic development for the region has been substantial. Our understanding is that this piece of legislation could put that economic development at risk by suggesting that coal extraction has right of way over coal seam gas. We have already seen some stoushes in the past between coal and coal seam gas companies. In some areas we are talking about them extracting

the gas from the same coal seam that may be then open-cut coal mined in the future. If we simply go in and open-cut coal mine that straightaway, all of that gas will be a fugitive emission and it puts at risk the CSG economic development that we are already seeing, even though that sector has its issues.

Mr Chairman, you have commented a couple of times with previous delegates about small mines. One of the things I would remind the committee is that this region, the Queensland Murray-Darling Basin, has over 430 historically abandoned mine sites that are now the responsibility of someone else other than that mining company. Most of those are small sites. The legacy and the history of the resources sector over the last 100 years in this region is not a pretty one. When it comes to getting in and doing a small mine, that company goes broke and disappears and leaves us a mess. Sometimes it is small, but one of the legacy issues of the resources sector is mostly around those small developments, small mines, that tend to be exploited and then left for someone else to clean up.

CHAIR: Thank you, gentlemen. As you mentioned, Phil, we all live in a catchment somewhere, don't we, so it is important to look after catchments. I ask you both, but could you answer separately: have you had any input into the white papers that were put out 12 months ago, or whenever it was, looking into this bill?

Mr McCullough: No.

Mr Penton: Yes, the Queensland Murray Darling Committee made a submission to the white paper. I do not believe our submission now has changed very much at all.

Ms TRAD: Following on from that question, Mr Penton: the concerns expressed in your submission to the white paper were not picked up or followed through?

Mr Penton: I think the short answer would be, no.

Ms TRAD: Thank you. Mr McCullough, in relation to the comment about whole-of-region consultation around proposed projects, one of the issues that has been raised—and this is just once at this hearing, but previously in the Brisbane hearing—is the idea that there have been a number of vexatious litigants around in terms of exercising or interrupting a proponent's proposal by publicly objecting or using those public objection rights against major proposals. Is it your view that there is a whole host of vexatious litigants out there holding up mining proposals?

Mr McCullough: From my personal point of view, I do not believe so. Everybody has a right to say their own views about what they think, whether they are right or wrong. I think the question is whether the process has been set up to allow the obscure comments to be sifted out of where the real debate should be occurring around developments. Whether there has been a large focus on that, I do not believe so. I think there is enough time and energy around EIS documents. There has been enough of those around that there is a very limited number of people who actually take the time and energy to want to respond to those things. I think everybody's points are valid, but we need to have a good process around sorting out what is the focus on the actual development arrangements themselves.

Ms TRAD: Thank you.

CHAIR: Thank you, gentlemen. We will break for lunch and be back here by 1.30.

Proceedings suspended from 1.12 pm to 1.40 pm

BRIMBLECOMBE, Mr Lachlan, Solicitor, Shine Lawyers

MARTIN, Mr Glen, Senior Associate, Shine Lawyers

CHAIR: Thank you, ladies and gentlemen. We will commence the hearing again. Shine Lawyers have sent their senior associate, Glen Martin, along and Lachlan Brimblecombe as well.

Mr Martin: Commissioner, I thank both of you for attending. It is much appreciated. Unfortunately, your colleagues were not able to attend, which is, I think, most disappointing. I understand that there are seven members of the committee. If all of them, or at least a good proportion of them, could have attended perhaps our regions—

CHAIR: Could I just interrupt you there, Glen. We are having meetings in Townsville and Mackay where other members will be attending. So we have spread the workload out.

Mr Martin: Very good. I act for landholders and I have done so for a number of years—about six years—assisting them exclusively with respect to these sorts of matters. So this area is well within the jurisdiction in which I practise. Unfortunately, time is not going to allow me enough time to present on all of the issues. I can hand up a written submission if that would be of benefit.

CHAIR: I have read a lot of your submission.

Mr Martin: It will be different from the submission that we have made principally. Could I also say that we endorse the eight points that Ms Bragg of the EDO endorsed on 5 August. I will hand those up, too, if that is in order. Thank you. Might I just say that a lot of what has been said today I agree with. A lot of it has been general in nature as to the reasons we should not do this. What I would like to focus on, if I may, are three key areas that are more specific and how rights are, in fact, being affected. The first area will be mining lease objections, or the mining lease objection process. The second will be the notification and objection process for environmental authority applications and, thirdly, restricted lands. We have heard a little bit about those, but in a general sense.

If I can turn to the first and that is mining lease objections. I think that there is a triple hit to the rights of landholders in this regard. If I could touch on the first one. Section 260 of the Mineral Resources Act currently allows any person—and I emphasise any person—to object to an application for a mining lease. The bill amends this by allowing only an affected person to object to the application for the grant of the mining lease. The definition of an 'affected person' is extremely narrow and includes only those landholders who are within the boundaries of the mining lease, landholders who own land used to access the mining lease and the relevant local government. There are many reasons people may want to and should be able to object to a mining lease and there are many reasons that allowing them to do so, I think, is healthy for all stakeholders—not just landholders, but all stakeholders.

The impacts and implications resulting from mines do not stop at the boundaries of a lease and affect many more people than just those proposed to be able to object. Mines have implications beyond the environmental impacts, which many seem to purposely confuse. The impacts and implications might include such things as the appropriateness of the mine itself, for example, uranium mining, asbestos, similar products; economic and social impacts, for example, increased house prices, increased cost of goods and services, transient workers, appropriate land uses; extractive resources like quarrying as opposed to mineral extraction. Those are all things that go within the mining lease arena, not within the environmental authority arena. Do people want to be able to have a say, for example, if mining occurs on Stradbroke Island, or Moreton Island, or Fraser Island? Do they want it to occur? That is the issue, not what conditions might be attached if they do.

