AGRICULTURE, RESOURCES AND ENVIRONMENT SUBCOMMITTEE

Members present:

Mr IP Rickuss MP (Chair)
Mr JN Costigan MP
Mr SV Cox MP
Mr S Knuth MP
Ms MA Maddern MP
Ms J Trad MP
Mr MJ Trout 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

WEDNESDAY, 20 AUGUST 2014

Mackay

WEDNESDAY, 20 AUGUST 2014

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Subcommittee met at 9.01 am

CHAIR: I declare this meeting of the Agriculture, Resources and Environment Committee open. I would like to acknowledge the traditional owners of the land on which this meeting is taking place today. I am Ian Rickuss, the member for Lockyer and chair of the committee. Also here today is my good friend Jason Costigan, the member for Whitsunday. Today's hearing will be conducted by a subcommittee of the full committee.

Please note that these proceedings are being transcribed by our parliamentary reporters. A copy of hearing 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 the examination of the Mineral and Energy Resources (Common Provisions) Bill 2014. The bill was introduced by the Hon. Andrew Cripps MP and subsequently referred to the committee on 5 June with a reporting date of 5 September 2014. The committee's 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.

This morning, officers of the Department of Natural Resources and Mines will provide a brief introduction on the key aspects of the bill. We will then hear from submitters about their concerns with the bill. We will have a short break at 10.30 am. Time permitting, we will have some time at the end for everyone to join in the discussion or to take questions from the floor.

Before we commence, I would like to welcome Bruce and Annette Currie landholders from Jericho, Jennifer Jude from the North Queensland Land Council Cairns, Katie-Anne Mulder and Andrew Barger from QRC and Peter Anderson who are listening via teleconference.

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 welcome the representatives from the department. Ms Ditchfield, you can now begin.

Ms Ditchfield: Good morning, committee chair and members. 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 of objection reforms in the bill. I propose to focus on the key aspects of the bill that have attracted the majority of public submissions.

Firstly, I would like to focus on the part of the bill that delivers the first stage of the Modernising Queensland Resource 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 legislation inefficient and costly for government and industry to administer.

The 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 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.

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 independent chair Mr David Watson, 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 review panel held interviews across the state, including in Mount Isa, Townsville, Moranbah, Emerald, Roma, Dalby and Brisbane. The panel made 12 recommendations to address the issues that have been identified, as well as detailing the optimal process and steps involved in successful land access negotiations.

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 balance between the interests of the landholder and the resources sector in negotiating land access and compensation arrangements. The amendments in the bill will allow: expanding the jurisdiction of the Land Court to hear matters and make determinations relating to conduct, not just compensation; a resource authority holder 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 specifically focus on the introduction of opt-out agreements. Submitters to the committee have expressed concerns that the mining companies will coerce landholders into entering into a conduct and compensation agreement. The department is committed to implementing the Land Access Implementation Committee 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 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 the opt-out agreement has the right to do so; the resource authority holder has informed the landholder that they have a right to negotiate a compensation agreement 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 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 business day cooling-off period applies from the signing of the written agreement.

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 resources 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 for low- or no-impact activities within 600 metres of an occupied residence or school. This does not cover neighbouring landholders.

This 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 do mean that a landholder will 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 activity. The intent of the restricted land framework is to provide certainty for landholders near their homes and other critical infrastructure.

There are exemptions that will 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. Rather, in such situations, restricted land would be extinguished and the landholder would be compensated not only for the loss of the 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 disadvantage that may result to the owner or occupier of the area of restricted land prior to any decision.

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 Queensland. This new framework will provide increased certainty for the grant of production tenures in circumstances where overlapping tenure occurs. 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 in the development of this new framework.

As I stated, I would like to ask Elisa Nichols to talk in more detail about the amendments to notifications and objections.

Ms Nichols: The bill also proposes amendments to public notification and objection rights to mining leases. I stress that this is mining leases only and not other tenure types. The changes are designed so that all major mines continue to be notified at least once and there is broad public communication and consultation rights on all major mines. Under the Mineral Resources Act, the changes will mean that notification of the tenure application will now only be to the directly affected landholders, infrastructure providers and the local government in which the mine is proposed to be undertaken. Under the Environmental Protection Act, there will be broad public notification on what we call site-specific mines, which I will explain a little bit more about in a minute. Mines that are subject to standard conditions will no longer be publicly notified. This is 90 per cent of mines, in terms of numbers. However, the top 10 per cent—the largest mines—actually cover between 80 and 90 per cent of the total surface area of mining in Queensland, so it is still the largest disturbances that are very much subject to a public process.

I will just explain a little bit more about what a standard mine is. It used to be called level 2 mining, and a lot of people know that terminology. It changed in 2013 to standard applications. There is a set of what we call eligibility criteria which filter what can be a standard application. For example, only certain types of mining can be standard—that is, alluvial mining, clay pit, dimension stone, hard rock mining, opal mining and shallow pit mining, so not coalmining, not major metal mines, not uranium mining.

CHAIR: So that would be a small opal mine or something along those lines?

Ms Nichols: That is exactly right. Additionally, there is a size limitation. The whole area of the mine site cannot be greater than 10 hectares—that includes all of the access roads and associated infrastructure—but the actual act of mine workings cannot be greater than five hectares and no more than 20 staff on the site. In reality, the vast majority of these mines are much, much smaller. In addition, standard mines are restricted from operating in or within the buffers of environmentally sensitive areas. This includes protected areas such as national parks and marine parks, areas subject to international conventions like the World Heritage convention, strategic environmental areas under the Regional Planning Interests Act, the Great Barrier Reef region and regionally endangered ecosystems.

Standard applications are subject to a range of standard conditions that manage the environmental risks. Because they are small mines, the environmental risks are well understood and can be managed to a set of standard conditions—for example, there cannot be an unreasonable release of noise or dust, so that is on the property itself and across the boundaries of the property; disturbance of vegetation must be minimised; and overburden, topsoil and waste rock must be managed carefully. The full list of conditions is currently found under a code of environmental compliance for mining lease projects available on the EHP web site. This code has been operational since 2000, as have the eligibility criteria that filter these. So the department is well versed in the operation of these mines under this code.

Despite that, we are looking at reviewing the standard conditions and the eligibility criteria for these small mines. That will have to be done under the legislation by March 2016, so we will be commencing a process early next year to undertake that review. That involves public consultation on what is in fact classed as a standard mine, so there will be an opportunity for the public to be involved in that. So even though there will not be public notification rights on those sorts of standard mines, there will be an opportunity there to look at how these mines are managed. I will also add that we did have a review in the last five years of objections for these standard applications, and there were no objections received from the general public in the last five years on these smaller mine types—only by affected landholders. Affected landholders will still be notified under the tenure framework and will still have objection rights under that framework.

To aid the committee to understand the changes, because there is a lot of technicality associated with them, I would like to table two flow charts. One is a flow chart that indicates the current arrangements between the Mineral Resources Act and the Environmental Protection Act, called figure 1, option A current requirements. The second is the proposed arrangements under this bill, called figure 3, proposed model accounting for consultation included in the MER(CP) Bill. That is all I have unless there are any questions.

CHAIR: Thank you very much. So what you are saying is that there have been no objections to the small standard mines, which are the five-hectare mines, in the last five years. Is that right?

Ms Nichols: From the general public. There has been from landholders who are directly affected by the mine, and they will continue to have those objection rights.

CHAIR: Thank you very much.

BARGER, Mr Andrew, Director, Resources Policy, Queensland Resources Council

EULER, Mr Josh, Manager, Corporate Affairs, Queensland Resources Council

MULDER, Ms Katie-Anne, Resources Policy Advisor, Queensland Resources Council

CHAIR: Welcome. Would you like to make a statement?

Mr Euler: I am the manager of corporate affairs for GVK Hancock, and I have on the phone line Andrew Barger and Katie-Anne Mulder from QRC. Chair and committee members, thank you for the opportunity to provide comments on the legislative amendments outlined in the Minerals and Energy Resources (Common Provisions) Bill 2014. I watched with interest recently the verbal submissions to this inquiry from the QRC and the EDO on 6 August and was more than happy to attend today to give you a firsthand account of the litigious challenges that face the development of projects such as ours and really to support the QRC's statements. To that end, I would like to comment specifically in relation to the notifications and objections appeals amendments, bearing in mind that some matters are before courts which will limit my comments to those that are on the public record. If there are questions outside of that, QRC is here to support and talk in relation to the views of the broader mining community.

Let me start by explaining the projects we are seeking to develop in the Galilee Basin and what the Galilee Basin means to Central Queensland and Queensland more broadly. The mining industry and, indeed, Central Queensland have been well aware of the vast potential of the resources contained within the Galilee Basin for decades. Our projects in the Galilee Basin include the Alpha, Alpha West and Kevin's Corner coal projects, which combined will create around 7,000 jobs during the three-year construction and just under 4,000 operational jobs for the 30-plus years of operations. In total, our projects represent a creation of over 20,000 direct and indirect jobs at a time when Central Queensland is doing it tough. Over and above this, our projects represent over $40 billion in taxes and royalties to the state and federal governments. To date, we have met every environmental regulatory requirement that has been asked of us. In fact, we have invested tens of millions of dollars on one of the most extensive environmental assessments for our projects. As an example, our assessments have delivered one of the most comprehensive hydro-geological groundwater models developed in that local area.

Unfortunately, there has been a lot of misinformation spread about our projects recently. One of those topics of misinformation pertains to the viability of our projects. It is important to understand that our projects and, indeed, the greenfield Galilee Basin is not like other existing basins. Our coal assets are large, flat and shallow with a soft overburden. This allows for large-scale mining techniques, which means our projects are relatively immune to cyclical coal prices. The medium- to long-term prospects of coal demand remain strong and this will create a global supply shortfall in the coming years, with our coal assets uniquely positioned to deliver new supply. However, even in the current market conditions our Galilee Basin coal assets are differentiated from other mines due to their projected low production costs, globally sought after coal quality, advanced stage of approvals, advanced stage of construction readiness and access to proposed viable transport solutions connecting our assets to export markets. We are continuing to take our projects to a point where construction can commence and we would not be doing that if we thought the projects were not viable. It is important to note that, irrespective of whether or not the Galilee Basin is developed, global thermal coal demand will continue. As such, the higher quality coal from our Galilee Basin coal deposits pose an ability to actually lower emissions from global coal fired power generation due to their low sulphur and low ash content.

More importantly, and from a community perspective, it is important to understand that our projects are not about coal. From a community perspective, they are not about coalmining; they are not even about mining for that matter. Our projects represent one of the most significant pieces of regional and economic development our state has seen for decades. Beyond the jobs, beyond the taxes, beyond the royalties that our projects will create, the development of our projects will create an opportunity that Central Queensland has not seen for decades. The opportunity that is before us with the development of the Galilee Basin is the ability to boost Central Queensland's economy. The real question that we should be focusing our attention on is: how do we as a community use this economic boost to create other industries, and not just short-term industries but long-term industries that outlive the proposed mines in the Galilee Basin? How do we use the economic boost that the Galilee Basin will provide to create industries that will last for generations?

