



STATE DEVELOPMENT, INFRASTRUCTURE AND INDUSTRY COMMITTEE

Members present:

Mr DF Gibson MP (Chair)
Mr MJ Hart MP
Mr SA Holswich MP
Ms KN Millard MP
Mr BC Young MP

Staff present:

Dr K Munro (Research Director)
Ms M Telford (Principal Research Officer)
Ms M Westcott (Principal Research Officer)

PUBLIC HEARING—INQUIRY INTO THE GASFIELDS COMMISSION BILL

TRANSCRIPT OF PROCEEDINGS

FRIDAY, 15 FEBRUARY 2013

Toowoomba

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Committee met at 11.00 am

CHAIR: Good morning, ladies and gentlemen. I declare open the public hearing for the committee's inquiry into the Gasfields Commission Bill 2012 and thank you all for your attendance here today. I want to introduce the members of the State Development, Infrastructure and Industry Committee. I am David Gibson, the member for Gympie and chair of this committee. Tim Mulherin is the deputy chair but is unable to be here today. Committee members in attendance are Mr Michael Hart, the member for Burleigh; Mr Seath Holswich, the member for Pine Rivers; Ms Kerry Millard, the member for Sandgate; and Mr Bruce Young, the member for Keppel.

The committee is a committee of the Queensland parliament and, as such, represents the parliament. It is an all-party committee which adopts a non-partisan approach to its proceedings. The hearing today forms part of the committee's examination of the Gasfields Commission Bill 2012. The Parliament of Queensland Act 2001 requires the committee to examine the bill to consider the policy effect to be given by the bill and the application of fundamental legislative principles. The purpose of the Gasfields Commission Bill as set out in clause 2 is to establish the GasFields Commission to manage and improve the sustainable co-existence of landholders, regional communities and the onshore gas industry in Queensland. The hearing today will consider matters that fall within the scope and purpose of the bill. It is not a forum for debating the merits or otherwise of the onshore gas industry in general.

In relation to media coverage, the committee has resolved to allow television coverage and photography during the hearing. The program for today is as follows: from 11 to 11.20 we will hear from the Friends of Felton; from 11.20 to 12.05 we will hear from the Queensland Murray-Darling Committee; and from 12.05 to 12.50 we will hear from the Toowoomba Regional Council and the Western Downs Regional Council. Although the committee is not swearing in witnesses, I remind all witnesses that this hearing is a formal process of the parliament and, as such, any person intentionally misleading the committee is committing a serious offence. It is the committee's intention that the transcript of these public hearings be published. Before we commence, I ask all members and members of the public to ensure that mobiles and pagers are switched off or put in silent mode. I call representatives from the Friends of Felton.

WHAN, Mr Ian, President, Friends of Felton

CHAIR: Welcome. Would you like to make an opening statement to the committee?

Mr Whan: My essential concern is with the strength of the powers being given to the commission. I guess my basic attitude is that we are spending a lot of time and money to set up this commission to protect the public interest and I am worried about whether or not the commission will have enough teeth when it actually becomes operative to deliver on that imperative. I want to submit some supplementary information which I have developed as a document. I will just read the first two points I have developed so that members of the committee understand exactly where I am coming from and then if you wish to respond to that you can ask me questions and I can explain my position.

CHAIR: That would be wonderful. Thank you.

Mr Whan: I have called this 'Understanding and Applying the Concept of Socially Acceptable Co-existence'. According to the draft bill, the commission is being established to manage and improve sustainable co-existence among landholders and regional communities on one side and the onshore gas industry on the other side. From what we hear, the commission will improve co-existence by facilitating information exchange between stakeholders. But reliance on information exchange is unlikely to optimise co-existence outcomes and is scant justification for establishing a stand-alone statutory authority. Unless the commission has the power to assess where and where coal seam gas mining can enter and establish within Queensland, the genuine concerns of landholders and rural communities and society as a whole will be largely neglected. Sustainable co-existence in every situation—but especially in one time in one place—is not proven by the historical presence of both mining and agriculture somewhere within the state of Queensland, nor is support for coal seam gas by some landholders evidence that co-existence is universally possible or acceptable.

The consequences of recent encroachment by coal seam gas miners onto prime farmland and close to residential concentrations has become an issue of great public concern and is the issue upon which the establishment of the commission should be focused. To this end, co-existence should be managed and improved by the commission to make the associated outcomes socially acceptable. Indeed, the purpose of the commission would be easier to understand, apply and achieve if the term 'sustainable co-existence' adopted by the draft bill was replaced by 'socially acceptable co-existence'. That is the main thrust of my submission, Mr Chairman. I think that we have to know what the concept is we are actually talking about—whether it is 'sustainable co-existence', which is not defined in the draft bill at this time, or whether it is 'socially acceptable co-existence', and I have come up with a definition of what that is. If you wish, I will give that to you now or you can ask me through questioning.

CHAIR: I would be happy to start the questioning by asking how you would define 'sustainable co-existence'. It is a Dorothy Dixier if ever there was one!

Mr Whan: For the purpose of achieving co-existence, 'social acceptability' can be defined as a decision-making framework that encapsulates the best long-term interests of all stakeholders. To operate in a socially acceptable manner, the coal seam gas industry must therefore satisfy predetermined political, economic, environmental and technical standards across the full expanse of Queensland and for current and future generations. It will only do this if there is market intervention that effectively modifies the industry's behaviour. Provided it is vested with the power and responsibility to recommend against particular coal seam gas projects going ahead, the commission will serve as the agent of socially acceptable market intervention. That might sound deep and complex, but what I believe is that the commission, comprising six very qualified and experienced people, should be able to apply their judgement so that they can determine the sort of tipping point between acceptable and unacceptable. So, for example, if a miner proposed a particular development that looked like it was going to threaten the amenity values of a small community or invade strategic cropping land, they might make a judgement call which says, 'This is not socially acceptable. Therefore, we recommend to the minister that it shouldn't be developed as such.'

CHAIR: Before I open the floor up to other committee members, I have a question. From the other hearings that we have conducted to date, there has been discussion about the definition of 'sustainable co-existence'. In our earlier hearings—and I am unaware of whether you were able to watch them via the internet when we had them—there was some discussion about the inclusion of the words 'ecologically sustainable co-existence'. I would be keen to hear your views as to whether that would address those concerns, or are you very much wedded to the edition that you provided to us which was 'socially acceptable co-existence'?