I recall that the Queensland Resources Council was at some pains to point out at the last committee hearing, as others have, that the amendments were designed to stop frivolous and vexatious objections. There seems to be quite a bit of discussion about that. But quite frankly, it is all much ado about nothing in my view. Either an objection is frivolous and vexatious, or it is not. If the true intention is to stop vexatious objections, then why do we not put in some precautions to allow that, not just simply throw the baby out with the bathwater and stop everyone from objecting, which is essentially what is happening? It seems to me to be quite incongruous for an individual to be able to have a say, or to have more rights on having a say under the Sustainable Planning Act than they would for a state proposal to extract a state held resource. If you want to put something next to my house here in town, if you want to change the use, you have to publicly notify. You have to tell your neighbour and your community what is going to happen. If you want to put a bloody great coalmine on the outskirts of Oakey, the proposal is that you do not have to say anything about it or if you want to put in a small mine, you do not have to say anything about it.

You asked earlier whether or not there had been any concerns or issues regarding small mines. Yes, there have. I can remember one some time ago between Minden and Lowood. There was a mine proposed there and the local community was up in arms about it. They did not want it there. So a community meeting was held and discussed and, eventually, the mine went away. Go to Charters Towers and see what the concerns are there. Go to other parts of the state. You were quite right before. I have dealt with any number of mines regarding sandstone in this area in its block form. It is a mine. Dealing with the extraction of sand as a mineral, that concerns a lot of landholders and it does from time to time extend beyond the boundaries of the mining lease—not just the individual landholder, but way beyond it. That is the first hit. So what we are talking about there is that we are ruling out a whole category of people who can be objecting to the mining lease.

The next is that those who can object will have their rights restricted. So what we are going to find is that, under the bill, an affected landholder can object only on the following grounds: provisions of the act have been complied with, the operations conform with sound land use management, the operations are an appropriate land use having regard to current and future use of the land, the operations are an appropriate use having regard to the impact of the activities that are held on the surface of the land, the operations are appropriate having regard to the impact on the activities on the land. It is reasonably wide but it is not as broad as it was before. Previously, it was any ground the landholder can object on. So now we are taking away that substantial ground for any grounds. Not only that, under the bill an affected access landholder—so I have just mentioned landholders who are within the area of the mining lease—if you are an affected landholder with access, the only ground on which you will be able to object will be if the act had been complied with and access to the land subject to the lease is reasonable. There are only two grounds for that landholder.

Councils are allowed to appeal. I thought, 'That's great. That might give us some protection.' Would you believe this: all council can object on is the provisions of the act have been complied with and the operations are appropriate having regard to the impact of the activities it will have on any infrastructure owned by the local government. So all they have to be concerned about is the local government owned facilities—not whether it is going to be good for their community, not whether they want it; just whether or not it is going to have an impact on the local government infrastructure. So that is our second hit.

The third one is that the Land Court will be able to consider only certain matters. It had previously 13 matters which it could consider. Ten of those are now going to be removed and two are going to be added in. The court will no longer be able to consider such things as whether the land is mineralised and, if so, whether there will be an appropriate level of development and utilisation of the mineral resources. You might think that is not an issue. I can tell you that it is and Mr Houen has previously said it is. I have experienced it as well. What some of these companies do is go out and get a lease to store their junk on, not because it is mineralised. The Land Court should have been considering those but, quite frankly, at times it fell down on that. Whether the public right and interest will be prejudiced, to my mind, that is a very significant thing. Whether the past performance of the applicant has been satisfactory, again, I think that is a very important consideration. Any adverse environmental impacts of the operations and the extent of that impact, some might argue—I do not—that that will be caught by the environmental authority provisions and whether the terms sought are appropriate. So as I say, these are a triple hit, I think, to landholders and others who want to object. The grounds on which an objection can be made have been reduced and the matters which the Land Court can consider in making a recommendation have been reduced.

If I could turn then to environmental authority notifications, objections and submissions, which is the next main ground I wanted to talk about. The ability to have input into the terms of an environmental authority is not the same as being able to object to the granting of a mining lease and the two should not be compared. The Mineral Resources Act and the EPA have quite different objectives before we even discuss the mining lease process but, again, it is a triple hit. At present, all EA applications for mining leases are publicly notified and anyone can make a submission on the application and object to the draft EA providing they have made a submission on the EA application. Under the bill, only site-specific EA applications will be publicly notified. The amendments proposed under the bill will mean that most mines will not require an application and we have heard that it is 90 per cent. I do not know whether that is right or not. I assume that it is right—it is pretty accurate. So only 10 per cent of mines are going to be publicly notified.

Secondly, the consequence of the EA applications not being publicly notified is that there will be no right to make a submission—that is a submission, not an objection. So you cannot make a submission and I will go on to say that you cannot, therefore, also make an objection to the draft

EA. The key principle of natural justice is that a person who will be or who may be affected by a decision should have the opportunity to have input into that decision before it is made. The amendments proposed to the EA application process are, therefore, clearly in conflict with that principle. On most occasions, in some form or another, landholders and citizens generally would be impacted by a decision to grant an environmental authority, yet under the bill their right to have a say has essentially been removed.