The development of the Galilee Basin provides us with an opportunity to ensure the region does not decline, but flourishes. As a mining company, we cannot do that on our own. We need the support of all levels of government to achieve such an outcome. This is the true opportunity that the Galilee Basin represents and the amendments outlined in this bill streamline the approvals process and take Queensland closer to creating projects such as ours, which create and promote regional and economic development. The final steps facing our project involve finalising our approvals and the litigious challenges they face, before finalising coal offtake agreements and financing arrangements, with each step requiring certainty before we take the next step.

I am often asked, 'When is the project going to start?', as there is a vast amount of support for the regional and economic development that they represent. It is clear that our project has been delayed. In the past we have made commitments on timing, but recently I explained to local communities that litigious and other delays are preventing us from providing them with a timeline of certainty. A key element of this uncertainty is that we are receiving numerous litigious challenges by a small minority of activist groups opposed to mining, as per the playbook of the *Stopping Australia Coal Export Boom*, which I understand was tabled recently, which has a specific goal of disrupting and delaying projects such as ours, along with the significant regional and economic development they represent. If the *Stopping the Australian Coal Export Boom* document continues to play out as it clearly is, we are facing the prospect of more litigious delays to our projects and the associated infrastructure.

I will go through some of the legal cases that have occurred and are currently in play. In February 2013, we received objections to our lead project, the Alpha Coal Project, which led to the project being taken to the Land Court. This process involved activist groups opposed to mining, including the Mackay Conservation Group, the Coast and Country Association of Queensland, which is widely known as being affiliated with the efforts of *Stopping the Australian Coal Export Boom*, as well as someone from over 1500 kilometres away in another state. After 14 months, on 8 April the Land Court provided its recommendations and clearly confirmed that our comprehensive environmental assessments undertaken as part of the environmental impact statement and the supplementary environmental impact statement, addressed all the obligations raised with no requirement for further conditions apart from groundwater. These groundwater recommendations did not raise any new environmental obligations under the project's existing environmental approvals. Following on from this potential resolution, on 6 May 2014, the Coast and Country Association filed an application in the Supreme Court for a statutory order of review of the Land Court's decision. Despite us spending several million dollars on legal fees and expert witness reports and believing that the matter had been resolved, the matter is now due to go back to court and be heard in the Supreme Court in October 2014. It is uncertain as to how long it will take for the Supreme Court to make a decision on whether to send the matter back to the Land Court and then how long that process will take.

In late 2013, the Coast and Country Association of Queensland, the Mackay Conservation Group and the North Queensland Conservation Council also filed objections to our Kevin's Corner project. We are currently finalising negotiations with landholders for make-good agreements in relation to this, but have no way of negotiating with activist groups to prevent their court action, as their only goal appears to be putting an end to coalmining in Australia.

We do support the actions of the government to streamline the approvals process with the proposed amendments to allow project developers to attain certainty. However, in the federal arena we face more legal challenges. If I could briefly indulge the committee, as these add context: it is important to note that, in line with the *Stopping the Australian Coal Export Boom* document, there are two other legal challenges in the federal arena from the Mackay Conservation Group and the North Queensland Conservation Council that are delaying a key piece of infrastructure required for the development of the Galilee Basin and the expansion of the existing Abbot Point Port. Again it is hard to tell if these will be appealed in the same way that the Land Court action is being appealed, but the *Stopping the Australian Coal Export Boom* document indicates that it very well will be. Despite attaining approvals from federal and state governments, as well as the Great Barrier Reef Marine Park Authority, the focus on stopping one of the most significant pieces of regional and economic development our state has seen for decades is well in motion. Make no mistake about it: this focus of stopping the projects is not an amateur focus. This is a campaign that is run by professionals and by professional PR companies and it is funded by major international Green activist groups. The litigious and PR campaigns that are being run against our projects disregard the very principles of our government structure and are distorting the facts to the point of happily destroying the reputation of one of our national treasures, the Great Barrier Reef. Despite all the

rhetoric, the expansion of the Abbot Point Port will not impact the outstanding universal value of the Great Barrier Reef. It is clear that no government would ever allow that to happen. Yet the campaign is treating the reef's reputation as a plaything, all for their own fundraising.

Committee members, I hope you can see in this brief overview that, despite investing tens of millions of dollars on some of the most comprehensive environmental assessments and abiding by every regulatory obligation that has been asked of us, the litigious delays that are being caused to our project are real and are impacting the certainty that we require to move forward. Any amendments to streamline the assessments and approvals process should and clearly are supported by the mining industry and, for that matter, should be by anyone in regional Queensland who wants regional and economic development to commence.

CHAIR: Does anyone on the phone want to comment?

Mr Currie: I think my comments will be covered in my submission, thank you.

CHAIR: Josh, I would like to ask you a couple of questions. Do you own land at Alpha? Do you own some of the resource sites?

Mr Euler: We do own some of the land. I think it is important to understand a little bit of background in the context of that. If you look at our mine site and the properties around our mine site, you can call it a buffer zone, per se. It incorporates around 15 properties and we have compensation agreements, contractual arrangements, provisions and make-good agreements wrapped up within all 15 of those properties, so we have 100 per cent agreement with those 15 properties. If you were to take a radius of about 20 kilometres around our mine site, it would incorporate in total around 40 properties. Within that space, there were five landholders who did object: two were negotiated with and three we went to the Land Court with. Two we have an open dialogue with and hope to resolve make-good agreements in the not-too-distant future.

CHAIR: The Coordinator-General called in the rail line access. Is that now approved?

Mr Euler: There is a state development area over the top of that. We have been negotiating with landholders for some time along that. We have paused negotiations in order to finalise our joint venture agreement with Aurizon. To date we have around 75 per cent agreement in contracts and compensation agreements with landholders.

CHAIR: You mentioned the Abbot Point loading terminal. Are you involved in the construction of that or is that another group altogether?

Mr Euler: It is probably important to note that in March 2013 we commenced a joint venture with Aurizon and signed a nonbinding term sheet. We are in the process of finalising that joint venture, which will result in Aurizon having 51 per cent of the rail and port and us having 49 per cent. We are involved.

CHAIR: With your notification about objections and those sorts of things, who do you feel should reasonably be able to object to your type of proposals? You mentioned a few groups that you felt were being litigious. What groups do you feel should be allowed to object: landholders, the people of Alpha, the people of Jericho? Who do you feel should be able to object?

Mr Euler: I have been involved with EIS processes for some time in a professional capacity. It is really important to understand how an EIS process works. Within the EIS process, people are allowed to provide comment and there is a whole range of community engagement that is undertaken that makes it quite clear to everyone what the potential impacts are. All of that community input is provided into a report that is handed in to government to make that decision. Under the current proposal, I understand that that will not change. In fact, our focus is always on dealing with landholders and not having to go through a court process beyond the EIS. We are here to support what the QRC stated very clearly throughout its verbal submission. I do not think that what is being changed or what is being proposed will actually change people's ability to comment at all. All it will do is streamline the process.

Mr COSTIGAN: Good morning, Mr Euler. Welcome to the city that I represent in the parliament and good morning to all our visitors. Coming back to some of your earlier comments, you quantified the holdup, as I would call it, of 14 months. What sort of a message do you think that sends to people who are interested in investing in Queensland, and specifically in the resources sector and, in your company's case, the Galilee Basin, or any basin for that matter?

Mr Euler: There was a reason that I went through the detail of what the Galilee Basin means from a community perspective, because it is very important to understand just how large this piece of regional economic development actually is. When you have a look at the approvals process, we are here to support it, because it is worthwhile supporting streamlining the approvals process.

To put it in a little bit of context, we submitted our application for our Mining Lease in 2009. Here we are in 2014 and it is not going to end for some time yet. So there is quite a delay in that whole approvals process. I think it is quite clear from the Stopping Australian Coal Export Boom document that the focus of a small minority of activist groups is to disrupt and delay regional development and economic development in this state.

Mr COSTIGAN: We acknowledge our local people here today. So you would include the Mackay Conservation Group in that band of organisations?

Mr Euler: I think it is very clear in terms of what is happening with our project and in terms of what is happening from the activist groups broadly, it is quite detailed and quite outlined in terms of stopping large projects like this and, unfortunately, the significant regional economic development that goes along with that, which is quite disappointing to Central Queensland.

CHAIR: I have just one last question. Do you think that there could be changes to the way that the Land Court reviews and handles these objections and litigious complaints—maybe without prejudice mediation or something like that? Do you think that would be of any asset?

Mr Euler: Our focus as a company is always to deal with landholders directly and to negotiate with landholders. I think that is clear in the fact that we have 15 properties around our mining lease that we have agreement with. Given that we have matters before the Land Court, I do not wish to add too much in the Land Court space. I think what has been outlined in the QRC's submission is relevant and I would refer you to that.

CHAIR: Thank you very much for your comments and we will move on now to the Mackay Conservation Group.

JULIEN, Ms Patricia, Research Analyst, Mackay Conservation Group

CHAIR: Would you like to make a brief opening statement?

Ms Julien: I used to be the coordinator for the Mackay Conservation Group. I am now partially retired and I am the research analyst for the group. We are a very small group. We have been involved in regional matters that cover from the Whitsundays, to Broadsound, to Clermont and, since the mining boom, because of desperate calls from landowners, we have been involved as far as Longreach providing information on government policies, government regulations—those kinds of things—and what options landowners might have against a very powerful, very influential politically, mining industry. To that end, I have worked often seven days a week in a very small capacity—I was just part-time—and I was on a very small expenses staffing stipend for many years to try to get some public interest issues dealt with before the public.

One of the things six years ago was with the then state Queensland infrastructure minister. I requested that strategic planning be done especially for groundwater issues, because the water resources planning for the Burdekin had very little information available in it on the Belyando River Basin, which is the basin which will be dramatically impacted by these very immense, largest-in-the-world coalmines that are proposed for the region. We asked both the federal government and the state government for a strategic plan so that these matters could be addressed so that any mining could be done in a sensible manner and provide less heartache for companies like GDP Hancock, but it never happened. It became very clear to us that we would need a louder voice on the world stage, the national stage and the state stage in order to have these matters addressed.

I will address some of the issues that were brought forward by the previous speaker on this matter and I think make it a bit clearer as to why we are involved in these matters. We believe deeply that these issues are very important. Ninety-five per cent of the Burdekin Basin and 85 per cent of the Fitzroy Basin are covered with coalmining permits and they are overlaid almost cheek to jowl by the petroleum exploration permits. If this bill goes through, that is going to be a very big impost on those landowners. They are going to have to be dealing with multiple applicants on their properties and I think that is something that has forced the creation of this bill.

So public interest is a big issue for us. What kind of voice are those landowners going to have? From what we can see, it is just the right to some compensation if they can prove there is some damage. That is not good enough. That is a situation of great inequity. Public interest, remember, does not just talk about short-term economic development; it talks about long-term environmental, social and economic development.

The mines themselves that have been proposed now will bring in only as much money in royalties and taxes as the agricultural industry would in that region over 100 years. After 100 years you still have an agricultural industry; you do not have a mining industry. All you have are large voids left on the landscape and they are not going to be required to address those large voids if they are leaving. There will be some minor remediation, but long term we face impacts on the reef. We have heard Greg Hunt say, 'Oh, the reef is 500 kilometres away.' If you are a geomorphologist and you have a few thousand years, the reef is not so far away from those mining areas. So we have to think long term on this. That is really why I am here today.