Mr Whan: It is a question of which one sounds the most repugnant, I suppose. I do not like 'ecological' particularly. It opens up another form of definition. I think 'socially acceptable' is a term that is well established in welfare economics, and welfare economics is not about the dole and things like that; it is about how we run our society. To me, the term 'socially acceptable' is the one that captures the bigger picture, and I think that is why this commission is being established and I think Queensland taxpayers want to see that it can in fact deliver on that broad picture outcome. I have not followed your hearings and I apologise for that, but the fact that someone has come up with the idea of 'ecologically optimal' or 'satisfactory' just goes to heighten the difficulty we are probably having with sustainable co-existence. I think whoever gets in first and gives the proper definition of something has taken the high ground.

Mr HART: Ian, the government's policy with setting up the GasFields Commission is to put something in place to foster co-existence, not necessarily to establish whether that co-existence should actually exist or not. You seem to want to expand the whole role of the GasFields Commission. Is that what you are aiming to do? Is that what you are suggesting?

Mr Whan: I am not 100 per cent sure of what you are saying there, but let me respond. I think if we have successful—let me put it that way, successful—co-existence, it will be necessary for the commission to rule against particular proposals. I do not think we would be setting up a commission if it was not for the fact that there is a lot of unease throughout our community and throughout Queensland about particular proposals. It is always in the interests of a miner who has a particular tenement or a particular area of country; it is their right to develop. They want to develop that, but it is not in the interests of the coal seam gas industry as a whole or society as a whole to have projects developed that have something wrong with them. I just put it that simply—have something wrong with them, like they are encroaching on prime agricultural land or they are threatening the groundwater or they are ruining the amenity of values of people who are living just

hundreds of metres away. That is why I made the point before that this commission, whether it is knowledge of the Queensland bush and how people respond to events, will know whether a particular proposal is okay or whether it is not.

So what I am proposing—and I will be quite specific about this—is a few more words in clause 6 on page 5 where the bill spells out in draft the commission's functions. I think in (c), for example, if it even said something as simple as 'the ability or the inability of landholders, regional communities and onshore gas industry to co-existence'. I think it has to be made explicit that the commission will find and arbitrate or recommend on this tipping point between acceptable and unacceptable. Unless we do that, it has really got no teeth.

Mr YOUNG: I agree with what you are saying, Ian, but generally you are in favour of the commission?

Mr Whan: Yes. When it was first talked about—and I think that was even prior to the March election last year—it was being touted for all of the right reasons, namely, an independent not necessarily arbitrator but like an arbitrator that would get its head around all of the issues in that they would be experienced people in a technical sense, a political sense and an economic sense and they would be there to see justice for all Queenslanders. I think if the notion has developed since that time that the commission would exist for no other purpose than to talk people around—act as an ambassador for the coal seam gas industry and talk landholders around by saying, 'You'll be right, don't worry about it'—I think that is backing off and that would be most unfortunate.

Mr YOUNG: I think basically you are talking about expanding the terminology around 'socially acceptable'.

Mr Whan: Exactly, and I think on this page where it spells out what the functions of the commission are to be, if you read that page you would be forgiven for thinking that this is just an information exchange; it is all pretty soft stuff. I know that the commission can do better than that and I think it needs a few words in here that give the commission a clear green light to arbitrate or to recommend for or against a particular proposal.

CHAIR: Any other questions?

Mr HOLSWICH: Just taking up your point about adding the words 'socially acceptable' to the definition of 'sustainable co-existence', I certainly take your point about needing well-defined words so that they cannot be misinterpreted. Do you think adding a term like 'socially acceptable' would just open it up to another level of being misinterpreted or different understandings of that?

Mr Whan: I have used the term here to explain what I am getting at. I would not mind if the term 'sustainable co-existence' was retained but it was defined in similar terms to what I have talked about and if a few more words were put in on page 5 to make it quite clear that the commission could recommend against a particular proposal. I am not going to become precious about a particular phrase or something, but I think my use of it here this morning is a way of demonstrating what I am on about.

Mr HOLSWICH: So regardless of the term that is used—whether it is socially acceptable, sustainable co-existence or whatever—you are saying that as long as whatever term is used is defined clearly, that is the main thing?

Mr Whan: Yes, that is dead right. It is defined clearly and it does embrace the notion that at the margin there is a project that does not meet the standards—it does not meet what landholders, communities and society as a whole would accept as reasonable. So that is the main thing I want to see turn up in the legislation.

Mr HOLSWICH: Thanks for that.

Ms MILLARD: You have already made mention that you would like to see certain skill sets already represented on the GasFields Commission. Is there anything very specific that you would like to see—any skill set or any particular stakeholder interest groups that you would like to see on the commission?

Mr Whan: From what I have seen of the six members—I do not know them personally; I have met one or two of them—I think their skill set is approximately okay. They are people who live and work in the community. They talk a lot with stakeholders. There is a technical dimension. My own expertise is in resource economics. I think they are probably a bit weak in that area and the capacity to see the big picture, but from a basic point of view of knowing what is going on at the coalface, if I can put that phrase in, I think the commissioners who have been appointed are probably fairly well equipped.

CHAIR: Can I just pick up on that. The bill also provides for the establishment of the gas fields community leaders council. In hearings that we have had earlier we have been made aware of the establishment of a northern gas fields community leaders council as well as the southern one. I would be appreciative if you could inform the committee of your views of that council itself—whether it is effective and if in any way you think from the bill's perspective it could be improved?

Mr Whan: In the political economy that we all live in, it is important that the grassroots views get through to the decision-making forum. The commission is where recommendations will be made directly to the minister and I would expect whatever recommendations are made will, in fact, be adopted, because it would be very embarrassing for the minister if that were not the case and you would have a New South Wales situation emerge. So I think it is excellent that, wherever the big gas fields develop, there is, in fact, a mechanism there to allow the grassroots opinions to come through. It is important that the commissioners garner those views and build them into their decision making. Hopefully, things that are socially unacceptable, or politically unacceptable, or technically unacceptable—let us hope they reach that decision-making mode before something happens, before there is any development that would then undermine the whole purpose for which the commission is set up.

CHAIR: Excellent. The time has expired and I really appreciate your contributions to this. I will allow any committee members any final questions.

Mr YOUNG: There was a discussion we had the other day in relation to these community leaders councils. One of the things that came out of that—it was my suggestion—was that there be a regional chair so that we have a commission and we have a delegated person who comes out of those council meetings and then that is the go-to person. What do you think about that?