Thirdly, in any event, we have concerns about the consultation process utilised to form the standard conditions. I have never been consulted on it, and I have practised in this area as much, if not more, than anybody. As far as I am aware, there has been no consultation with any landholders who would be the most impacted by the decision to grant an environmental authority. Yet they will have no rights to make a submission on it or object to it once it has been granted. The amendments to the EPA are, therefore, once again, a triple hit to those impacted by the activity. Their right to be notified on a non-site specific EA application has been removed. Their right to make submissions on a non-site specific EA has been removed and the right to object to a non-site specific EA, once granted, has been removed.

On the third issue of restricted land, currently, under the MRA a landholder has the right to withhold their consent to mining activity or exploration activity occurring within 100 metres of a permanent building used mainly for accommodation or business purposes and within 50 metres of a stockyard, bore, dam, artificial water storage connected to a water supply, a cemetery, or burial place. Save for cemeteries and burial places, the areas which previously attracted a 50-metre buffer of activity have been removed. So that has just gone now altogether.

I think it is probably worth noting that this legislation has been around for a while. The Hon. Mr Katter, in his second reading speech to the Mineral Resources Bill on 5 October 1989, raised concerns that the restriction of 50 metres around a watering facility on many of the larger properties may be inadequate and that an area of 400 metres would be optimum to minimise stock disturbance. In my experience, stockyards, dams, bores and other water storage devices are all crucially important to the operation of a landholder's business particularly those who graze cattle.

I submit that the protections offered by the restricted lands currently afforded a landholder should not be removed and that the legislation really should be redrafted and totally reconsidered in that regard. I think Mr Murray talked about bringing up the standard. It is not currently in the petroleum legislation, but it ought to be and it ought to be in line with the Mineral Resources Act, not the other way around, which essentially is what is being proposed.

The other thing is that there has been some discussion about how this is going to be good for landholders affected by CSG. It is not going to be. I cannot understand that. CSG tenders have been granted; they are not going to get the benefit of restricted land. The restricted land regime is not going to apply where the tender has already been granted. For those landholders thinking that they are going to get some restricted land benefits by this legislation if they are affected by CSG, they are going to have to think again. It is just not going to happen. It is already done.

It is turning, essentially, the whole process into one of compulsory acquisition by mining companies. It is a state-held resource and landholders who might have owned the property for 100 years or a lesser time—not that that particularly matters; they might have had it handed down from generation to generation or from the generation previous, not that that particularly matters—will be forced to sell. There are landholders here today who could very well be closed. I hope he does not mind me saying so, but, for example, Mr Beutel at Acland could very well be forced to move out of his property. It is just something he cannot contemplate and it does not seem to me to be fair.

It is a gradual erosion of rights over and over and over the years. If we go back 100 years or so, what did we have? Landholders owned the minerals, except for the royal minerals like gold and silver. The landholder had the right to say whether or not mining occurred on his property. What has happened? We have lost the ownership of the land. We have lost the ownership to say whether or not mining can occur on a property. Now we are just going one massive step forward and taking away objection rights to a whole group in a community of people. We are taking away some pretty small concessions: 50 metres around a stockyard, 50 metres around a watering bore, 50 metres around a dam. What we are doing is putting the interests of industry way ahead of the rights of landholders. It is as simple as that.

CHAIR: Did Lachlan want to speak?

Mr Martin: No.

CHAIR: Glen, I notice there is no objection by leaseholders in this. If I lease a property from someone else, would that be affected? If someone has a five-year lease or a 10-year lease?

Mr Martin: It depends on the lease. Typically, you would be able to object. You would be regarded as an owner. The definition of 'owner' would allow you to object in a lot of instances, not in all. You might otherwise be an owner, say, for example, of state forest; you might be a permit-to-occupy holder. You would not typically, with those rights, have a right to.

CHAIR: Your interpretation is that only new coal seam gas wells will be affected?

Mr Martin: Not wells, only new applications. We are talking about an application for a petroleum lease that has already been granted; I think even applied for.

Mr Brimblecombe: Yes, it is both applied for and granted. It is CSG tenure that is currently applied for, which is the majority of Arrow's tenure as well. The new restricted land regime will not apply to that. It is a furphy, basically, to think the landholders affected by CSG will get this restricted land measure.

Mr Martin: Ones coming in the future; no doubt there will be some tenures granted in the future. A long time in the future in very western parts and maybe in the central-western parts there might be some tenures up there, but for the most part all the CSG tenures now have been granted, I suspect.

Ms TRAD: Mr Martin, in relation to the matters that the Land Court can consider in terms of the objection, of those that are being removed, are they provisions or matters that are of significant concern?

Mr Martin: Absolutely. I will just read a couple of them out and I have read a few out already: public right to object, but it will not be able to consider whether the land is mineralised and, if so, whether there will be an appropriate level of development; whether the public right and interest will be preferenced; whether the past performance of the applicant has been satisfactory; any adverse environmental impacts of the operations and the extent of that impact; whether the terms sought are appropriate. Those things are going to be taken out of the jurisdiction of the Land Court. While the minister might still have that oversight and some of the rights will no doubt be transferred to him, it is inconsistent with legislative standards. The Land Court should be looking at these things and should be considering these things.

The whole situation is a little bit different than one might ordinarily expect. What one might expect is that the minister makes a decision and somebody has the right to object to the minister making the decision. That is not the way that this legislation works for some reason. What we are doing is taking out a lot of the things that the Land Court has to consider and recommend to the minister on. Really the process should be that you go along, make your application, the minister has to consider all of these things, makes a decision and then what happens is that somebody has the right to object to it if they want to. That is not the way it works as this is at present. I do not think we should be tinkering at all with those things that the Land Court has to consider in that first instance in making recommendations to the minister. They are significant.