There are specific things in the bill that I would like to table and I would also like to table the work that EDO did as well as the submission that I put in earlier. I think the main things that I want people to realise is that, in terms of the best interests of regional planning in the region, our interests do not lie with mining, given that we are facing serious climate change impacts that will be directly attributed to the greenhouse gases that come off these mines. They are the main points that I want to make. Are there any questions?

CHAIR: Yes, I have a couple of questions. Thank you for presenting, of course. It is nice to get your point of view. The Belyando watertables that you asked to be categorised, when was that?

Ms Julien: That was when Stirling Hinchliffe was the minister. I think it was around 2006. I will have to check on the date.

CHAIR: Yes. It was probably a bit later than that.

Ms Julien: It was quite a long time ago.

CHAIR: It was roughly the same time for the federal government, too, or was it a bit later?

Ms Julien: Yes, about the same time. The Queensland Conservation Council, Toby Hutcheon and I—he is the CEO there—we both put in a submission to the federal government asking for those things to be addressed.

CHAIR: Okay. The exploration permits for coalmining and petroleum gas, I must admit that I have looked at a map of Queensland and virtually the whole of Queensland is covered—

Ms Julien: Eight-five per cent of Queensland is covered by mining exploration permits.

CHAIR: That is right. Currently, six per cent is national park. So virtually the whole of Queensland.

Ms Julien: Yes.

CHAIR: But a lot of them are carpetbaggers who are trying to making a quid out of selling a permit.

Ms Julien: I think there are some big flippers, too, out there.

CHAIR: Yes, there are some big ones there.

Ms Julien: I have seen a few.

CHAIR: But a lot of it is just a pure investment strategy.

Ms Julien: Of course, and maybe they will never come to fruition. Maybe they will not. But then what we are facing now is a massive, initially, 18,000 square kilometres of state development area just plonked on top of people between the Galilee Basin and Abbot Point for railway infrastructure. That has been brought down a little bit, thank God, but I would have to point out—

CHAIR: Quite a lot, I think.

Ms Julien: Quite a lot, but when you have a state development area declared over your property, no-one else is interested in buying it. You have all the uncertainty of what is going to happen. Those people have been going through tremendous emotional stress over the last few years since these things have come into place and they have realised, 'Goodness, I may lose my whole livelihood here.' Some of those people will lose their livelihoods. There is no study on the future of agriculture in that area and how it has been affected. There are no studies on agriculture in the Galilee Basin as well. So we could be losing something that is bringing in just under $0.6 billion—I cannot be sure of those figures; it is under $1 billion but it is quite a lot—and over 100 years that adds up.

CHAIR: Are many members of the Mackay conservation council landholders in the mining area at all?

Ms Julien: No, no, we just care.

CHAIR: Okay.

Mr COSTIGAN: Good morning, Ms Julien.

Ms Julien: Good morning.

Mr COSTIGAN: Is your ambition to shut down the coalmining industry?

Ms Julien: No, no, I do not think that is possible. Our ambition is to see everything done properly. Our ambition is not to have people—and this is just a Collinsvale case where they have fumes from a coalmine that has been burning for years, the fumes come down and, under conditions of temperature inversion, that stuff accumulates downwind of them—having to leave their homes. It still has not been resolved after all these years. That is our worry.

Adani said in its EIS that the air quality emissions for dust will probably be only about 200 metres from the line. We have gone out to Collinsville and we have put out dust collection units and we have found coal dust 500 metres from the line. Flying coal dust can travel hundreds and hundreds of kilometres. It travels from Asia over to the west coast of the US under the jet stream. It depends very much on the topography, the wind conditions and everything else where it goes. But to pretend that visible coal dust is all that you have to worry about and that it travels only a few hundred metres is ridiculous. We do not have any standards in Australia for coal dust. There are not any.

Mr COSTIGAN: I ask you this question because of the comments that I heard you make on talkback radio this morning on 4MK.

Ms Julien: That would have been yesterday, yes.

Mr COSTIGAN: Or yesterday.

Ms Julien: Yes, I was ambushed on that one, yes.

Mr COSTIGAN: All right. Do you subscribe to the theory that there can be a balance?

Ms Julien: I think we have a balance with our smaller operations, our two million to eight million tonnes a year mines that we have in the Bowen Basin. Even then there was a lot of environmental damage that was being done. You have to realise that the brigalow country there, that is where the coal is under it, and that is where the mines want to go. That is far less than 10 per cent. So a lot of those brigalow ecosystems are endangered and there is still mining going on.

They are offering offsets. In the Galilee Basin they are offering offsets for the damage that they do—environmental offsets, or setting aside some conservation areas in the state development area. But now they are approving railways lines that will go straight through the middle of them. So here we come back to our unknown impacts on our wildlife and our landowners from that coal dust that is going to come off them. Those trains will be back to back. They will be four kilometres long. They will be carrying 250 million tonnes each. There will be over 100 million tonnes along those lines. That is five times what you get going through Collinsville right now. That is a lot of pollution to be putting in that region.

Mr COSTIGAN: Do you believe the work that you are doing is detracting from Queensland's attractiveness as a place to invest in terms of the resources industry?

Ms Julien: I think the resources industry is detracting from our future, our ability to have diversified industries. Because everything has been skewed under the boom towards mining, we are now left with a bust, with lots of people out of work. A lot of people have moved out of Mackay as a result. I walked here this morning. Lots of shops were closed. I think that we have to think bigger and smarter.

Mr COSTIGAN: We have just heard from Mr Euler about the economic benefit in relation to this project. I could argue the point that I am sure there are a number of people, a lot of communities in Central Queensland, who would be warmly receptive to the idea of the benefits of the aforementioned projects in the Galilee.

Ms Julien: Not the fly in, fly out. They are not. They have to worry about their long-term survival. Agriculture is a part of that. Agriculture, as I said, over 100 years will probably bring more in royalties and taxes than the mining industry will.

Then you will not be left with large bores on the landscape. So, again, I say think smart, think big, think long term.

Mr COSTIGAN: Can you provide any evidence of that quantification that you just referred to?

Ms Julien: I looked at the submissions on the Northern Australia development. They were talking about the Whitsunday-Isaac region and they gave a quote of the value of the industry right now. That was just using present figures, not what we could build up, because the present government is talking about doubling the value of the agricultural industry.

CHAIR: You highlighted the fact that you have done a lot of consultation with farmers and landholders as far out as Longreach. Did you find AgForce in that space as well?

Ms Julien: AgForce is in that space, yes.

CHAIR: I know the government and previous governments have supplied officers to AgForce to do some of that consultation.

Ms Julien: Yes, they do that consultation and outreach, but they are telling the farmers what the government policy is. We go a little bit further than that; we try to say, 'Here are your options. If you've got a creek running black because the mining is putting crap into the water and you want to do something about it, here's the hotline you can call.' AgForce does not do that.

CHAIR: In relation to notification and objections, what do you find upsetting about this new bill?

Ms Julien: We will be excluded from objections. The real problem with only allowing landowners, the person next door who may be providing access to the property and the local governments is that we find that will probably be insufficient because there are not enough resources and knowledge being put into the process. We look at everything on a regional scale. I have put in multiple submissions over the years knowing the environmental impacts and the environmental issues that are there. They will all be excluded from this.

CHAIR: You will still be able to do the EPA—

Ms Julien: The EIS for the larger projects but not these little small ones. They do not have EISs. The little projects do not have those.

CHAIR: But did you hear the comment before about the previous five years for the smaller projects?

Ms Julien: Yes, and I had to smile. I am flat out. It takes a few weeks to do a proper submission on a big EIS. Even then, you do not have access to the resources you need to get the information you need to get everything prepared in time to do a good pre submission. A farmer or somebody smaller does not have that kind of time to do that; they are really busy. We do not have the time to do the ones on the small ones. We worry because it is death by a thousand cuts when you have got small mines and you are covering 85 per cent of the state and these things are just going on day after day after day.

Most of our region has never had a biodiversity survey done it. A lot of that information is not known. There are species that are being mapped out as essential habitat by the state government, and when you say, 'Have you mapped out all of those areas of essential habitat for the region?' they say, 'No.' It stops you being able to get things done. We are looking right now at essential habitat for a species that we want to have listed as threatened because there is a logging threat to it. We are doing weekly surveys out of our own pocket to show where the endemic species is and how it is being affected by the logging. The state government did not want to pay for that; they did not want to put money in for that. The environment is under siege from multiple interests, multiple sources, and it is not being addressed properly.

CHAIR: What do you think should be changed in the Mineral and Energy Resources (Common Provisions) Bill to make it more palatable?

Ms Julien: It is good that you are having an integrated approach—that is a good point—but you must address public interest issues. You must address the long-term environmental, social, and economic impacts. You must have that long-term planning view. That is very hard to do within a political cycle where you just have a few years before you are up for election and you are pushed to pay the bills and those kinds of things so you are looking for sources of funding. You have got a really difficult issue in Queensland because it is the export industries primarily where we make most of our money—that is, agriculture, tourism and mining. We have to diversify more. We have to be smarter and cleverer about what we do.

CHAIR: Thank you very much.

JACOBSON, Ms Rhonda, Senior Legal Officer, North Queensland Land Council

JUDE, Ms Jennifer, Senior Legal Officer, North Queensland Land Council

CHAIR: Would you like to make a brief opening statement?

Ms Jude: Thank you. I think some of the members of parliament know me. I am a senior legal officer at the North Queensland Land Council and I have been working on many submissions in respect of the Queensland amendments, not just to the common provisions act. Rhonda Jacobson is the future act manager and she is also a senior legal officer at the North Queensland Land Council. Rhonda has a great deal of experience in future act work and I am sure she will be able to answer the more technical questions.

As you probably know, the North Queensland Land Council is a native title representative body and its representative body area is quite a large area in North Queensland. The registered native title applicants and native title holders who have had determinations of native title have a very strong role to play in the mining process all over Australia. Our main concern is that they do not appear to have been recognised in the common provisions bill. The Cape York Land Council, which is another land council in North Queensland, has asked me to make a couple of representations on their behalf as well. So that is the introduction. Would you like me to start on what our concerns are?

CHAIR: Yes, thanks.

Ms Jude: One of the main concerns that I have been writing fairly repeatedly about is the plan to put a lot of the technical processes in regulations. The North Queensland Land Council does not oppose the fact of the streamlining legislation, because I think that is needed, but we do not think putting the technical details in the regulations is a suitable format. If the details are very technical and they do not need to be changed often, I submit that they need to be placed in the main act. The less technical things and the things that might have to be changed frequently—fees and that type of thing—are suitable for regulations. We have been writing that to you repeatedly, but we have not had any response from the research director on that process. I have read some public information that has been available, and I believe we are not the only ones who have brought that to the attention of the research director.

Another thing that is of great significance to both the North Queensland Land Council and the Cape York Land Council is the fact that the native title holders are not included in the bill as owners of land. That will mean they will not receive the notifications that other owners of land receive. That is particularly relevant when you get to the access provisions in relation to entry on to public land for authorised activity. The only notice that is going to be received there is in the form of a periodic entry to public land notice, and that will just be given to the local authority. Presumably the local authority may be the trustee of the reserve, and in that capacity they will receive notice. The determinations include public land where native title can be found to exist and has been found to exist in many of the reservations in North Queensland. The native title may be being exercised at the time the access for authorised activities is required. The activity could even be mourning rituals. It really is inappropriate that the native title holders do not receive notice to this access on public land, and that is a concern of both land councils.