Mr Whan: The commissioners are people for whom this is not their main job. They are part-time commissioners, if you like. So it is imperative that this process be efficient. So in reply to David I said, 'Let us have it,' but to make it efficient you probably need funnels at various critical points. But it needs to be all done in a very methodical way, with proper recordings, so that the views of individual members, if they are going through a chair, are the views that find their way through the commission.

Mr YOUNG: Yes.

Mr HART: Ian, we have heard from other submitters to our inquiries over the last few days about the release of confidential information.

Mr Whan: Yes.

Mr HART: We are talking about the release of confidential information from mining companies and/or landholders and vice versa. What are your thoughts on that? Are there any issues? Should the information be made public?

Mr Whan: I think this has come up as an issue during your inquiry because the exchange of information seems to have turned out to be one *raison d'être* for the commission. I think that is unfortunate. As I have said before, the commission has six people there with vast experience and savvy. They should be able to make decisions with the information they are able to gather and synthesise and come up with an overall position. I do not think it is something to get really badly bogged down in. There will be information that does not get through to the commission anyhow in some way or other. That is just a fact of life. But if the commission does its job well, it will be out there garnering information all the time and building up a total picture of what is going on. I think that, provided the legislation is firmed up a bit to include the power to recommend between acceptable and unacceptable, the rest will fall into place.

CHAIR: Ian, thank you very much for your time today. You did indicate that you had some papers that you would like to table. Can I seek leave of the committee for those papers to be tabled?

Leave granted.

CHAIR: Thank you very much. Ian, I appreciate your commitment and the submissions that you have made and I thank you for that. The time for this session has now expired. I call for representatives from the Queensland Murray-Darling Committee.

FLETCHER, Ms Kathie, Policy Officer, Queensland Murray-Darling Committee Inc.

CHAIR: Thank you for your attendance here today. For the record, could you please state your name and the capacity in which you appear before the committee?

Ms Fletcher: My name is Kathie Fletcher. I am the policy officer for the Queensland Murray-Darling Committee. It is a natural resource management organisation, community organisation. I am here on behalf of Geoff Penton, our CEO. He apologises. He is actually out in the field assisting with flood damage at the moment.

CHAIR: Thank you for that. Would you care to make an opening statement to the committee?

Ms Fletcher: Yes. I am just wondering if you have had a chance to read our full submission?

CHAIR: We have.

Ms Fletcher: Because what I have prepared today to table is a summary of the key issues from that submission. So I would really like to speak to those.

CHAIR: We just have to do the formal bit. Can I seek leave to table that document? Is leave granted?

Leave granted.

Ms Fletcher: A number of the issues that my predecessor raised are similar to the Queensland Murray-Darling Committee in terms of definitions of co-existence, representation, giving the commission teeth et cetera. So it is quite fortuitous that we will just build on that presentation.

One of the key issues, as I have raised in the document in front of you, is the underlying assumption that co-existence is possible. We would really like a clear definition of 'co-existence', and what we have not done, like the Friends of Felton, is actually produce that definition, but we would really welcome an opportunity to build that definition and see that as part of the legal glossary of the bill when it becomes an act. Part of what we would like to see is the commission acknowledge that co-existence may not be possible for certain businesses or landscapes and properties. That should be part of their role as a commission—to make recommendations for the establishment of what we call no-go zones for coal seam gas mining development. Once again, Mr Whan was referring to that as a concern for the Friends of Felton as well. I think that is very much what a lot of the landholders are saying—that, yes, there are some businesses where there can be some co-existence, but let us describe that co-existence, and there are some businesses where the impacts are too great and co-existence is not possible.

The other issue we have is the representation on the commission of stakeholder interests. While we acknowledge and respect the representation that there is now and there are some really good skills, we think there needs to be more representation of community interests. In particular, we see that there is a really big gap with Aboriginal interests. There is not that membership or representation, in our opinion, of those interests. We are seeing more and more in our region Aboriginal communities and traditional owners wanting to engage at a political level with what is going on. So we would really like to see that embraced in the commission as it develops over the years.

That leads to our issues around the membership of the commission. Because of the mistrust and general unrest in the community, we would like to see some process where communities get to have a say in the selection process for the membership of the commission, because we feel that that will give a mandate and more ownership of the commission in its recommendations and build on that trust that this is a commission that does have teeth, that it is representing the community's interests as well as the coal seam gas industry—representing some of the issues there. So as part of that we would like to see appointments by landholders in key regional communities. It is a big call and it is a big process, but we feel that that would probably go a long way towards helping with those mistrust issues.

One of the areas that we are concerned about is the lack, as we see it, of natural resource management and environmental expertise. We recognise that the current commissioners have expertise in certain fields, but we do feel that in a generic sense that is lacking in the current commission and would like to see that really embraced in future commissions. It is often underestimated the value of natural resource managers and the fact that natural resource managers not only deal with environmental issues; they also deal a lot with social issues and have

that capacity to bring a social, economic and environmental relationship with landholders while also understanding wider policy issues. So we just feel that that would have given the commission an edge that we see as really important in this region.

Another issue around the membership of commissioners relates to public disclosure of any pecuniary or financial interests in the coal seam gas industry. There is a little bit of concern out there that commissioners may have a relationship with industry and may gain some sort of financial gain which makes them less independent or may possibly sway their decisions. We know that there are parts in the bill that try to address that, but we feel that that needs to be strengthened some more in terms of a public disclosure before the appointment process. We really do not want to see any commissioners getting financial gain from the industry. We really want that independent nature of the commissioners promoted and I do not think there is use of the word 'independent' in the actual bill. Correct me if I am wrong about that, but that is not really promoted as part of this bill and we would really like to see that independent nature there.

Moving on to the bigger issue around functions and powers, it boils down to that whole argument about giving the commission teeth. Coal seam gas mining and the issues that the region has been trying to address and feeling the impacts of really need some clear functions for the commission, because everyone's eyes lit up when it was promoted that there would be a commission in the region to deal with these issues. So the functions and powers are really important. Like Mr Whan, we feel that they need to be strengthened and probably rewritten to embrace some of the issues that we are raising. One of the key issues where we believe the commission has a role to play is effective management of the coal seam gas mining industry, and we believe the first priority is about preventing and avoiding unacceptable impacts, whether they are social, economic or environmental. We just fear that the bill does not actually clearly articulate that and really would like to see that more clearly addressed in the bill as a general overall function and power of the commission.