Ms TRAD: On the matter of vexatious and frivolous litigants, which I think has only been proffered by representatives from the mining industry as a reasonable rationale for removing the rights of objection and the constriction of notification, Mr Martin, as a longstanding legal practitioner in the area, have you come across many vexatious litigants in the area?

Mr Martin: No, I have not. I have not come across, I have not seen any and I think the suggestion is quite ludicrous. The Land Court has the jurisdiction, if it wants to, to bounce these matters out of court, if they are of that nature. I heard this, to be quite frank: Mr Roche of the Queensland Resources Council was criticising, in the Alpha court decision. He was suggesting that landholders 40 kilometres away were not proper litigants. That is not what the Land Court determined. The Land Court determined that that mine should not be approved based on the objections, in part, of those landholders 40 kilometres away. If you or anybody else thinks that mining cannot have impacts on landholders 40 kilometres away, they are wrong. It can and it does and, in that Land Court case, the Land Court said—and I repeat—the mining lease should not be approved. Those landholders were going to be affected. It is a pretty significant decision and for that sort of comment I think he just does not comprehend the potential issues.

CHAIR: Thank you very much.

Mr Martin: Thank you.

DAHLHEIMER, Mrs Lynette, Private capacity

DAHLHEIMER, Mr William, Private capacity

CHAIR: Welcome, Mr and Mrs Dahlheimer.

Mr Dahlheimer: I am Bill Dahlheimer and this is my wife Lyn. We are property owners at Brigalow. Firstly, I will read this statement. Thank you for the opportunity to address this committee. My wife and I stand before you typical of those who the system has already failed in its present form. Any relaxation of the regulations toward the resources companies would lead to more disasters such as my wife and I have had and are still enduring. If I may, I would like to put the last 27 years and more particularly since 1994 into as few minutes as possible.

My wife and I bought Campbell's Camp, a 1,200-acre property on the Condamine River at Brigalow—three-quarters of it was river flats, one-third high country—27 and a half years ago. In 1994, we objected to a proposed mining development adjacent to our property and upstream of us. Our objection was deemed not to be eligible as it was hand written, according to the warden, Frank Windridge. I believe it was called the Kogan Creek project. In our case, their MDL35 and 382 cover a portion of our property, coming to about 300 metres of our dwelling. By 2006, the Queensland government, via its wholly owned corporation CS Energy, had acquired the lease and was building a powerhouse and mine. So began a reign of terror on us. The powerhouse is 3.5 kilometres from our house and 2.1 kilometres from our property. The mine is 3.2 kilometres from our house and 2.3 kilometres from our property. The mine and powerhouse began production in 2007.

Previous to that, in 2004 my wife and I had begun discussions about retirement and we began a concerted effort to upgrade facilities and pastures on our property. We placed our property on the market in 2009, first offering it to CS Energy which showed no interest, and subsequently with eight agents. Five years later, after lowering our price, there is no sale and only one inquiry at market price. Those people pulled out when they realised that the mine was just over the river, behind the trees, and gave us a letter outlining such. The impacts from our energy neighbour are numerous and, should time permit, we would gladly detail it.

We note that the new proposed bill appears to remove many of the landholders' rights and it would appear to play into the hands of resource companies that, it would appear, in the main are overseas owned companies. We would submit that landowners' rights are in need of strengthening, not diminishing in any way. After all, the resource is the property of the citizens of Australia, not foreign owned companies. We are also concerned at the limited time landowners often have to object, bearing in mind that resource companies may in some cases have had years to gather evidence for their case. We also submit that mere conversation between resource companies and landholders as a basis of doing business is fraught with danger. Let us assure you, as people who live in the resource areas, that the average landholder does not recognise resource representatives as being very good with the truth, according to conversations with us. In our case, 'morality' and 'ethics' would appear to be words that our resource neighbours would have to look up in the dictionary. An oral agreement would eventually lead to problems of a disastrous nature.

Primary production at this moment is in a bust cycle and drought conditions are exacerbating the problem. Any intrusion on landholders' rights and on their work schedules could be enough to push many over the edge, not just financially but emotionally, once again with unknown consequences. Many landholders have had links with the land for generations and are extremely emotionally attached to it. How can one landholder singlehandedly hope to stand against the might of a resource company and, in our case, the Queensland government if the legislation is not in place to protect them?

We note that the responsibility of the resource industry to advertise proposed future activities appears to be diminished somewhat. We submit that these should be upgraded, both in advertising and in open public forums. In our case, we were aware of the original mining development, but certainly knew nothing of a powerhouse being constructed on our doorstep, nor did we have any knowledge of the large ash disposal bunker that was subsequently built in the river flood plain above our property, which now reduces that flood plain from approximately 2,000 metres to 1,200 metres, causing extreme erosion problems and preventing farming on part of our property.

We also would suggest that independent bodies should be set up to monitor disputes. In our case, we have a government body, the EPA, looking into another government body activity: another case of the fox guarding the hen house. No resource company should be allowed to be self-regulating. At all times, the rights of citizens should be paramount to the interests of industry. Remember, shortcuts for today could be disastrous legacies for future generations. Farming land

must be protected for the future of food production. Resource activities are one-off short-term activities. No more land is being created. Let us protect our land resource and let mining and gas play second fiddle. A flight over Central Queensland will show that one-off mining activities have impacted on food production forever. The new law would make it even harder to sell—and I can vouch for that from our property—with resources able to expand, with us having no ground to object and no retirement prospects.