Another concern is that you are intending in the bill that 90 per cent of mining lease applications will not be publicly notified and only site-specific mining applications will receive full public notification. Notification of mining lease applications will now only go to occupiers of land, infrastructure providers and local governments. We are very uncertain whether this is meant to circumvent some of the notification provisions in the Native Title Act. If it is, it should not be permitted because the Commonwealth processes regarding notification have to be followed by the state of Queensland and every other state for that matter too.

Also, under the Native Title Act, the low-impact activities are not notified currently. They are done under subdivision L. We are making many submissions about the fact that non-Aboriginal people may not assess low impact the same as Aboriginal or native title people. We note there is going to be a review into what activities are considered to be low impact, and that is said to be taking place in the next 12 months. We are of the view that that review should have native title and Aboriginal representation on it so that you do get a proper perspective as to what constitutes a low-impact act from a native title or an Aboriginal perspective.

Another very concerning aspect—and perhaps Rhonda will be able to say a little bit more about this—is that in the past in respect of coal leases in coalmining there have been a lot of Indigenous Land Use Agreements and section 31 agreements negotiations done with native title

holders or registered native title claimants by going down the right to negotiate. Under the bill, incidentally to coalmining, you are going to be able to mine coal seam gas, and we have said in the submissions that we believe the section 31 agreements and the Indigenous Land Use Agreements should be permitted to be revisited. When we went down the right to negotiate, this coal seam gas could not be used commercially or beneficially under the current law, but this is going to be different now and that was not envisaged when we went down the right to negotiate. We do not believe that is right, because we should be able to revisit those areas and renegotiate. The native title holders and registered native title claimants should be able to participate in any proceeds that are generated through the incidental mining of coal seam gas.

That is about all I have got to say from our point of view, but I will just go to Cape York and the issues they have brought up. They agree with what I have said, but they brought up a few different points. They raise a point in relation to restricted land. They oppose the proposal to grant tenure over the entire area, including the restricted land. They are concerned that the requirements for written consent to enter the restricted land to carry out authorised activities before the tenure holder can conduct activities on that land will not be sufficient to protect the interests of Indigenous people with native title rights and interests in the land. Similarly, there is no protection for groups with native title rights and interests in neighbouring areas which may be affected by a resource activity.

Also they say that the eligible claimant provisions in section 80 should include native title holders to ensure that where public or private land has been used for access to a resource activity they are also able to seek compensation for any effect on their rights and interests. A point that we haven't agreed with, Cape York doesn't agree with the requirement to dispense with the physical pegging of boundaries. They don't support that. Also the changes to requirements for notification of mining lease applications by limiting mining lease applications to directly impacted landholders, occupiers and infrastructure providers and local governments, I have dealt with that in the submissions of the North Queensland Land Council, so we are in agreement. However, they do bring up another point about notification. They submit that the public notification of standard applications and variation applications for environmental authorities for a mining activity under the Environmental Protection Act 1994 should be maintained. That basically sets out our concerns.

CHAIR: Does Rhonda want to add anything or is she quite happy with that?

Ms Jacobson: I want to revisit the issue about the agreement that was being negotiated in respect of areas where coal seam gas may now be permitted. The whole Native Title Act right to negotiate regime is established on the premise that the parties negotiate in good faith. The fact that legislative amendments allow further activities in the future is such that it should be available to the parties to revisit those negotiations in good faith in the context of further rights that are available to the farmer and, indeed, further benefits available to the proponents for actually undertaking that work so that the recompense to the native title holders on the impact on their native title rights and interests may be more fully considered in the context of further rights that the proponent has.

I also reinforce in particular our concerns about notification, where not all lands are currently subject to a native title claim or determination. Restricting public notification restricts the rights of persons who may assert native title rights and interests in that area to be notified and to consider and perhaps respond appropriately.

CHAIR: Thank you very much. Have you thought about the places of worship involved in this? There is an exemption for households and places of worships, those sorts of things. Would there be a bora ring, for instance, or some other important areas under native title?

Ms Jacobson: Yes. In another submission, not in this one, we did make the point that we don't agree with the distances in relation to places of worship. There were two things that we raised. The distances were raised in other submissions that we made to different discussion papers. In relation to burial grounds, places of worship and burial cemeteries, we believe that the distances should be a lot greater because Aboriginal people have a different concept of those burial grounds and places of worship than non-Aboriginal people. Our point on that matter is that the identification of areas of significance to Aboriginal people may not be so readily identifiable as, say, a church or a cemetery of a non-Indigenous kind.

CHAIR: Point noted. Jason, would you like to ask a question?

Mr COSTIGAN: Thank you, Mr Chairman. Good morning, Ms Jacobson and Ms Jude. Thank you for your time this morning. I was going to touch on something you have just raised and that is your submission dated 8 July to the committee, in particular in relation to section 68. Those distances that you are referring to in terms of flexibility in relation to places of worship and burial

grounds and so forth, what would your suggestion or recommendation be to the committee if you were to quantify that, keeping in mind that you have said that the distances of 200 metres and 50 metres respectively are not considered sufficient from your point of view?

Ms Jacobson: One of the issues in respect of creating buffer zones is that it is somewhat dependent on the nature of the area or, indeed, the object, as to what is an appropriate buffer area. And, indeed, as a matter of cultural law, it is for those native title parties to determine what is appropriate. That said, we would be looking at 200 as being the minimum, possibly with some room for negotiation when that native title party was properly consulted and given the opportunity to advise more appropriately for the specific circumstance.

CHAIR: I have Elisa Nichols here with us from DNR. She is going to make some comment about the process of native title and how the federal acts actually override the state acts.

Ms Nichols: Just a quick comment: none of the changes in this bill affect the Commonwealth Native Title Act. The Commonwealth Native Title Act requirements do override state legislation, both the mineral resources and the Environmental Protection Act. So any notification requirements under that act will continue to apply irrespective of the changes proposed in the bill.

Ms Jude: Thanks for that.

CHAIR: Thank you for your presentation. Is there anything else you would like to say?

Ms Jude: Not for me. We will continue to make submissions as the process moves along. I don't know whether Rhonda has any anything further that she would like to say. Do you have anything further?

Ms Jacobson: No, I think we are pretty right.

CHAIR: We will note some of the things you have raised in our report.

Ms Jude: Thank you very much, Chair.

CURRIE, Ms Annette, private capacity, via teleconference

CURRIE, Mr Bruce, private capacity, via teleconference

CHAIR: We now have Bruce and Annette Currie from Jericho.

Mr Currie: Just a brief summary of our experiences and treatment and where we have been with having a mining company next door to us. We adjoin the property where the proposed Kevin's Corner coal mine is to be situated and we are just north of the Alpha mine. Bruce and Annette Currie lodged our objection to the Alpha coal mine in February 2013 because we were concerned about the impacts on our groundwater supplies. Prior to that date the company concerned, Hancock GVK, had made no contact with us to discuss potential impacts from their proposed mines. Upon lodging our objection we naively then approached the company in an effort to get a binding make-good agreement that protected us, leaving both parties to continue with their core businesses. Initially the company said they had not approached us as we would not be impacted. Through the make-good agreement discussion process the mining company had a number of parties handling their discussions which forced us to get legal advice and write up a number of versions of make-good agreements at the company's request. We are still carrying the cost of meeting those requests, which is far greater than what should be expected to resolve differences and get a make-good agreement constructed. This tactic is an obvious attempt by a resource company to manipulate discussion on make-good agreements by imposing financial pressure. Currently this treatment of landholders is endorsed by the state government as it is permitted under the act.

As we were not able to secure a binding make-good agreement we proceeded through to the Land Court hearing. To get professional representation in court would have cost us approximately $400,000 just to present a case to protect our business from the impacts of mining. As a family grazing business, we do not have that much capital readily available so we represented ourselves in court. We built our case on Hancock's own environmental research and groundwater report undertaken by URS Australia Pty Ltd. Despite Hancock claiming they spent $50 million and engaged 350 environmental experts on their research, their results were inaccurate, incomplete and inconclusive. In his recommendations presiding judge member Smith in his wisdom concurred with our concerns to such an extent he delivered his findings in the alternative. His first preference and recommendation was that Hancock's Alpha mining lease not be granted. His second recommendation was if the government deemed the lease was to be granted then increased monitoring bores and a binding make-good agreement must be delivered to the objecting landholders. This highlights member Smith's and our concerns of the degree of the potential impact Hancock's mines could have on our groundwater supplies. Very concerning was the reaction of some state government ministers and Queensland Mineral Resources Council to member Smith's recommendations. Government ministers fobbed off the recommendations as not relevant and should be overlooked, while the Mineral Resources Council labelled us as environmental ratbags. Despite the potential impacts from this mine having the capacity to destroy our business, which we have demonstrated to the court, the opinion of both those parties was 'let 'em starve'.

Since the hearing, despite our efforts, we have still not been able to get a binding make-good agreement that protects us. The company is not prepared to pay the current costs we have incurred on their behalf. The uncertainty over impacts from mining projects affects adjoining and near property values the moment the project is announced. Who wants to purchase a property that could have its groundwater impacted, even possibly destroyed? What value do you put on your property when putting it up as security so you do not run the risk of overvaluing the asset? If the banks believe the property will lose value due to mining impacts and they revalue your security down, then you are losing equity. The loss of equity could result in your property being sold up. Before any stage of a mining venture is approved, binding make-good agreements and other impact protection needs to be in place and tied to the mine to stop current landowners being held to ransom. The current cost of going to court stops people making frivolous objections and if they did lodge an objection the objector runs the risk of also having the judge impose a ruling that you also pay the applicant's costs. This proposed common provisions bill would have prevented us from objecting to the granting of the mining lease. Not being able to object leaves us to the mercy of an uncaring mining company that has not provided us with a make-good agreement. Without a binding make-good agreement we could potentially lose our business. Now, that is criminal.

We are now objecting to the Kevin's Corner mine because, despite Hancock's commitments to the Coordinator-General and the recommendations delivered by member Smith, we still have not been able to get a binding make-good agreement from the company. It is often stated that the

objectors use the Land Court for delaying tactics, but in this case the objectors are wanting to progress to the court hearing as soon as possible but the company is asking for delays and extensions. This new bill, I believe, further destroys any current landholder protections.

Just a couple of points: we did object in the Alpha court hearing and we are not environmental activists or ratbags or whatever else we have been labelled. Also, it was mentioned that a few landholders have got make-good agreements. Just in general discussions, I know some of those fellows did not get legal advice and some people have also got other reasons for why they have entered different agreements. That is my submission, Mr Chairman.

CHAIR: Thank you very much, Bruce. I notice your address is at Jericho, but how far are you from where the mine site actually will be?

Mr Currie: The Kevin's Corner Mine is on a property called Windaree and we join their boundary, and I think we are about 12 kilometres from the Alpha mine site. But what concerned me in Hancock's own research is their predicted drawdown contours go in under our property.

CHAIR: Could I just ask you this one question. If part of the legislation contained a recommendation that mediation or arbitration be compulsory before Land Court, would you feel that would be a more reasonable outcome?