The other area is assessing projects and developments, both site-specific and cumulative impacts. It is really important that the commission be able to facilitate that whole discussion and promotion of best practices around those impacts. Cumulative impacts are still really difficult, and it does not matter what forum or what level of governance or whom you are talking to. Whether it is the mining companies, whether it is government or whether it is research, cumulative impact is a really difficult issue to deal with because no-one has come up with a generic term like 'co-existence' to know how to measure or address those issues. We have talked to members of the commission about that—that is, how do we address the cumulative impact? How is the commission going to address that? What sorts of real recommendations can be made around that and assessment? We would really like to see some further articulation in the bill and the functions and powers on that.

Of course we would like to promote our regional NRM plans in that any decisions and recommendations made by the commission align to those regional plans and other relevant regional policies and strategies. We just feel like there is a lot of work being done in the regions in terms of natural resource management assets and targets and aspirations that communities have in terms of their maintenance and protection that often get ignored or put aside. So we would really like to see that more strongly put on the agenda in terms of aligning the work that the commission does. This is once again building on what Mr Whan was saying, but we would like to see clear direction to the coal seam gas mining industry about primarily avoiding and minimising or rehabilitating impacts and risks on the region's resources and ecosystems—not only information sharing about best practices and what the industry's intention is and is attempting to do but also clear directions to the mining industry such as, 'This isn't good enough,' or, 'You need to raise the bar and your operations and activities need to get a bit higher here.'

CHAIR: Kathie, I am conscious that we would like to question you, so if you could perhaps wrap up your opening statement and then we can engage with you as we ask a series of questions.

Ms Fletcher: Okay. In terms of raising the bar, there is still not certainty around the science. The science has not come up with all of the answers or the synergy that everyone is looking for, so therefore it is really important that the precautionary principle gets applied by the commission, and that may mean saying no to certain developments and projects until we get the science and until the research has been done. We would really like the commission to have the teeth to be able to do that et cetera.

Moving on to how the business of the commission is conducted, I think that ties into some of the questions that you were asking in terms of community leadership et cetera. We are really looking for that transparency—that is, in terms of the functions and powers, how are those

recommendations being made? What public input has been made into those? Has it gone back to the communities to give their mandate and input? There needs to be that whole transparency when making recommendations to the higher level.

With regard to the whole integrity issue, there need to be decisions based on independence and peer reviewed science. We are really keen to look at that threshold limit approach, so the region's capacity to keep having the mining and the impacts on natural and social resources. We feel that the commission should have the power to make it mandatory that the government must consult with the commission around new policies and legislation around coal seam gas.

With regard to relevant material that the commission can require and that whole area of confidential information, we are just really concerned about that because we feel that some of that information is the very information we want the commission to have their hands on so we can see that there is integrity with industry and what is going on. I think you raised the question, Mr Gibson, about that, so we are concerned about that whole commercial-in-confidence issue.

To sum it all up, we support the establishment of a commission and we feel that success will depend upon the independent status of the commissioners from the coal seam gas industry and the establishment of an honest relationship with landholders and regional communities and key stakeholders like ourselves. With regard to the influence that the commission will have on developing coal seam mining policy and legislation, we are really needing that kind of support and promotion of protection of natural resources rather than winding back the protection mechanisms which in our opinion is currently happening. We are advocating for sustainable development to sustain the socioeconomic wellbeing of our communities.

CHAIR: Perhaps if I can pull you up there to give us an opportunity to ask some questions, if that is okay.

Ms Fletcher: Absolutely.

CHAIR: Thank you very much for a very comprehensive opening statement. You have touched on a lot of issues and I am sure there would be a lot of questions that we want to pick up on and go through. Earlier in your statement and in your submission you talked about your views about inclusion of Aboriginal interests and their expertise on the commission membership. Clause 27 of the bill provides for the Gasfields Community Leaders Council and, as I have pointed out, we have received evidence that there has been a second community leaders council established in the northern region. With regard to many of the issues you raised, do you believe that that expertise—the Indigenous representation from traditional owners and other stakeholders—could be better served at that community leaders council, because obviously with traditional owners, for example, who will represent all of the state of Queensland as a commissioner, or are we better having it at that more grassroots level where we have TOs from the various areas engaging in that view? I would be keen to hear your thoughts.

Ms Fletcher: Absolutely. It is difficult to get the representation and then the selected leader to represent all of the interests. We really support that community leadership council but, as Mr Whan said, how is that input reflected in the actual decisions and recommendations? That is probably the key point. It is all very well being consulted and advising, but when it gets to that level and it is time for decisions or recommendations—when hopefully there will be changes to policy or law or environmental authorities—where is that reflected and how is that best reflected? That is best for traditional owners in Aboriginal communities to answer themselves, but that is the key challenge.

CHAIR: I can see the problem being at that commission level, because we are covering so many of the traditional owners' areas. To try to identify one would—

Ms Fletcher: Yes, be chaotic and probably fail.

CHAIR: To be frank, I fear that might be the case, but at least the bill provides the community leaders council if that engagement is able to be done. I take your comment that you are very supportive of it; it is about the process of their deliberations and how they feed back up to the commissioners themselves. That is the critical thing that you want to see occur.

Ms Fletcher: Yes.

Mr YOUNG: Kathie, you talked about claims of public concern. How widespread are they? Do you think it is widespread—that is, that the commissioners are subject to financial gain?

Ms Fletcher: That is what has come back to us. When we were drafting our submission we were doing community consultation. It came from several different community groups and key organisations that that is a concern.

CHAIR: Is it the wording in clause 17 relating to disclosure of interests, because certainly from my reading of it that is a fairly standard requirement? The clause states—

- (a) a commissioner or a close relative of a commissioner has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the commission; and
 - (b) the interest could conflict with the proper performance of the commissioner's functions for the matter.
- (2) The commissioner must, as soon as practicable, disclose the interest ...

Is there something in that wording that is of concern, or is it a broader principle of concern that says, 'We're just a little bit worried and we want to make sure that they do disclose everything'?

Ms Fletcher: I raised the same question. I said that it was there in the clause, but it was not good enough for the community groups and persons ringing me because they felt that it needed to be publicly disclosed before the appointment process. I think there are a whole lot of legal issues around that.