The government has announced plans to sell in our case. What will the new company do? Will they expand and we can do nothing? We are left with four options, and those four options are that the government via CS Energy buy us out; we bludge off our children, which we are not prepared to do; we become street people, because our property is worth nothing and unsaleable and we owe money to the bank; or we hope we can find a property where somebody will allow us to be there as caretakers. We heard about suicide before. I have no contemplation of doing it, but after five years the government has somebody who rings me up to check that I am okay. I can assure you we are nowhere near that point, but with these sorts of things where are our breaking points? We do not know. We need to have some closure. In our case we have nowhere to go to and nobody is listening bar people in our same situation—I do not know—and the whole thing seems to be played towards the companies. For instance, we recently had sound monitoring put in after complaining. The night before the sound monitoring arrived, there was no more noise. It disappeared for the two weeks it was there. It appeared last night again for the first time. They have now put in dust monitoring. Living in the district, we know the people that work there. I believe there is a watering program going on to keep the dust down. We objected against our valuations recently. The Valuer-General sent a man out who had one look at our evidence, had one drive around and reduced the unimproved value of our property 20 per cent. CS Energy could have done the same thing. The government could do the same thing and yet here we are caught in a system. If this law stays as it is being proposed, there are going to be a lot more bills amended.

CHAIR: Thanks, Bill. I might get you to give a copy of that to Hansard.

Mr Dahlheimer: Yes, if they can read my writing.

CHAIR: Thanks very much. I have read your case before in the media, so it is a frustrating case. I can understand that. I will personally make sure the minister is aware of this issue.

Mr Dahlheimer: He is aware of it all right. I had a letter yesterday from him back to the EPA.

CHAIR: I will make sure he is aware of it again. It does give me some concern if CS Energy is doing inappropriate testing. I would find that a bit frustrating.

Mr Dahlheimer: I can tell you it is. If you talk with farmers like us, it is the status quo.

Ms TRAD: Mrs Dahlheimer, did you have something to contribute? Did you want to say something?

Mrs Dahlheimer: Yes, I would thank you. I think my husband has put our case across very well and I think all the speakers here today have put a case across to let you people know how bad this situation is and that you will take away the rights of the Australian citizen. Hopefully, you do not want to be some of those people who help do that, because your names will go down in the future as being some of those people who have taken away the rights of Australian citizens, and some of those citizens are your children, grandchildren and great-grandchildren. Please remember that down the line, because you do not know where they are going to end up. They might end up on a farm somewhere that they love on the land and this same thing happens and they do not have the right to object. I do not think that you would think that would be very nice for them either. So it is not just for us; it is for everybody in this country.

CHAIR: Can I just ask one question of you, Bill? The fly-ash that you were talking about—I would imagine that is what you are talking about?

Mr Dahlheimer: That is part of it.

CHAIR: What are they doing with that? Are they just dumping it there?

Mr Dahlheimer: They are sticking it in a big hole in the ground in this big bunker they built on the flood plain.

CHAIR: And none of it is being used by the cement industry?

Mr Dahlheimer: I believe not. Do not quote me on that, but that is what I believe. It is not being used. It is being pumped back because they have far more than they thought they would have. Apparently, it is yielding much higher. I am more concerned about the pollutants that are contained therein. We have massive amounts of pollutants coming out of that thing—190 tonnes of manganese alone. Our river has turned green.

CHAIR: What else is there besides fly-ash? Is there some other overburden?

Mr Dahlheimer: In that part of the world, I think that is principally it. They have taken an overburden from the mine, made a big bunker with a hole in the middle and the ash goes in. It is pumped in as a liquid form, of course, but it does not stay liquid forever, does it?

CHAIR: Does the EPA come out and have a look at this or not?

Mr Dahlheimer: I should not laugh, should I? You can talk to the EPA. I am sorry, but they are a government branch. They are part of the system. Until we get someone independent to look at these things, it is a sick joke. It is really a sick joke, and here we are five years later. I am worn out. I am sick of carting gravel where they have eroded my property away. The best years of my retirement are gone. I am sorry, but I am pinged off!

CHAIR: All right. Thank you for your comments.

Ms TRAD: Mr and Mrs Dahlheimer, thank you for your submission. One of the proposed reforms is removing the datum post and also the requirement for proponents to mark out mining boundaries. What do you think about those two elements of the bill?

Mr Dahlheimer: I cannot say I have got my head around the bill; let me be quite honest with you. You nearly have to be a solicitor. I will say one thing: unless these people—whether they be foreign, Australian or a government—sit down with the community and discuss it, it is not going to work. They are going to have alienated farmers—and not necessarily farmers, of course. They can be mineworkers—they can be anybody. If you have a house—in our case a property worth $2 million—and you have to walk off with the seat out of your pants because your neighbours cave in, let me assure you that the long-held belief of most rural people is you must get on with your neighbour. You must do everything you can to get on with your neighbour. But it has gone.

CHAIR: Thank you very much.

UEBERGANG, Mr Bruce, Private capacity

Mr Uebergang: It is never good to be the last speaker of the day—everyone is a bit worded out, I guess—but I appreciate the opportunity to talk to you as a committee. I have been involved with the CSG industry for 13 years with a CCA agreement signed with QGC in 2006. I currently lease farming land owned by QGC. My property is also involved in a CSG irrigation project with Origin. I have had considerable experience in dealing with both Origin and QGC. My reason for appearing today is to urge—I am actually going to change that to plead—with the committee not to grant any more powers than currently exist to resource companies through new legislation. I appreciate the pressure that you are under from both sides of the argument, but I would like to tender as an example QGC's submission regarding their land access. QGC provides the perfect example of a corporation that runs just within the law. Compared to my dealings with Origin, who have a social responsibility, I find that multinational companies do need tighter legislation and not less legislation. I tender as an example QGC's letter that they submitted to you and just briefly point out a few points regarding the expanded jurisdiction of the Land Court. They have asked that the conduct of companies not be considered in Land Court cases. I believe this is to protect them from future actions regarding their, I guess, dishonourable conduct with landholders.