Mr Currie: Mr Chairman, the way the thing stands at the moment, it is declared that a company might be going to develop a resource, if there are going to be any impacts on your place, how is that viewed by the banks? That is one of our concerns. We just need that security. I believe if a company is going to develop an area, their commitment to the people, the community and the state should be that they fully have to acknowledge the environmental impacts. As we have seen in Ensham mine, the fellow over there has lost his water and then the company comes out and has to decide whether they have impacted him or not. Our purpose of getting these monitoring bores in is we wanted forewarning as to whether it is this company that is impacting on us or it is not. We do not want any surprises. I do not know how beneficial mediation would be, because how does that gain security for your property?

CHAIR: I am from the Lockyer and we had a fairly big flood in 2011, and the banks revalued all the properties that flooded badly. I imagine that would have helped in other areas of Queensland too. What banks do at times is at the will of the gods. Don't you think mediation would be better than having to go straight to the Land Court though? You were just saying how dear the Land Court procedures were.

Mr Currie: I guess any way to get security and a resolution to the matter certainly would be looked at, but until you get that security. On top of the cost of having to go to court—and I have certainly got no legal training, and thank goodness you have spell check on a computer—our indirect costs of me having to try to apply myself to the amount of time and preparation it takes even to present our case to court have been horrendous on our property.

CHAIR: Are the make good provisions that have been ruled from the Land Court going to be implemented? Where are you saying they are up to at the moment with the test bores and that sort of thing?

Mr Currie: Nothing has happened. We have been trying to get a make good agreement and the company has basically just kept walking away from us. There are clauses in there that we do not believe should be in there. We have been to a number of workshops, a number of schools—

CHAIR: Is there a time line? Does the Land Court put a time line on these agreements?

Mr Currie: No. The Land Court only brings down a recommendation; it is then up to the minister to commit those recommendations or he can just walk away from it.

Mr COSTIGAN: Thank you for joining us today. I hope you have had some rain in recent times. We realise how difficult it is for you and your fellow graziers west of the Drummond Range. I appreciate your very passionate address to the committee here in Mackay this morning. Putting it simply, Mr Currie, do you believe if the bill is not tweaked to reflect your concerns that landholders like yourself will be left high and dry and face genuine financial ruin?

Mr Currie: From my understanding, the changes to the bill will certainly impact heavily on us because, unless you are directly impacted, as I understand it, you are not permitted to object. Is that correct?

CHAIR: No, not in the environmental side of it.

Mr Currie: But from the mining lease side of it?

CHAIR: From the mining lease side of it, yes.

Mr Currie: So why can't the issue be cleared up? That is one of the issues that makes it difficult to navigate your way through this whole process—it is what you are permitted to do, what you cannot do, what you are protected under and what you are not. The whole thing should be a lot clearer. In other words, if the mine is going to go ahead, why should only part of a mine be approved and the other part not be approved? Is the venture going to go ahead or is it not? And are you or are you not going to get protection? We seem to be making it more and more technical to put more loopholes in it so the proponents who can employ high-level legal teams can just surf their way through and leave the small business people hung out to dry.

Mr COSTIGAN: Mr Currie, without speaking for other graziers in the central west, what do you think the consensus would be among your colleagues off the land in the former Jericho shire, if I could be so specific?

Mr Currie: Could you put that question again please?

Mr COSTIGAN: What do you think the general feeling or the consensus would be among your fellow graziers in relation to these matters? You have been talking to your neighbours, no doubt.

Mr Currie: I suppose, like I tried to say before, a number of people have got different views, different reasons, different approaches. I guess we have just tried to adopt an approach of what is the best for agriculture and the rural sector and small business people in general. In answer to your question, there are some landholders out here who have got succession plans, there are some landholders who have got financial reasons, there are some landholders who want to leave the industry, and there are some landholders who find the whole process just so overwhelming that they want to get out.

So there are a huge range of reasons why people want to do what they want to do. I guess there are others who just put their head in the sand. Their difficulty with commenting on a lot of this is that it is hard to get discussion with people who have anything to do with the mining companies because some of them have been forced to sign confidentiality clauses, and we have been informed that you do not have sign them. If you do sign them and you speak out publicly, then you become liable for legal action by the mining company so it is hard to get discussion going. It is very difficult with the way the whole process is handled.

CHAIR: I imagine Annette is nodding behind you, Bruce. Does Annette want to say anything at all?

Mr Currie: Sorry, Mr Chair, she has gone on a lick run.

CHAIR: It is good to have good help, isn't it.

Mr Currie: The only thing that is keeping things going is family input. Like Mr Anderson, who could be speaking later on, his wife has been out doing lick runs and checking waters too because we have been trying to fight to keep our business viable.

CHAIR: Thank you very much, Mr Currie. I think we have a fair understanding of where you are coming from. Is there anything else you want to say, or will we leave it at that?

Mr Currie: Basically, even after the member brought down his recommendation, we were labelled as just disruptive, environmental ratbags. That is not correct. That is totally dishonest by the mineral resources council, and it was on radio that that is what we were. You can look on any Terrence Alick map. I adjoin those properties where those mining leases are going to be. This other thing that puts a big air of concern there is the response and the reaction from recommendations that are brought out, when others just fob you off with totally dishonest comments. That is very concerning because that reflects on the treatment and the way the whole industry is being handled just to push forward projects at the cost of small business people who are actually trying to live in the area.

CHAIR: Thank you very much.

Mr Currie: Thank you, Mr Chair. I appreciate it.

Proceedings suspended from 10.32 am to 10.58 am

ANDERSON, Mr Peter, Private capacity

CHAIR: Would you like to make a brief opening statement?

Mr Anderson: Thank you and thank you to the committee for the opportunity. In the interests of time, I am part of the Anderson family that was involved in the Alpha court case along with the Curries. I would like to agree with everything that Bruce has said and add a few further comments in that we did participate in the EIS process and the supplementary EIS process and through that process we felt our concerns were not adequately addressed about the impact to underground water. Whilst we are some 15 kilometres from the Alpha mine project, I have an agreement to buy a neighbouring property due to the adverse impact on that property and that is obviously between the mine and our property. Our situation is a bit unique and that is why I am so concerned that, according to the legal advice that I have been given by a solicitor, we would not be able to object to these mines because they are not on our property under the new changes, under the provisions. The proposed Alpha and Kevin's Corner mines run north of us. We have then the proposed Waratah-China First project to the west of us and coming onto a portion of our property, and then we have the Bandanna Energy's Galilee South project on the other side of the Capricorn Highway from us on the south. We are in a fairly awkward position in that we will end up with proposed mines or mines are proposed on three sides of the property. The property will not end up with a mine on the fourth side because it is only seven kilometres out of the township of Alpha. That is why we are so concerned, Mr Chairman, about the impact to our underground water because the property, whilst we do have dams, there are very few dam sites on the property of much capacity and last year during the drought I think we had 14 dry dams, we had four that we were still using and we were using the property's 12 bores. We rely extensively on bore water and almost exclusively in a drought situation on bore water.

CHAIR: Is that artesian water?

Mr Anderson: No, it is subartesian water. We are not in the Great Artesian Basin, supposedly. I guess there has been quite a bit of conjecture as to where it ends and where it starts but, no, they are shallower bores. The problem, Mr Chairman, with some of our bores is that they are very old and we have no details, and the Department of Natural Resources has no details, as to which aquifer has been accessed for that water. We have owned some of that land out there for 18 years and the bores haven't faltered so all we know is that they are a reliable supply of water for our needs. Unfortunately, like I say, we are unable to tell you exactly which aquifers they are in but anybody, any hydrogeologist, will admit that they are most possibly in the two aquifers that the mining company are planning to dewater. They are going to degas on top of their coal bed and then there is another aquifer under the coal bed that they are going to depressurise.

To give you an example and to digress for a second, we changed the pumping set up on one of the bores recently from a windmill to a solar pump and that solar pump suction is some 600mls—that is two foot—above where the windmill used to suck from and that solar pump sucks air whereas the windmill never sucked air. So even a half a metre of drill down in some of our bores will render them useless. We had to change that solar pumping set up to get it down 600ml deeper. Under the provisions in the Water Act they talk about a five million drill down. Well, a five million drill down will render most of our bores completely dry.

CHAIR: If you don't mind me asking, what sort of volumes are those bores at per hour?

Mr Anderson: I think we are up to 4,000 litres an hour. We pump 4,000 litres an hour out of a couple of them and they have never faltered. They vary quite significantly. I am going to get it back to feet here, but 130 feet is the shallowest bore down to about 600 feet. They vary quite significantly in depth and quite significantly in quality and quantity of water. They mainly have windmills on them. We have upgraded them in recent years to solar pumps and the solar pumps are pumping some 2,000 litres an hour and they don't falter.

CHAIR: It is a good reliable water source for what you want.

Mr Anderson: Yes, a very reliable water source. We don't know, Mr Chairman, and we have discussed this with GVK in our negotiations, whether we are using five per cent of the available water or 95 per cent of the available water. That is why it is so important that we have these bores baseline tested so that we know what the resource is and then adequately monitor those bores. But also have monitoring bores in place between our property and the mine and we will be endeavouring to do that with all mining companies surrounding us so we know where the impact is coming from and we know the impact is coming before our cattle are looking at the bottom of an empty trough.

CHAIR: You are in negotiation with some of these mining companies still?

Mr Anderson: GVK Hancock is the only company we have negotiated with at present. The other companies are not up to that stage with their development yet. We objected in the Land Court to the Alpha mine last year. We never in our wildest dreams expected to mount a court case. The company came to us and offered to pay our legal and hydrological expenses to negotiate a make-good agreement. We progressed in good faith and engaged a hydrogeologist and a lawyer and negotiations were going along quite well, I thought, at one point but then the company changed their legal representation. They didn't advise us. We sort of found out, when we weren't getting a response from that legal firm any more and our solicitor started asking a few more questions, that they no longer represented the company. We have had seven different representatives from the company in five months to deal with which I believe is a deliberate tactic to wear us down. Then in the end unfortunately negotiations broke down and we ended up in the Land Court. We have spent some money in the Land Court with the legal representative and then realised that if this all proceed with Hancock it would be something around the order of $400,000. Whilst the property was drought declared that sort of expense was just unaffordable and would have put us in a fairly ordinary financial situation. Having already spent some nearly $90,000 trying to negotiate a make-good agreement, that $90,000 is still outstanding.

CHAIR: I asked Bruce this before: would you think that an enforceable arbitration or mediation process prior to the Land Court would be worthwhile?

Mr Anderson: It could be. We met with the company in Brisbane and we negotiated with the company. It is not as if we refused to negotiate. They didn't refuse to negotiate with us either, in fairness. We all sat down in good faith, I thought, and did strive to negotiate through it, Mr Chairman, so I am not sure whether compulsory arbitration would have achieved a different result or not. I haven't been involved in that sort of a process. Yes, it may have helped. It may help some landholders in some cases where the company refuses to even talk to them, but that is not the case with GVK. They did talk to us originally and then negotiations broke down and we had no communication with them for nearly 12 months during the court process et cetera and then waiting for the decision to be handed down by member Smith in the Land Court afterwards and then there was no negotiation with the company for some time after that decision was handed down either.