CHAIR: Sure. The penalty that is associated with failure to disclose is 100 penalty units. That is significant. Is that felt not to be enough of an incentive?

Ms Fletcher: I think what those comments are reflecting is a general mistrust.

CHAIR: Okay, but that is not necessarily just directed at the commission?

Ms Fletcher: No, it is of the whole way things have happened over the last few years, so QMDC is representing those interests.

Mr HART: Just on that point, Kathie, relating to the lack of trust, the commission has been in place for a while. It has been doing its job. Do you think that has changed over the period of time? I can understand a lack of trust right at the start, but it has been doing its job for a while now. Has that got better?

Ms Fletcher: The level of trust?

Mr HART: The lack of trust? You mentioned lack of trust.

Ms Fletcher: Yes, but are you asking if the level of trust towards the commission has got better or towards the industry?

Mr HART: Yes.

Ms Fletcher: No, I still think there is a lot of scepticism out there.

Mr HART: Just on the pecuniary interest side of things?

Ms Fletcher: More about the whole industry. With the latest media releases about projects being rushed through, it is just like it is one thing after another. It is looking for due process. When you are relying on due process to represent your needs, whether it is the commission or whether it is the ministers and EISs, it is that whole bigger picture—that is, is this just another piece of machinery?

Mr HART: So is the GasFields Commission being blamed for things that are outside their control?

Ms Fletcher: I have not heard that myself personally, or feedback coming like that, no. I think it is a much wider—

CHAIR: It is just a general malaise towards—

Ms Fletcher: You know, had enough, rushing, 'development comes before everything else' kind of gung-ho attitude.

Ms MILLARD: You have mentioned that you feel there is a need to see some recommendations in the bill with regard to measuring the cumulative impact of the social, environmental and economic. What would be a recommendation that you had?

Ms Fletcher: That is a big question. We really need a decent form around cumulative impacts and come up with an agreed decision on how we are going to measure it. I know there is a lot of research going on at the moment to try to address that, but I just really think we need to come up with a key definition at this stage of what is a cumulative impact.

Ms MILLARD: And how it is to be measured?

Ms Fletcher: How it is to be measured. I think that definition and how we measure it will change as we get wiser and more intelligent about these impacts, but at this stage I really think we need something like a definition for co-existence. You know yourselves as members, the community, the commission, we are all on the same page.

CHAIR: Okay.

Ms MILLARD: Thank you.

Mr HOLSWICH: Kathie, right back at the start you talked about—and it is in the documents that you have submitted—the establishment of no-go areas and areas where the CSG industry cannot co-exist with other land uses. That discussion in general is possibly a bit beyond the remit of this legislation, but are you suggesting that the commission and the commissioners should be playing a role in setting up those no-go zones, or exclusion zones, or providing recommendations on that?

Ms Fletcher: Absolutely. As you know, we have the statutory planning going on in the region at the moment where that has been raised. So I just see the commission having a crucial role in working with the ministers at that level in terms of providing the information and the science and recommendations around those issues and the establishment of no-go zones. I know it is not their role to establish them, but it is definitely their role to facilitate that where that is the best solution.

Mr HOLSWICH: Right. Okay.

Mr HART: Kathie, you talked before about the community council and how that is chosen and having some community input to it. On reading the legislation, it does not specify how that should happen. I am unclear myself how it happens at the moment. How do you see community input being given to the formation of the community council? What sort of process would you suggest?

Ms Fletcher: There are some very articulate community groups and stakeholders in this region and very clear representation on this issue. The commission will know themselves that there are some really key people and organisations that they have already been working with prior to them becoming the commission as well. So I think definitely that relationship has been established, but I think it was a little ad hoc in terms of what is going on, how is the community treated, what roles do the communities say we want these representatives—

Mr HART: Sorry to interrupt: have you identified people who you think should have been there who have been left off? Have you written to the GasFields Commission to suggest that some additions should be made?

Ms Fletcher: I do not think we have gone that far. We just made sure that we were represented, because we were a little bit confused about our role and whether we were invited to be involved. So we had to chase that up ourselves, but luckily we are represented. We made sure we were. But I think that process was a little bit messy and it does not take much to fix something like that up by being clear about the process and going back to the key groups that are in that group now and making sure that they know they have an opportunity at certain dates to put up their next representatives et cetera.

CHAIR: Can I just build on that. We have heard other evidence that it could be too large and unwieldy. What is your view as to an ideal size for the community leaders council?

Ms Fletcher: I probably would go for more their interests—what interests are there? You have your social, economic, environmental, business, industry, natural resource management. I would probably identify by key interests rather than size.

CHAIR: Okay.

Ms Fletcher: There are a lot of committees and things going on in the region anyway. So I do not think it is difficult for this region to put something together to be useful to the commission like that.

Mr YOUNG: It would appear that the process of communicating all of these things to the public has not been done. Would you accept that as a fair comment?

Ms Fletcher: Yes, I think that is a fair comment. I think there needs to be much wider public engagement.

Mr YOUNG: You have the public concern about the financial gain, and I think all of those things that are in here we just need to articulate to the wider community. The other one is getting a community group, stakeholders and Aboriginal interests to community leaders. Once again, it is just a case of getting it out there so that these people, as you said, are made aware that those meetings are on.

CHAIR: Any other questions? If I may, I just want to pick up on a point that you made in your opening statement. It relates to clause 23, the compulsory consultation. You talked about the commission being involved as government develops policy. I just draw your attention to subsection (1), which states—

A government entity that is developing policy or legislation intended to affect the onshore gas industry must consult with the commission about the proposed policy or legislation during the development.

Does that satisfy your concerns? 'Must' is fairly clear. I am just wondering what other wording, or how it should be—

Ms Fletcher: There was something that took that away. I am just looking back to our full—

CHAIR: Subsection (2) states—

However, while it is Parliament's intention that subsection (1) be complied with, subsection (1) is directory only and does not create rights or impose legally enforceable obligations on the State, a government entity or anyone else.

Ms Fletcher: It just felt like (2) negated (1).

CHAIR: Okay. Subsection (1) is fairly strong.

Ms Fletcher: Yes.

CHAIR: You would like to see that so it is clear and there is no weakening of that.

Ms Fletcher: Absolutely.