Section 2, they regard the general liability to compensate—and I quote—Queensland Gas 'does not support a requirement to pay for owners' time to negotiate conduct and compensation agreements'. To me that indicates the tone of this company. I am a professional farmer. My time does have value and yet they continually require me to negotiate without any recompense, and any other farmer. To me that indicates very much an 'us and them' mentality. Regarding no entry during the minimum negotiation period, this letter just carefully and politely strips away many landholders' rights. Regarding the opt-out provision, I signed my agreement in 2006 when things were completely different. Today, there is a harshness particularly with this company and I would appeal that, to allow an opt-out agreement, would be irresponsible. Even if you have a lovely land access person and things are looking rosy, there should be no requirement to opt out. We need that control for future references.

CHAIR: Would you table that, Bruce, and give that to us?

Mr Uebergang: I can. It is basic.

CHAIR: As long as it is not going to crucify you. I do not want to crucify you.

Mr : No. As I said, I am demonstrating my credibility of being, I guess, a CSG supporter. I believe it is an industry, but what I am saying is that already I can show clear examples where even now the companies are not behaving—

CHAIR: They are pushing the boundaries virtually, aren't they?

Mr Uebergang: They are, Ian. I would like to just share two brief points. Queensland Gas did have three unsuccessful bores on my property. It took me 29 meetings and 2½ years and the threat of exclusion to get them to rehabilitate those bores. My point is that the industry is young. I really believe that in 10 to 15 years time there is going to be another inquiry here about how this happened. It is like we have left the back door open. What is happening is very quiet and very subtle, because people are operating under confidentiality agreements. My point is that your committee has a very big job in terms of just helping to keep this industry on line. My second example is I have an Origin well, which is a very well, consultative well that farmers are happy with. This is a Queensland Gas well that can be seen for over two kilometres. The EIS states that they must abide by visual amenity. I have been negotiating with them for a long time about, 'Let's do this better.' They have gone completely to a process of noncooperation. We are talking about people's farms that they are proud of. I am sure you have heard here today the anguish in people's voices about the seriousness of this.

CHAIR: With that management there, what are you trying to get them to do? Get them to plant some trees or some vegetation around it or something like that? Is that what you are trying to do?

Mr Uebergang: Yes. Do we want 20,000 bright yellow wells across Queensland?

CHAIR: That is what I am saying. But what are you—

Mr Uebergang: I am saying let us just paint the thing green. Origin has already done that. I said, 'Let's just do that. It's easy. It's cheap.' They have said, 'No, we think they should be yellow.' I have been to every possible point through every issue—

CHAIR: So this has not even been trying to vegetate around it or something like that?

Mr Uebergang: No, because in a high-intensity farming area you cannot. It is just really impossible. This is our Queensland. Let us do it properly. I have a question for the committee, and with apologies I have come to this process late, as I think you will find most farmers have because being involved in the process requires so many submissions and, to be honest, it is just about late. I am almost suggesting that we need to have another inquiry to really look at not what is happening in Parliament House in George Street but what is actually happening in the areas, because I do think there is more to be discovered before this legislation is formed.

Finally, before I make my closing statement, I was talking to a landholder last night before I was aware of this 200 metre buffer zone. He has a gas well 500 metres away. In fact, he is going to have gas wells on every side of his farm. He says that even now he is being kept awake at night. I have heard this and I think, 'That's just somebody complaining' but these are real people. They really are affected by the laws that you put together.

In my closing statement, I would just read a paragraph that I discovered in somebody else's submission, because it summarises the way that I feel—

In the first reading speech of 5 June 2014, the Hon. Mr Cripps states it is the goal of this bill to optimise development and use of Queensland's mineral and energy resources and to manage overlapping coal and petroleum authorities for coal seam gas. After reviewing the bill, I cannot help come to the conclusion that the achievement of this goal has come at the expense of not only landholders but all Queensland citizens. If minerals are supposedly a common resource held by the Crown, why are the interests of the common being ignored and silenced by the bill? It is abundantly clear that these industry developed reforms—page 2 of the explanatory notes to this bill—place the interests of the industry before the interests Queensland citizens. I urge the committee to address the imbalance and not only acknowledge but actively consider and apply the interests of the citizens for whom the common resource is held rather than ignore and silence them as is proposed by this bill.

I thank you for your time today.

CHAIR: Okay. We will get you to table that. I presume we will table the agreement with QGC?

Mr Uebergang: Yes. Can I catch up in a minute with that one?

CHAIR: All right. Thanks very much for that, Bruce. Would anyone else from the floor like to come up to the front and say a few words?

KEYS, Mr Cowan, Private capacity

Mr Keys: Thank you, committee, for letting me come up. I am in the Wandoan district. I have had experience with Xstrata, bad; QGC, bad. We have a CCA with QGC and we had an example a week after they started work on our place. During the negotiations we asked them about gravel. They kept saying, 'We do not want gravel.' For 18 months that went on—'We don't want gravel. We do not live on these properties.' We went down to visit. We were talking to one of the truck drivers and he happened to mention 'gravel pit'. They were stealing gravel off us. The minute we pulled them up, they took it all back and put it in the hole. Fair enough. But they try you out.