We are engaged with the company now, but we are not in a financial situation to throw any more money at it. The company has agreed to pay a small amount for further legal fees, but we still have a significant outstanding account. We have had to write to the company and they have said they would pay our fees. Unfortunately, and I have told this to the company, we no longer trust them. That is a very unfortunate situation to be in and I am hoping that we can resolve that because we intend to stay where we are and they have a legal right to their mine. I want to make this very clear, Mr Chairman: we are not against the mine. They have a legal right to the mine. It is Queensland's economic future. The mine provides good, well-paying jobs and we are certainly not against that at all. It hurts us quite a bit to hear in the media where people are saying we have been put up to it by the extreme environmentalists and we are just trying to obstruct the mine. Nothing could be further from the truth. We are not against the mine. We have not been put up to it by any third party. We are solely doing it to protect our assets, our superannuation and our business and also the welfare of our stock as far as a reliable water supply goes. That is what is driving us. Member Smith, if you have read his judgement, I think he saw that and that is why he recommended to apply the precautionary principle to the Water Act provisions and that the company should apply for their water licence first upfront rather than leave it to the very last approval that they get. That is because we managed to highlight in the court the inadequacy of the company's reports and the fact that water was so important.

Bear in mind these mines are huge. They really are huge compared to the Bowen Basin. The local mine here that I am familiar with at Clermont, their strike distance, that's the hole that they dig up in the ground, will be two kilometres by five kilometres when the mine is finished mining and it is producing 13 million tonnes of coal a year, whereas the Alpha mine, it is some five kilometres by 27 kilometres. That just gives you an idea of the impact. And that is covering 15 properties, as Josh Euler outlined, whereas this mine in Clermont here is just all one property and it is a small property by comparison. The impact is large. We need a make-good agreement on our underground water, that is our issue, but also I don't think landholders should be prevented from objecting on dust and noise and other impacts as well which could well be the case if they are on the downwind side of a mine. While the mine may not be on their property, they could be significantly impacted. I will just give you a little example. I live five kilometres on the western side of an existing rail corridor and if someone had told me 30 years ago that I would get coal dust in my house from that rail line I would

have laughed and suggested they probably need a bit of a reality check. What has happened is that the Blair Athol coal mine has closed. At that mine the coal had to be kept moist to prevent spontaneous combustion and therefore there was no dust coming off the trains. We have now changed to the Clermont mine. Their coal is dry coal. It is dry when it is on the trains. The train speeds have increased from 80 to 100 kilometres an hour over the years and we are now getting coal dust in our house. I would never have believed that that could have occurred, but it is. My kids run around out on the cement in front of the house and if it hasn't been washed for a week their feet are black and have to be washed before they go to bed. That has never been the case before. I don't think we need to limit objectors, Mr Chair.

CHAIR: Thank you very much. We will move on.

REA, Ms Joanne, Chair, Property Rights Australia

CHAIR: Good morning, Joanne, how are you?

Ms Rea: I am well, thank you very much, Mr Chairman. Thank you for the opportunity for having me here to speak today. However, I would like to express disappointment that only two parliamentarians have attended.

CHAIR: Could I pull you up there? We had other parliamentarians attending in Townsville; we had different parliamentarians attending in Toowoomba. This is a subcommittee of the committee. We can all read. We will all get a copy of the transcript. I have had this said to me in Toowoomba as well. It is a subcommittee of the committee. We can all read. We will all get a copy of the transcript and I am sure we will all read the transcript.

Ms Rea: Thank you. It is a most important piece of legislation for landholders and I would like that recognised. Property Rights Australia believes that this bill severely erodes many of the protections and rights of landholders for the benefit of resource industries. In fact, we believe it is one of the greatest abrogations of landholder rights since the Vegetation Management Act 1999. As with the overwhelming majority of landholders, we do not wish to stop development, but if the government or private enterprise wants to use or impact our asset we want full and fair compensation as an unwilling participant and the process should not need to be the overwhelmingly stressful and time-consuming process that has become the norm for landowners.

Some of our concerns are outlined in our submission, but it is not exhaustive. They are concerns that are shared by many landowner representatives. We have heard the Premier and minister say when asked about landowner concerns that the resources companies and related infrastructure will create many, many jobs and the royalties will fund infrastructure into the future. Such statements imply that resource development and landowner concerns are mutually exclusive. This is not the case. If resource companies want a relatively trouble-free path they should approach landholders with a fair offer of recompense from the beginning, negotiate in good faith, not waste their time, apply pressure, bully, ignore concerns, renege on agreements and use various other bluff and deception tactics. They should also be mindful of local knowledge. Lobbying government for changes to legislation which erode the rights of landholders because they are getting resistance is unfair and unacceptable.

Landowners feel they have been thrown to the wolves with the lack of protection of their property rights under pieces of legislation like this. Commercial agreements alone are not possible without built-in protection when one party to negotiations is an unwilling party whose time commitment is a cost and the companies have full-time paid professionals. This factor is frequently taken advantage of. Queensland does not have a house of review so the committee system must be the de facto house of review. We urge the committee to not rush this process, to recognise the far-reaching nature of the further abrogation of landholder rights and redress some of the imbalance. The balance of power and negotiation with resource companies has always been in favour of the resource companies and changes to legislation, including those in this bill, have eroded almost every bargaining chip landowners may have had and handed the whole box and dice to the resources companies. We are constantly told of the billions of dollars in revenue which will benefit the state and we are well aware of the above average wages and conditions paid to mine workers and contractors. However, landowners are approached with an attitude of penury and meanness.

Opt-out provisions: the opt-out provisions allow very sophisticated resource companies to use deceptive practices to have some landowners sign away all of their rights. This is not an honourable way to smooth the path for resource activities. If resource companies are finding getting agreements difficult, it is a situation of their own making. It is simply not acceptable to then ask governments to legislate against those who are simply protecting their asset and their business and the enjoyment of their property. We note that the opt-out agreements still give rights to compensation. We noted that at the beginning of the day. With the experience that it is very difficult for some landholders to get compensation from some companies, even with a CCA agreement, how does that implementation work? Access to the Land Court is gone. Will the government enforce it? That is unlikely. Most likely the only path will be the arduous and expensive route of a civil court. The superior firepower of the resources sector has won the day with this proposed legislation and the property rights of landholders are being disregarded. This is not the treatment that we expect from a government that should be concerned about private property rights which are the cornerstone of our free market system.

I have got a note here on restricted areas. That has been covered in detail and I endorse what other landholder representatives have said about restricted areas. That topic has been extensively covered so I will leave that one. Any productive and efficient farming enterprise is in a constant state of flux with movement and improvement a constant. The lesser protection afforded to new residences or new infrastructure since the grant of a mining lease under restricted areas and make-good agreements which gives preference to older bores and infrastructure as opposed to new ones assumes that all farm businesses are frozen in a time warp and are not ever changing. This needs to be changed. Any suggestion that verbal agreements be binding on any landholder for all but the most minor of operations—yes, you can go through that gate—much less on future holders of land is clearly laughable. This is particularly the case in section 47(a)(i) where there is likely to be a permanent impact on the land. Do we again assume that the resource holder's account of events is the correct version? All references to oral agreements should be expunged from the legislation. The experience is that almost all oral agreements with resources companies are reneged upon. This type of agreement for an access agreement should not even be contemplated. Opt-out agreements should be removed from the legislation. It will trap the most unsophisticated of landholders who should be warned that it offers little protection and negates their right to go to the Land Court. It is also to be recorded on the relative register. It does say that a CCA can be moved onto, but I very much doubt that a resources company that has an opt-out agreement will willingly move onto a CCA.

In our original submission we said as a positive the Land Court may have regard to the behaviour of the parties in the process leading to the application. The implication is that that is the behaviour of the landowners. I would like to clarify and make it very clear that we do not appreciate the implication that only landholders are uncooperative. The well-known and well reported tactics of resources companies of time wasting, bullying, misrepresentation of their rights and the legislation and other gaming tactics should also be taken into consideration with a firm recognition that resources companies have many staff for the negotiating process and landowners are time poor and have other responsibilities. It is our observation that resource companies are more likely to take advantage of this situation than be considerate of it.

Notification and objection, well, there have been a lot of comments made about that. People who are directly affected also include neighbours or anyone on an aquifer or even on an adjacent aquifer which is likely to be impacted. Landholders who are just objecting to preserve their asset are not being ratbags or trying to delay proceedings. All in all, there is too much left to the regulation rather than legislation. There are too many things which are not defined and landowners' rights have been severely curtailed. This legislation should be deferred and taken back to the drawing board. It is entirely inappropriate that resource companies have damaged their own reputations as honest and good-faith negotiators and then ask the government to fix their problems by legislation which damages landowners' rights to the enjoyment of their property. It is very obvious that this legislation was industry directed for the benefit of resources companies and that landowner rights will be severely damaged. PRA does not support the further erosion of property rights by yet another government. It would appear there are no major parties whose philosophical principle is to uncompromisingly protect property rights, a valuable and recognised cornerstone of our society and the ability of businesses to operate securely. Thank you.

CHAIR: Just a question, Joanne: do you feel a compulsory mediation process prior to having to go to the Land Court could make things a bit easier for the landholders or speed things up at all?

Ms Rea: I think that would be something that would need to be trialled. We also need to be mindful of the fact that professional fees for landholders are usually paid for by resources companies whereas mediation fees are not. It would also depend on who chose the mediator. There are so many unknowns there, I think that is a question that is impossible to answer directly. I think it needs a more complicated resolution than that.

CHAIR: But some of those safeguards could be put in place, of course.

Ms Rea: Yes, they could, always with the knowledge that if it did not work out that they could go to the Land Court.

CHAIR: That is right. That would still be the process, I would imagine. You are just not happy with the fact that there are only really a few major projects that there are going to be some restrictions on. The minor projects, as we have just heard, the small mines, they are virtually not opposed in any way.

Ms Rea: Well, yes. I have had it brought to my attention by quite a few people since I have become involved in this process that small mines can actually have quite a large impact on some properties. It just means that the number of properties is reduced. It means that there are one or

two or three guys out there trying to fight their own battles. There are people who do have problems with small mines. The Land Court records show that clearly. It may be as simple as people not picking up their garbage or taking their waste away, but it is still a problem for a landowner and a problem which causes difficulty for their operation.

CHAIR: Wouldn't you say that stopping small mines on private property is impinging on small property owners' rights.

Ms Rea: I do not think we are saying that we want to stop them. I am saying that they still need to have some controls in place.

Mr COSTIGAN: Thank you, Ms Rea, for your very passionate address to the committee in Mackay today. Thank you for coming up for this public hearing. I noticed in one of your recommendations you spoke about, in my words, broadening the definition of directly affected landowners.

Ms Rea: Yes.

Mr COSTIGAN: You touched on immediate neighbours and everyone in the local community.

Ms Rea: Did I say everyone in the local community?

Mr COSTIGAN: I am pretty sure you did.

Ms Rea: Okay.

Mr COSTIGAN: Could you be a bit more specific than that, please.

Ms Rea: Well, when it comes to landowner objections to mining leases, anyone who is likely to be affected does not mean the person on the footprint. Obviously the neighbours, and that is a well-made case, but one that is also coming to light is just people on an aquifer that will be affected. We know that there are whole aquifers that will be affected. We know that some aquifers drain into other aquifers. So people who are on those will also be affected. Then we have make-good agreements and one of the problems with those is that the mining companies are judge, jury and expert witness. There is no way that a landholder can afford to pay the hundreds of thousands of dollars necessary to get their own expert witness. If they say we are not responsible, what recourse does the landowner have?