CHAIR: That is good. That is just so we are clear on that. The other point I want to pick up on that you made—and I think it is more from your written submission—relates to clause 6, which lists a fairly extensive list of the commission's functions. We have heard evidence today and in our other public hearings about how we could improve the commission's functions and changes that need to be made. I note in your submission you added things such as direction to government on time frames, analysis of impacts on all gas field activities—construction, operation, decommissioning, monitoring and auditing—monitoring compliance, investigating complaints. We have had some discussion in the public hearings about the role of the commission and the fact that we already have a legislative framework within Queensland and there are various other entities that have statutory powers to investigate, prosecute where things are not adhered to and regulate to go forward. There was some discussion about the commission having referral powers to refer to those agencies. I would be keen to hear your views as to whether that is something that should be included.

Ms Fletcher: I think why we have listed those is that those are probably key areas that we feel are not being done very well and looking for the commission to make sure they happen.

CHAIR: So less about the commission doing them itself and more about ensuring that those other agencies are doing them?

Ms Fletcher: It would probably be more reasonable in terms of the commission's functions and the fact that they are not full time. So yes, in thinking about that, that is probably very reasonable rather than them doing it themselves. But those are the key areas that we really feel need a push and a shove and good alignment to make sure that things are happening in those areas, really.

CHAIR: Excellent. Are there any further questions? We have a little bit of time. Would you care to make a closing statement, but I would ask you to be brief?

Ms Fletcher: A closing statement? I have not thought about that.

CHAIR: You do not need to. I just know that we have a little bit of time.

Ms Fletcher: Thank you for the opportunity. We really look forward to seeing how the commission develops over the years. Like I said, it is about transparency and integrity. The community is desperate for some support at that level. So clear legislation and clear policy are just desperately needed on these issues.

CHAIR: Kathie, thank you very much for the information that you have provided to the committee and thank you for your attendance here today.

BERTING, Mr Philip, Chief Executive Officer, Western Downs Regional Council

PHILLIPS, Ms Megan, Principal Planner, Toowoomba Regional Council

CHAIR: Thank you both for your attendance here today. We will provide you both with the opportunity for an opening statement. Once you have both given us your opening statements we will open it up to questions.

Ms Phillips: The invitation to appear here originally went to my general manager, Stewart Somers. Stewart was unable to attend today, so he sends his apologies. My role in Toowoomba Regional Council is that I work in the Strategic Land Use Branch as a principal planner and my role is to coordinate comments back to the government and to proponents on statutory referrals, so both for legislation and significant projects. So I have been involved in providing comment on the many resource extraction projects.

I will reiterate the main points from our submission. We really welcome the convening of this commission—I know it is already established—and it is very important, and we hear many people both from resource extraction companies as well as the community saying that the commission will have a role in dealing with and addressing some issues of concern. Our submission basically outlined a couple of general points. The legislative context in which the commission operates is quite important and I think will be a challenge for the commission in terms of dealing with, as the previous speaker mentioned, the approvals processes and environmental impact assessment processes. So how the commission interacts with those existing legislative arrangements will be, I think, interesting and a challenge. I understand that the commission sits separate from that and those statutory processes will remain, but our submission basically says that we think there is some scope to have a look at those to support the functions of the commission, and my understanding is that the commission has some power to make recommendations in that regard. We also stated that we thought some arrangements for review and monitoring of the commission's activities might be beneficial, and I could not see in my reading of the bill those provided for within the bill.

With regard to specific points made in relation to the bill itself, we recommended that some consideration of a precautionary principle be included and considered as part of the operation and, I guess, drafting of the bill. This we see as important because the precautionary principle underpins at a national level but also internationally the idea that, in the absence of information, decisions are not made that pre-empt certain activities which may cause harm. So we are just really sort of prefacing our comment with that and think that is an important principle to be considered.

With regard to eligibility of the commission, we just wondered how this new process would retrospectively apply to the appointed commissioners. In terms of the commission's functions, we thought the bill could benefit from definition, as a previous speaker said, of some of the key terms. From our perspective as a council commenting on proposals which talk about co-existence and so forth and identified areas from a technical position—I am a technocrat, so from a technical position—it is really important that we understand from a technical position what that means so that we can then feed into the processes of commenting on major proposals to ensure that we are all talking the same language.

In terms of the functions, these dot points on the second page of our submission relate to some issues that arise for us in terms of commenting. In terms of the availability of information, I did not see in a reading of the bill specific functions relating to the commission's ability to facilitate information to go to the community and also local government and other referral bodies to assist us in making comment, because often a lot of our time is spent going back seeking information and clarification. Other points made in that section there relating to the commission's function include the role of agriculture. We know that agricultural land use is something that is obviously vitally important to the Queensland economy. It is one of the four pillars for the state's economy now through the current government's policy position. We felt that there could be more emphasis given to that sector in the drafting of the bill and to recognise that as a finite resource.

I have mentioned the facilitation of stakeholder access to information and also whether or not it is possible for the commission to have some role in facilitating information to go to landholders who are involved in or may be involved in negotiating contracts with resource extraction companies in terms of a whole manner of things, and this I think will become increasingly important. We have just reviewed the government's revised social impact assessment guidelines and there seems to be a move to basically going towards more of a collaborative approach with proponents working with stakeholders to come up with agreements. That is a very collaborative process, but it is important that people understand their roles and their rights in those processes.

With regard to eligibility for appointment as a commissioner in clause 9, there is a requirement there for expertise in land management. We thought that could be anything from an NRM type of expertise, so we thought it might be beneficial to actually stipulate somebody from a farming background, just to be clear that that is an important representation.

In terms of disclosure of interests, we thought also that there was scope to possibly strengthen those provisions in terms of conflict of interest and to make sure they were present for the appointment and also with regard to the deliberations and decisions made by commissioners. With regard to publishing information, I do not know whether or not it is possible to have that publicly available to people so that the public can actually have a look at how the commission has arrived at certain decisions and for that to go up on a website.

With regard to clause 27 relating to the community leaders council, again we requested that specifically a representative from the farming sector be stipulated there as distinct from regional communities. I thought that was an important distinction to make.

We felt that just generally with regard to clause 27(3) the commission's powers did not give equal weight to its responsibilities and accountabilities to community leaders. We basically thought there was scope to improve and specify more clearly how the commission will interact with that body so our local government will have reps on that body, so we have a particular interest in how that process is going to work.

With regard to clauses 28 and 30 relating to the general manager and alternative staffing arrangements, how that will work in relation to the commission's functions in terms of its relation to state government departments could be more clearly articulated to ensure that arm's-length function and power and against schedule 1 suggesting some terms that could be defined.