I notice a lot of people have gone. I presume they are probably all farmers. They have to go home and work. We do not have time to read all of this gobbledegook of thousands of pages that you put out. I would like to know the definition of 'frivolous, vexatious claims'. I went to court with George Houen and a couple of other people against Xstrata to try to get decent compensation. I know at the same time Friends of the Earth were there, too. The mining companies probably claimed that as a frivolous claim, but it was all in together at the same court hearing and everything. So it was not a big cost against Xstrata. They BS a lot, these multinational companies, and we hardly get a hearing. Thank you for hearing us.

CHAIR: No, not a problem. Anyone else? Come up the front, please.

RICH, Mr Barry, Wandoan, Private capacity

Mr Rich: I am very concerned about the talk of removal of the right of objection for neighbours and the communities. In summary, we had a case in the Land Court against Xstrata as well, but we were actually a neighbour. Our residence was 300 metres from the nearest mine pit, which was three kilometres by two kilometres and there was another one the same size very close by as well. The resource company did an extensive EIS—18,000 pages—which we all had to trawl through. That EIS showed up some extreme exceedences for the impacts, often 10 times the maximum EPA level, and in some cases for about 150 out of 365 days of the year. I corresponded with the Coordinator-General at the time on a number of occasions pointing this out. However, the government departments granted the draft EA for this project and did not mitigate these impacts. They were still way in excess of the EPA maximum limits.

As I said, we are a neighbour. If neighbours are not allowed to object, you can get stuck with this; you have nowhere to go. We objected to the Land Court. The Land Court struck out the two mine pits closest to us—that is two of 15 mine pits of what would have been the largest coalmine in the Southern Hemisphere. That just goes to show who got it right and who got it wrong. The company with their EIS obviously got it wrong. The government departments with their expertise got it wrong. The Coordinator-General got it wrong. But at the end of the day, we got some justice, because we had the independence of the Land Court and we had the right to object. So without that, we would have got nowhere. That is all I have to say.

CHAIR: Thank you very much. Anyone else?

BEUTEL, Mr Glen, Private capacity

Mr Beutel: I live at Acland. I have been a resident there all of my life. I would like to thank Mr Glen Martin for referencing my situation in that, currently, all of my land is within 100 metres of a dwelling and classed as restricted land. As I understand it, the new situation will mean that I will not have a say in what happens and my current rights will be removed. With surface mining, or open-cut mining, my restricted land status will be extinguished on the granting of a mining lease.

I fear that with the closely settled communities of the Darling Downs and other regions of land that is affected by this currently and in the future, a lot of people will be affected by this change. Locally, the fabric of the Darling Downs will potentially be affected like the fabric of Acland and its nearest bigger town, Oakey. Should what has happened at Acland and Oakey be expanded to all of the Darling Downs, I could foresee a complete disaster.

Taking into consideration all of the comments made today about these issues, I think it could all be looked at under the umbrella of the definition of the Environmental Protection Act 1994, which is defined as—

(a) ecosystems and their constituent parts, including people and communities; and

(b) all natural and physical resources; and

(c) the qualities and characteristics of locations, places and areas, however large or small, that contribute to their biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony and sense of community; and

(d) the social, economic, aesthetic and cultural conditions that affect, or are affected by, things mentioned in paragraphs (a) to (c).

I think the committee and the parliament should consider how these changes interact with this environment as defined under the act. I think the comments today have highlighted how the environment does not end at the boundary of the mineral lease, or a mining lease, or a coal seam gas group of wells. A mine at Acland is in the headwaters of the Murray-Darling system. People who resource their water all along between Acland and Adelaide may well be affected by a mining operation at Acland. During my time at Acland and this mining lease application I have become very much aware that communities do not end at a mining lease boundary and I am very thankful and aware of the input of that extended community in my situation. So thank you for hearing me.

CHAIR: Thanks very much, Glen. Bernadette, we might get you to come forward to respond to a couple of queries.

BEARE, Mr Geoff, Director, Director, Business Strategy and Performance, Department of Natural Resources and Mines

DITCHFIELD, Ms Bernadette, Executive Director, Lands and Mines Policy, Department of Natural Resources and Mines

NICHOLS, Ms Elisa, Executive Director, Reform and Innovation, Department of Natural Resources and Mines

CHAIR: There has been a lot of comment about the erosion of democracy and public rights. What is the department's feeling on that?

Ms Ditchfield: The department's view is that there is a balance in the policy decision making. Whilst we have heard a lot of views today, it is the government's role to provide a balanced approach. It is balancing the resource sector with landholder rights. So in that situation, through this bill, we have attempted to provide that balance.

CHAIR: It appears that the landholders are losing some rights under the Mineral Resources Act, though, which is going back more to the environmental acts. Do you feel that that is what has happened with the major mines—not so much the small mines, which, you have said, are probably a lesser issue? But with the major mines, is that happening?

Ms Ditchfield: Is this in relation to objection notifications?

CHAIR: Yes.

Ms Nichols: The situation is that the objection rights for mining leases is considerably more narrow than under the current framework under the bill, yes.

Ms TRAD: Can I just ask, because I think it is important to just clarify for people—and Ms Ditchfield, we have had this conversation at the Brisbane hearing.

Ms Ditchfield: Sure.

Ms TRAD: It is a policy intent of government to restrict the objection rights. It is not that the department has found a policy imperative to constrict the objection rights. Is that a correct statement, or a fair statement?