Mr COSTIGAN: So these neighbours that you would like to see included in this process, having them lobbed—and these are my words, Mr Chairman—with some ratbag organisation from interstate or another jurisdiction is grossly unfair.

Ms Rea: It does not help their cause. I think that the legislation as is written has put those in the same bag as the delayers who are working under the document which Mr Euler referred to earlier. Most landholders are totally unaware of that document. They are unaware of the interest groups who are working under that document. They do not exactly go out to Alpha and Longreach and say, 'We're from Greenpeace and we're here to help you.'

CHAIR: Thank you very much for your comments today. It is appreciated. Property Rights Australia did also present at Toowoomba yesterday as well.

Mr Currie: Mr Chairman, Bruce Currie here. Unfortunately I have got to leave you to it. Thank you for taking my submission.

CHAIR: Have a look at the *Hansard* in a couple of days. It will be up by early next week, I would say.

HAYWARD, Ms Fiona, Private capacity

Ms Hayward: Good morning, Mr Chairman, members of the committee, ladies and gentlemen. My name is Fiona Hayward. I am a landholder from Jambin in Central Queensland. I have travelled today with my brother and my mum. We are a family grazing partnership who have been operating successfully an agricultural operation for 135 years in the Callide Valley. During the last 30 years our agricultural operation has become the home of an open-cut coalmine and three high-pressure gas pipelines. We have experienced firsthand the impacts of resource extraction industries on our property. I also represent an informal group of concerned landholders and citizens of Banana Shire. Forty-eight of us submitted on the original discussion papers, the *Mining lease notification and objection initiative discussion paper*, and *Towards a standardised consent framework for restricted land across all resource types; Consultation regulatory impact statement*. Unfortunately, none of us were informed by the Modernising Queensland's Resources Acts Program that the common provisions bill had actually been tabled. None of us were informed that we could make submissions on the bill to this committee. It was only through a chance conversation with an AgForce rep that I was made aware of the public submissions process for the bill and was able to actually make a submission. Although I am sure that the lack of notification of the submissions process to the original concerned parties is not this committee's fault, I would respectfully request that all future public consultation involves all original stakeholders who submitted on both the discussion papers and the common provisions bill itself. We would also like to suggest that notifying stakeholders three business days in advance of public hearings like this is not sufficient notice. I believe if we had known about this hearing a couple of weeks in advance we could have gathered quite a few landholders in this room today to give evidence, not to mention our legal advice. As it is, I have a signed and witnessed letter from my near neighbours stating that as they cannot attend I am representing them, so I would like to table that. I would also like to table our original submissions on the discussion papers that included the bill.

Overall, we are concerned that the common provisions bill in its present state effectively removes the few safeguards that currently exist to protect sustainable agriculture in Queensland. These safeguards are removed in favour of the short-term economic gain to be had by encouraging resource development in Queensland. Furthermore, the common provisions bill in its present state abrogates the rights of the citizens of Queensland to object to resource projects that they have legitimate concerns about. We request that this committee make recommendations to parliament that the Mineral and Energy Resources (Common Provisions) Bill should not be passed in its present state and that further-reaching consultation is needed to refine the bill before it can be accepted.

We know from 135 years' experience that agriculture is a sustainable industry. Resource extraction is a finite industry. When a resource is exhausted in a certain area, the extraction of that resource ceases in that area leaving behind, in many cases, land that cannot be used for agricultural purposes or, for that matter, anything very productive. This is not rocket science. Go and have a look at Dawson mine near Moura for a good example. Agriculture is also a significant contributor to the Queensland economy. This chart shows the breakdown of rates in our Banana Shire. I will table it. Rural rates account for 42 per cent of the income generated. Coalmining comes in second at 22 per cent and gas at three per cent.

As for our concerns with the bill itself, chapter 3 of the common provisions bill, land access, on page 67 part 4, restricted land, section 68, what is restricted land, restricted land is defined as a residence, place of worship, child care centre, hospital, library, school, cemetery or burial place and intensive animal feedlotting, pig keeping, poultry farming, aquaculture or a building used for business or other purposes that cannot be easily relocated and cannot co-exist with resource activities. We would like to request that the recommendation from a comparative study into the rights of landholders with regard to restricted land be adopted. Recommendation No.4, the definition of restricted land, should be broadened to reflect the position in Western Australia. I will table this as further evidence.

CHAIR: Do you want to read recommendation No.4?

Ms Hayward: If you like.

CHAIR: No. It does not say what it actually is. It just says recommendation 4.

Ms Hayward: Western Australia is in a table on the next page. I have included this study as evidence because it has some very relevant information that illustrates how landholders in Queensland are disadvantaged by some of the present laws with regard to dealing with resource companies. Unfortunately we do not feel that the common provisions bill provides any improvement

to our position with resource companies. If the definition of restricted land is adopted as stated in section 68 of the common provisions bill, may I ask what good it will do landholders to protect their dwellings when their dams, bores, wells, watering facilities, stockyards, et cetera, cannot be given the same level of protection? How can landholders be expected to continue agricultural operations on their land if it is reduced to a house in the middle of a mining tenement? Also I would like to point out in the common provisions bill, chapter 9, amendments of legislation, part 7, the amendment of the Mineral Resources Act 1989. Section 416 is the replacement of section 245, application for grant of mining lease. Section 245(1)(h)(ii) on page 245 of the bill mentions any restricted land in relation to which the applicant would be required to enter into a compensation agreement with the owner or occupier of the restricted land before the grant of the proposed mining lease. If the definition of restricted land under the common provisions bill is adopted, resource companies will only be discussing compensation for landowners' homes in most cases of compensation for restricted land. We will no longer be able to class our yards, bores, dams, wells and infrastructure, that is worth many, many thousands of dollars, as restricted land. This is effectively devaluing agricultural property and disabling landowners' bargaining position with resources companies and removing the need for goodwill on the part of resource companies when compensating for property infrastructure that cannot be classed as restricted land. We do not wish this to be inflicted upon Queensland landholders. The definition of restricted land should be broadened to the definition provided by Western Australia or at least returned to the original definitions of restricted land from schedule 2 of the MRA, which I am also tabling.

Finally, we do not agree with the extinguishing of restricted land if a mine is granted with exclusive surface rights. If a landholder wishes to stay on in their home they should have a right to do so. For example, elderly landholders who may be simply wanting to stay on their property because they have nowhere else that they would rather be. Plus, in a situation such as that we are concerned for what compensation would be offered. Would it be the market value of the land in the middle of a mining lease?

Moving on to the common provisions bill chapter 9, amendments to legislation, part 7, amendment of the Mineral Resources Act, section 398, which is replacement of section 64 to 64D, documents and other information to be given to affected persons. So we have the definition of an affected person being limited to the owner of land subject to the claim, owner of land necessary for access to the claim or the relative local government authority. Again, in part 7 of the common provisions bill in section 418, which is replacing sections 252 to 252D of the Mineral Resources Act, again except the definition of affected persons now as occupiers of the land as well and entities that provide infrastructure such as powerlines. Again in chapter 9 part 7 of the common provisions bill section 420, which is replacement of section 260 of the Mineral Resources Act, objection to application for grant of mining lease, part 6. This time the definition of an affected person goes back to the landowners of land where a mining lease has been applied for and land that is being used to access mining leases and the local government authority.

In the explanatory notes for this bill I find reference to the fact that citizens do not necessarily need to be informed of mining lease applications if they are not deemed to be affected persons, as if the impacts of a mining lease would only be confined to those deemed by the bill to be affected persons. Similarly, it is outlined in the explanatory notes that most Queensland citizens would not feel the need to object on environmental grounds for small low-risk mining operations.

My neighbours and family strongly disagree with this standpoint. We know firsthand that even small environmental low-risk mining operations can have major impacts on nearby landholders' agricultural operations, quality of life and environmental values in the local area, such as groundwater and surface water. If you wish for further evidence, we would be happy to compile an exhaustive list of impacts that our small local open-cut mine has had over the past 30 years. The cumulative impacts on groundwater were the reason that a number of landholders in our area objected to a mining lease application in 2007 under section 260 of the MRA. The mining lease application was for only a small extension to an established mine requiring merely an amendment of their existing environmental authority. Thanks to the fact that we were informed of the mining lease application in our local groundwater recharge area, we were able to prepare these objections, which were upheld by the Land Court, with the end result being make-good agreements for groundwater for all the concerned landholders. This was a good outcome for both the landholders and the mining company. It was good PR and we were happy. We had our make-good agreements.

In this case, affected persons were neighbours several kilometres from the proposed mining lease. If the common provisions bill is passed in its present state, outcomes like this will no longer be available to landholders and concerned citizens of Queensland. We will no longer be informed of

mining lease applications in our local area and we will not be able to object to mining lease applications unless we are deemed to be affected persons which, according to the common provisions bill, means that we must either own or occupy the land that the proposed mines lease will be on or land that will be used to access the proposed mining lease.

I would also like to draw your attention to a letter from the Hon. Jeff Seeney to our neighbours, the Selmanovic family, stating that they are likely to be adversely affected by noise emissions from the nearby coalmine. Again, it is clear that affected persons do not have to be the owners or occupiers of mining leases. If the mine goes ahead with its proposed extension in the next couple of years, under the proposed common provisions bill neither our family nor the Selmanovic family nor any of our neighbours will be able to object to the MLA as we would not be deemed to be affected persons. My family would be living one kilometre from the proposed open-cut mine and yet we would not be deemed to be affected persons.

The loss of objection rights to MLAs by any legitimate concerned party is abominable. We presently have a legitimate right to be informed and to object on matters that could have serious impacts on our livelihoods. This right to be informed of and to object to MLAs should not be taken from the citizens of Queensland. Likewise, our right to be informed of environmental authority applications, be they ever so small or low risk, we believe that citizens living near resource activities have a right to know of these issues. Frivolous objectors are, as has already been pointed out, often discouraged by the costs.

Moving on to chapter 9 of the common provisions bill, 'Amendments of legislation', part 7, 'Amendment of Mineral Resources Act 1989', clause 423, which is 'Amendment of s 269 (Land Court's recommendation on hearing)', here there are large chunks of legislation removed. The Land Court currently has to consider about 13 issues with regard to the hearing of objections. The common provisions bill proposes to remove 12 of those issues that the Land Court must consider and replace them with four. We have had dealings with the Land Court over the years as we have dealt with the mines and we have found the Land Court to be a very effective way for landholders and mining companies to address any problems that they have with proceeding with mining operations. We do not see any reason that the present legislation for the Land Court has to be changed.

We cannot predict the long-term impact of such sweeping reforms as the common provisions bill to Queensland's agricultural industry. We respectfully request that this committee recommend to parliament that the common provisions bill should not be passed in its present form and that much greater public consultation is needed on this matter. The time frame for passing this bill should not matter. The coal, oil, gas et cetera will not be going anywhere and neither will the landholders of Queensland.

CHAIR: Thank you. That was a very comprehensive report, Fiona. How big is the Callide mine that is beside you?

Ms Hayward: There are two parts to the mine. We are currently next to the Boundary Hill operation, which is a relatively small operation. I think they employ about 200 full-time employees.