Mr Berting: We welcome the opportunity also to appear here today. Our submission probably turns to about three main points, in particular the commission's functions. We questioned about four key items out of these functions such as the effectiveness of government entities in implementing regulatory frameworks. We questioned whether the actual review of effectiveness will actually also include the performance of some of the government departments or people that actually do control this industry.

We also questioned the role or the function under (j) in terms of publishing educational materials and other information about the onshore gas industry. We question whether that really is a function of the GasFields Commission. We also question why there are not also other landholders and other groups actually included. It seems to be very heavily slanted towards the onshore gas industry and does not seem to relate much to landholders and communities. So we are saying that there seems to be a heavier focus on the onshore gas industry and not so much our communities. We also questioned partnering with other entities for the purpose of conducting research related to the onshore gas industry. Again, there is no emphasis there on interaction with our rural sector and our landholders.

Our other two key points referred mainly to the powers to engage with or impose on councils the power to provide resources to the commission. In our particular case, the Surat Basin occupies about 80 per cent of our land mass and we are very heavily involved in the gathering part of the onshore gas industry, but we have projects impacting on our resources other than just the onshore gas industry. So what we are saying is that that is a real impost for us if we have to actually now start providing staff with no compensation to support the GasFields Commission. So that is a real concern for our organisation—and the fact that there does not seem to be anything in the bill that actually says that people can be seconded into this area. As an organisation that is struggling with our current workload, that would be difficult for our council. Again, as I said, we welcome and thank you for the opportunity to be here and to provide the submission.

CHAIR: Thank you both for your opening statements and for your submissions. Phil, it is the freshest in my mind so if I can start there. We have not heard this issue with regard to secondment and its impacts, and I guess this is the first chance we have had to talk with local government. Could you flesh that out a little more for the benefit of committee members? What is happening? What are your concerns about what might happen? How do you see that impacting on the ability of council to conduct its normal business?

Mr Berting: In the Western Downs in particular we have something like 99 resource projects and then subsidiary to those 99 projects there are about another 284, so on the ground we are dealing with something like 380 projects. Our council, following amalgamation, had to put in place an actual whole team of people who work exclusively dealing with the impacts from the mining sector, mining and the onshore gas industry. In particular with EIS proposals and things like that

that keep coming across our desk all of the time, we are finding that it is getting more and more difficult for us to keep on providing the support that we need to keep on providing input into that. That is a real concern for us because that is an impact on our ratepayers because obviously—

CHAIR: But that is less to do with the commission, though; that is more about just government—

Mr Berting: Yes, it is our impact.

CHAIR: Yes. Do you have concerns about the commission seconding or placing an additional burden on your workload, or is this more broad pressures from the process and what you are currently facing in your area?

Mr Berting: It is unclear as to what would be the impact or how much impact the commission would have in requiring that sort of information from our organisation. We do not know. It is unclear. It says there clearly that they can second staff. For how long and how many?

CHAIR: Have there been any discussions about, 'We might need to pull Joe Blow across for us'?

Mr Berting: No.

CHAIR: You are flagging this.

Mr Berting: We are pre-empting this for the future.

CHAIR: I appreciate that. Thank you. Megan, can I just pick up on one of the things that you raised in the submissions. We have heard talk and evidence with regard to this area undergoing statutory regional plans and how that will play out. With regard to that planning process—and my understanding is that it will identify agricultural land for that purpose—do you believe that will be sufficient to address this issue that you raised about the pressures that are placed upon the farming use in the area or would you like to see the commission have an additional responsibility over and above the statutory regional plan that will be in place?

Ms Phillips: I have been involved in input into the Darling Downs regional plan. At this point we are not sure. The draft is due to come up, I think, within the next month or so. When we were first having discussions with the state government about the preparation of that, they said that they would identify go and no-go areas. Then for a while the state government was considering its options in terms of whether or not it would do that. So until we see that draft we will not know what approach the regional plan is going to take to protecting high-value agricultural lands.

We have recently prepared a rural activities and land use study. We have mapped very high value agricultural lands in our area and compared that to those mapped by the state as strategic cropping land. We have submitted a map to the state planning department for their consideration and we have recommended that there be an area that is basically excluded from resource extraction activity. The state government has replied and said, 'Thank you. We will consider.' So at this stage we are not sure. The jury is still out on how that regional plan will deal with those matters.

This goes back to my first point about there still being this need for resource extraction proposals to basically go through environmental impact assessment processes, and some of those impacts may affect broader areas. I am thinking groundwater tables, for example. There is still not a lot of good science on what impacts may occur away from a development site. So I do very much see that and think that the commission, regardless of what the Darling Downs regional plan does, would have a strong role in overseeing any issues that are not addressed in the regional plan and I expect that some would remain.

Another proposal that we understand the regional plan is going to address relates to buffers, or what we probably call separation distances, between towns and resource extraction activity. But that will apply only to new proposals. Again, we have gone back to the government saying, 'We just want to make sure that that is not going to put a belt around our towns so that we cannot expand those towns.' So, yes, I guess the situation will be clearer in a month or two in terms of how the regional plan approaches agricultural protection. But I think, given the level of community concern, the nature of the impacts that we are dealing with and the limits to the technology—for example, coal seam gas directional drilling has been put forward through some of those proposals in terms of being able to angle-drill under agricultural land, but there are limits to that on these high-value blacksoil areas and we know that because the coal seam gas is closer to the surface—there are still issues around how that can be managed.

CHAIR: Thank you. Are there any questions?

Mr HART: Phil, just going back to that alternative staffing issue for a second, are you saying that the council would not have the available staff or that you would like to be recompensed for it if there is room? Megan, is that an issue that you have identified as well? Could I just go to Phil first?

Mr Berting: Recompense is what we put into our submission. It is an impact on our organisation. I would find it difficult to have staff readily available for the commission to access. We have a very heavy workload at the moment, so we would find that very difficult. It would be an impact, and I suppose for us to overcome that impact it probably means backfilling a job. So that is another cost to our community. What we are suggesting is that we should be recompensed for that or an alternative backfill be provided.

Mr HART: Megan?

Ms Phillips: We have not thought about that, because the bill does not explicitly say, aside from a councillor representative being on the community group, that council resources would be required. I think it would be excellent if there was that technical input from the council's side, though, because the technicians are dealing with these proposals really on a daily basis and, as Phil said, that is becoming an increasingly big workload. So I think it would be great if technical officers from the council could participate in some way. That was a little bit of my concern, because often when there are bodies set up and there is consultation at the political level it is difficult for technicians to get their comment up. So I think it would be excellent if that was a part of the commission's role and function.