Ms Ditchfield: The government's policy objective is doing a legislative review process of all of its legislation to look at where there is duplication of process, to look at red tape reduction and to drive efficiencies as best we can for both industry and for landholders. So in that process, we have undertaken a review of the mineral resources legislation and there was a clear duplication of process with the environmental authority and that is where we have come at it from that red tape reduction, trying to make a streamlined approach.

Ms TRAD: But Ms Ditchfield, we have heard from submitters today that the objections under the Mineral Resources Act and the provisions under the Environmental Protection Act in relation to having a say in environmental impact statements are completely different. So how is that a duplication? How are we driving efficiencies when the intent of this bill is to considerably restrict or extinguish objection rights for communities and landowners? It is not a duplication.

Ms Nichols: I can comment on that. We did have a look at the types of objections that were received in the past five years. The majority of concerns were around environmental issues. Therefore, on balance, it was considered that that was the area of most concern to the community at the time. Today we have heard a different story, so that is a matter for you as the committee to consider.

Ms TRAD: In terms of the objections that you looked at, were they objections under the Environmental Protection Act or under both pieces of legislation?

Ms Nichols: The way the system works, we have forms for objections and they actually pretty much do both because the notification happens at the same time. The objections tend to be a bit mixed in together. That is how we have done it.

Ms TRAD: Did you look at the forms in terms of the objections or did you look at actual cases before the Land—

Ms Nichols: Yes.

Ms TRAD: So you looked at both?

Ms Nichols: Yes.

Ms TRAD: Were the concerns expressed in the Land and Environment Court the same issues or objections that were on the forms that were submitted as part of the EIS process?

Ms Nichols: No. There often are objections across both suites of legislation.

Ms TRAD: Yes. I guess I get back to the point that I just made and the point that has been raised over and over again today, which is that these are two distinct opportunities for people to object on different matters, on different grounds, and to say that they are a duplication I think is misleading and people are feeling deeply concerned about that.

CHAIR: There was a lot concern raised in this room about neighbours, whether you be 300 metres away or 500 metres away or three kilometres away. Have we lessened the legislation where neighbours are affected by major coal mines or major mining operations?

Mr Beare: I think there is some confusion about the changes that have been put in place for restricted land and separation of distances that might apply to lessen the effect of a development on a neighbour. Restricted land is 200 metres, whereas the conditions under an environmental authority will assess what distance needs to be applied to achieve the outcomes in the legislation at a particular point. It could be more or less than 200 metres to achieve that specific outcome in the legislation.

Ms TRAD: And that would be subjected to negotiations between the landowner and the resource company; is that right?

Mr Beare: Elisa can probably answer that. There is a performance outcome in the legislation that has to be met.

Ms Nichols: Not necessarily negotiations, but it is actually about looking at the impact assessment. For example, dust has been raised a fair bit. We actually look at where the sensitive receptors are, what the prevailing winds are—all of those sorts of things—to work out what are the appropriate conditions for a particular site. One of the submitters mentioned that they can be different from site to site, and that is as it should be for a site-specific mine.

CHAIR: Thank you very much.

Mr Erbacher: My properties are in a mining lease application area of Xstrata at Wandoan. The legal process has been finalised and compensation has been determined. There is a lot of confusion for a layperson between an objection to a mining lease and an objection to an environmental authority. Objections to a mining lease are physical things: size and shape. One-third of the Wandoan coal project is for actual mining. The rest was originally as an environmental buffer and, when that was not legally acceptable, they changed to a fly-rock exclusion zone, yet the Land Court allowed it. We objected to that and, of course, our objection was not accepted. You have neighbours' objections, of course, under the mining lease for the closing of roads and stuff like that. A neighbour outside a mining lease is not entitled to compensation under the act. They have to go to the court to say that their house, 300 metres from a mining lease boundary, is going to be affected. The only way they can do that is to try to get the mining lease rejected. They have no recourse for compensation under the Mineral Resources Act and they still will not under the new act. They have to have the right to object. With objections to the environmental authority, everyone should do that. They are to do with noise, dust, light, damage to rivers and all that sort of stuff.

I think we are getting laws drawn up by people in glasshouses who do not understand what is happening on the ground. These are real issues. We can see the damage that is going to happen. We can see that the coal seam gas industry is a disaster waiting to happen. Twenty years down the track, we are going to have to fix all this stuff up. We have to have the process where we go through the EIS and in my submission I said that we have to be able to object to the Coordinator-General's conditions if they do not reflect the evidence in the EIS. Under the present system, you cannot object to a condition in the Coordinator-General's report, even though they are contrary to what the EIS says. There is a lot wrong. The Mineral Resources Act is flawed because all the decisions are based on precedents and some of those precedents are wrong, but there is no recourse to go back. It has to be done all over, virtually.

CHAIR: Thank you very much.

Mr Keys: This is bringing mining and gas together. I do not know whether or not you know it, but the gas drillers can actually drill holes at an angle, so they do not need to be very close to a house to get the gas from under a house. They do not. This is flawed. It really is. What about the water pipes that go to our troughs to water our cattle? That is not included in the restricted area. They can just get ripped up and I have to walk my cattle 10 miles to water, instead of half a mile.

CHAIR: Thank you very much. Ladies and gentlemen, that concludes the public hearing on the Mining and Energy Resources (Common Provisions) Bill. We thank you for meeting with us today. We especially thank all the speakers. We appreciate that some of you have travelled a distance to be here today. I also thank the officers from the Department of Natural Resources and Mines for their assistance. The draft transcript of the meeting will be available on our website as soon as it is completed by the Hansard reporters. Thank you very much, ladies and gentlemen.

Subcommittee adjourned at 2.47 pm