CHAIR: They are not classed as a small mine under the category of small mines.

Ms Hayward: Not classed as a small mine under that category, no, but nonetheless, when they were—

CHAIR: Yes. They are not big like the Galilee Basin stuff they are talking about.

Ms Hayward: No.

CHAIR: All right. Have you found the company has complied with the requirements then made by the Land Court?

Ms Hayward: Yes, we have found that Anglo has been very good to deal with. The company that we deal with is generally very prepared to negotiate with us and if negotiations do not always work and we end up going to the Land Court, they are very accommodating.

CHAIR: You have probably half-answered the question that I am going to put. Part of the recommendation might be the fact that maybe there should be mediation before we get to the Land Court to try to reduce costs and time for both parties, really. Do you feel that that would work where some of the mining companies are being a bit hesitant to negotiate or arbitrate, or whatever?

Ms Hayward: I think that would potentially work so long as the mediator, as has already been mentioned, was chosen carefully for the situation. I would probably question what kind of regulation could be put in place to enforce that mediation and then what the government would then be looking at what would happen if the mediation was not working, what would be the next step—

CHAIR: I would imagine that the next step would still be the Land Court. Of course, the Land Court would then take into account what has been said in the mediation, I would imagine. That would be only my interpretation, of course.

Mr COSTIGAN: I am very impressed with your presentation this morning.

CHAIR: We were a bit scared that you are going to embarrass us.

Mr COSTIGAN: Your passion for the land. I used to work with a bloke from Jambin. I am respectful of people from Jambin and the Callide.

CHAIR: I think you have a fairly good understanding because you are dealing with these sorts of situations. You have an on-the-ground understanding of the legislation, too. So we will definitely take your comments on board.

Ms Hayward: Thank you.

CHAIR: Does anyone else from the community want to come up and have a say?

REA, Mr Andrew, Private capacity

Mr Rea: My name is Andrew Rea. We own country in North Queensland inland from Bowen. We also own country inland from Rockhampton. Before I make these couple of points on the record, I am not anti-mining, I am not anti-development, I am not anti-progress, but I am vehemently opposed to the small section of the community, that is landholders, copping the brunt of it—and we are copping the brunt of it.

I would like to make a statement to the committee on three glaring anomalies that confront landholders when they are contacted by resource companies that wish to carry out activities on their land. Point 1, the landholder's time. I am speaking from experience confronting our family when we have had up to seven resource companies at once wanting to conduct activities—from coal seam gas exploration, mineral exploration, coal exploration and rail line construction. I am forced to spend hours and hours of my time dealing with these companies with no legal avenue for recompense. Everyone gets paid for their time, but it appears that landholders are exempt when dealing with resource companies. This has to be corrected. Nobody works for nothing. When I go to see my doctor in town, when I walk in the door, the meter is running.

CHAIR: Fair comment, yes.

Mr Rea: For landholders, we just have to cop it. The second point is legal fees. Legal fees are to be paid by the resource company. It sounds straightforward, but only on the signing of a conduct and compensation agreement. Resource companies offer you a substandard conduct and compensation agreement. You can either accept what they offer or stand your ground for a fair and just outcome. If the company does not like the result, they walk away and you are left with the legal account. I have to pay my legal accounts every 30 days regardless of the outcome or face recovery action from the legal firm. The same conditions must apply to resource companies. I have legal bills in the tens of thousands of dollars and I am not going to get them back, because these guys just walk off.

Point 3, state development area, that is, compulsory acquisition: we are now faced with the reality of a compulsory acquisition of our freehold land—and I emphasise freehold land—for the construction of a rail line to carry coal only; nothing else, coal. We are told that this is for the benefit of the public. We must not be a member of the public when our livelihood and years of development on environmental and sustainable practice can be turned on its head and ignored. We will be paid an inadequate sum of money that is determined by an outsider because the government has declared the project a state development area. This has to be rectified so that negotiations are in line with normal commercial practices. If I go and buy a mob of steers or a truck or something, the government is not behind me. I have to battle my own boat, but not one of these guys

CHAIR: The Acquisition of Land Act is a very strict act. I have had a bit of dealings with it just as a parliamentarian. It is a very strict act. Most people who I have dealt with are more than happy with their compensation in the end. You have quite a number of rights—probably more rights than you would have if you were dealing with a company in a private sale. If a railway line was going to come near your land and it might not be built for 30 years, but you cannot sell because of the railway line, you can enter into a private treaty with Main Roads or Queensland Transport about the railway line. But it is just a private treaty. It is just like me trying to buy a bit of land off you. Once you get to the Acquisition of Land Act, you have Land Court rights, you have appeal rights—all of those sorts of things. As much as it is a compulsory act, it is a very tight act. It is very hard to get around.

Mr Rea: Yes. I have been contacted by the Coordinator-General and they said, 'Deal with these fellows privately, because if you go to the Land Court, you are going to be worse off.' Whether that is right or wrong, I do not know.

CHAIR: I do not know.

Mr Rea: I do not know either.

CHAIR: The Acquisition of Land Act, like I said, is a very tight act, though. It is almost written in stone. You will not get around it if they have the right to acquire land.

Mr Rea: I know that I will not get around it. I know that. They have a gun at my head. I have no choice and I just do not think that is cricket. I have a gun at my head. But anyhow, thanks for dealing with you.

CHAIR: Thank you very much. Does anyone else want to make a comment?

WILLIAMS, Ms Jeanette, Private capacity

Ms Williams: Hello everybody. We deal with nine resource companies and it has been completely overwhelming. Sometimes I have had 30 phone calls a day. We are six generations on the land. I have read the mining act and the other landholders here have covered everything very well—very impressed; overwhelmed by some of the things that landowners know. All I can say is, when you deal with a resource company, it is very overwhelming. We have six children. We have 200,000 acres. To some that would be a lot. We have drillers, gas companies all over it trying to—

CHAIR: Where abouts are you, if you do not mind me asking?

Ms Williams: We are 48 kilometres north-west of Moranbah. I have seen what has happened to the town of Moranbah. I had good friends there. They have all left. To me, now, it is just a men's camp. I am not sure whether fly-in fly-out is the answer, but it certainly has affected the community.

I will not go into the mining act, because that has been covered very well. I would just like to impress that, when you start dealing with mining companies and you are trying to run our own business, you have to sit there and listen to their jargon and they have all the support of the government. I feel that we get none.

CHAIR: Could I just give you and any other landholders a bit of advice? When you are dealing with mining companies, set some of the ground rules.

Ms Williams: We try to.

CHAIR: But just set them. Just put them in place. You will meet them at midnight on Saturday night after you have come home from the dance. That is the only time. You set the ground rules. Do not start letting them set the ground rules

Mrs Williams: We don't. We tell them, ring us after—we have had phone calls up to nine o'clock at night. They want to know how much rain we have had so that they can come back on because the drillers are upset because they have nothing to do. Mate, go and buy them a Play Station!

CHAIR: That is right and tell them to put in automated rain gauges.

Mrs Williams: We have. We have told them that.

CHAIR: Make sure you set the ground rules, but put it all in writing.

Mrs Williams: It is in writing. I have notebooks upon notebooks. I would love to have some notes to give you, but they are at home.

CHAIR: By all means, send some through to the committee if you wish.

Mrs Williams: You cannot take any more rights away from us.

CHAIR: Thank you.

BAULCH, Mr Lloyd, Private capacity

Mr Baulch: My family owns a cattle property. We deal with four mining companies and two gas companies. I was wondering if, when tabling this bill, any consideration was given to the landholders' rights to hold resource companies to comply with their CCAs and make-good agreements? In the past, we have had long and difficult battles just trying to get what we are entitled to under the CCAs. It does not seem to have anywhere in there where we have anywhere to go but legal action to hold these large companies to comply with their agreements.

CHAIR: That is a good point that has not been made before.

Mr Baulch: We have spent a lot of time and resources. We are unable to front the legal costs to hold them to those agreements. In one case, it took five years and in another three to resolve stuff that we are entitled to in black and white. We have three more ongoing that are subject to applications—

CHAIR: Have you heard of anyone fall over or any of the smaller companies turn into dust, that sort of thing; go into bankruptcy or anything?

Mr Baulch: They are all big.

CHAIR: Thank you. Would anyone else like to add anything?

SYPHER, Mr Kelvin, Private capacity

Mr Sypher: I am in the Galilee Basin. One thing I would like to request is that some consideration be given in the event where a CCA cannot be agreed upon. My understanding of the process is that there is a 50-day time frame. If you cannot reach agreement in a CCA, the company has access to your property for as long as they want to do what they like. If restricted areas are removed, they can drill a bore beside my bore, they can do what they like at my yards, my dam, my house, my shed. There is no recourse. They can do that until I get a Land Court date. Then you talk about compensation after the event. In the meantime, they could have destroyed my bore, legally, and I have no grounds.

CHAIR: Is that right that it is after 50 days, if the CCA cannot be agreed to; does anyone know?

Mr Sypher: It is the current rule.

Ms Nicholls: We can take that on notice.

CHAIR: Okay, we will take it on notice.

Mr Sypher: It definitely needs to be considered because there are so many things in the new bill.

CHAIR: Fill out one of these forms and I will make sure that you get an answer to that.

Mr Sypher: They are all hinging on being agreed to in the CCA. Companies do not negotiate in good faith, irrespective of what they tell you. They know they get access in 50 days if they cannot reach agreement, so what does it matter to them? Deal with it after the event.

CHAIR: That is a fair point, thank you. Does anyone else want to speak?

STUART, Mr Alex, Private capacity

Mr Stuart: I am from Nebo. We have a family property. Back in the 1970s we had 25 kilometres of railway line go through it on the way to Goonyella. In those days we were told that there is only going to be one train a day and we had no trouble crossing the line with stock. That changed pretty quickly. Ever since day 1, we have always had a beef against the then railway department, with the raving south-easterly winds that come across the downs at Nebo with the coal dust. They put on their sorry face when we confronted them about it and said they would do something about it, but nothing was ever done. As far as I know, the coal is still blowing off. With people trying to grow organic beef, that would be a big no-no. There is a restriction of trade there for the food and fibre producers. I really feel sorry for these landholders who are going to border the railway line from the Galilee Basin out to Bowen, because, man, they are going to get shafted. It would appear there is not going to be much help from the government, because we have not had much help from the government in the past, so unless this new bill can change that—and I do not see anything in it that will help the landholders much—I tell you what, there are going to be problems ahead. I could stay here until midnight and tell you all of the problems of different landholders over the years. I guess it has all been heard before and you will hear it all again. I would like to thank the GVKH representative for his very polished performance, but I did notice he did not even give the committee any manner at all when he asked to be excused from the meeting. Thank you.

CHAIR: Thank you, ladies and gentlemen. That concludes our public hearing into the Mineral and Energy Resources (Common Provisions) Bill. We thank you for coming to meet with us today. We especially thank all of the speakers and we appreciate that some of you have travelled some distance to be here today. I also thank the officers from the Department of Natural Resources and Mines for their assistance today. The draft transcript of the meeting will be available on our website as soon as it is completed by the parliamentary reporters. I imagine that will be early next week sometime. If anyone wants to ask the DNR people something privately, I am sure that they will take it on board. Thank you very much.

Subcommittee adjourned at 11.59 am