CHAIR: It is provided for.

Ms Phillips: Is it?

CHAIR: Yes, clause 30. On my reading it does not read that it is compulsory. They cannot walk in and say, 'I'm taking that person'; it is by arrangement. But then the details as to how that arrangement—'Are we going to recompense you?' et cetera—

Ms Phillips: Yes, definitely would need some resourcing, because at the moment we are struggling to resource these.

CHAIR: Okay. Any other questions?

Ms MILLARD: Following on from that, can either of you elaborate on some of those costs?

Mr Berting: It would depend on the time that is involved, but we are suggesting the person you would need would be a highly qualified person and those sorts of people working in my organisation would be on an all-up package of probably \$150,000. So any impact for us is considerable financially. What we are saying is that we have some key people. We have what we call a technical working group who deal with a lot of these issues. They come from all parts of our organisation. We believe for anybody to be seconded into any of these roles they would have to come out of that highly paid technical group. So for us there are two impacts: the highly paid officer but also the fact that they are key people within our organisation.

Ms MILLARD: Thank you.

Ms Phillips: What would be beneficial is to find out what expectation there would be from the commission's side in order to quantify that. So it is difficult to say how many resources would be needed, because I am not sure what the time demands would be.

CHAIR: The bill refers to 'may arrange with the chief executive of'—and in the case of both of you, your local government. If it were just simply to include that there would be recompense for that staff then the rest of it is really the nuts and bolts as to how you do it. As long as you know that you are not out of pocket for losing that person, you can backfill if you can find someone of that particular expertise.

Ms Phillips: Without knowing the demands, at least probably one staff member at a reasonably high level. My current role is that I basically coordinate input from different parts of the council but I also have an environmental planning team below me. So I also help to draft and respond to some of that content. Yes, I would say at least one person.

CHAIR: Sure.

Mr YOUNG: Megan, you touched earlier on conflict of interest and you said that you needed to strengthen those. What are your recommendations to strengthen the disclosure of interests by commissioners? We have it in the bill there but you touched on it. Is there anything that we need to know?

Ms Phillips: In reading that section, it seemed to be limited to basically in the course of the commission's deliberations. As they go, if they had a conflict of interest they would declare. In that regard, yes, that is fairly standard. Those provisions seem to apply to disclosure once the commission is appointed. So that was one issue in terms of how those interests are disclosed prior to appointment and how they are considered in that appointment process. Given that the commission includes representatives from the industry as well, just to be very sure from a public transparency perspective, I think they should be as strong as they can be, yes.

Mr YOUNG: Good, thank you.

Mr HART: On that point, Megan, what is your concern about the existing commissioners and how those particular clauses would affect their positions?

Ms Phillips: It was just unclear, because in the ordinary course of events there would be a piece of legislation set up to establish a body such as that. Because the bill deals with appointments and eligibility and so forth, it was just a question of whether this process has been applied to the existing commissioners. So it was more a point of process rather than specific concern about the existing commissioners themselves. It was just the question: has this process already been applied in terms of disclosure of interests and eligibility and retrospectively? How does that work really?

Mr HOLSWICH: Thank you. Phil, I just want to take up the point you made in your submission about the role of publishing educational materials and other information about the onshore gas industry. Would you prefer to see other sectors included in that or would you rather just see that excluded from the role of the commission?

Mr Berting: We would prefer to see that excluded. We do not see that that was a key role of the commission. There is a lot of that information already out there. We really question whether that is the role of a high-level commission.

CHAIR: Can I just pick up on that? Is there not the argument, though, that the information that is out there predominantly is of one view or the other and that perhaps a commission could take a more independent position so you do not feel like you are being fed propaganda by one group at the extreme end or by the other group? There is a lot of that out there. There are arguments for and against. Movies are made—not all of them factually correct. There is a lot of material that is put out that confuses the issue. Doesn't the commission have a role to walk that middle ground, so to speak?

Mr Berting: That is a very good point. Again, I think the commission would be wide open to criticism, because if they move down a path that says, 'We support this side and not that side,' I believe they are still going to be caught up in that argument of, 'Are they impartial here or not?'

CHAIR: Is it less about supporting and more about publishing the education material?

Mr Berting: Publishing.

CHAIR: I guess—

Mr Berting: It is the same thing.

CHAIR: We are not dealing with mathematics; it will be an opinion expressed one way or the other.

Mr Berting: That is right.

CHAIR: Okay. Fair point.

Mr HOLSWICH: Megan, you were talking before about looking at someone who has expertise in agriculture as distinct from someone with land management as a commissioner. Would your recommendation be someone with expertise in agriculture as well as land management or instead of?

Ms Phillips: If there was provision or capacity to have both, the more expertise in terms of people dealing with either farming practice—being farmers themselves—and the land management side is to me more about bringing in people who could be catchment management people or people with different sorts of expertise. So I think it could be both, yes, if there was scope for that.

Mr HOLSWICH: So you do not think it is enough to have that represented in the community leaders council? You think it is that important that it needs to be at that level of commissioner?

Ms Phillips: I do, based on the purpose of the commission and given that my understanding is that one of the big issues is around how resource extraction activities are going to impact on agricultural land and, therefore, the economy of the state, particularly in this region as it is an extremely important contributor to the regional and local economy, I think it is very important to have people who are farmers on the commission. I am not saying that there are not already.

CHAIR: No.

Ms Phillips: They could come under that category and be a farmer, but in carrying out that study we have just done we talked to lots of farmers from different sectors. There are a lot of different sorts of cropping and livestock and so forth. So even across that spectrum there are lots of different sorts of interests, activities and views. So I think very much it is very important that that be front and centre of the commission's representation.

Mr HOLSWICH: So taking out of it the qualifications of the commissioners at the moment, you just want it spelt out there to make sure it happens?

Ms Phillips: Yes.

Ms MILLARD: Specifically from a council perspective, for the GasFields Commission to actually achieve its purpose, do you feel as though there is any specific power or powers that it needs generally or very specifically? Also, do you think it has been given any unnecessary powers that perhaps it should not have been?

Ms Phillips: With regard to my reading of clause 7 relating to the commission's powers, that is a fairly broad set of powers, isn't it? So I took that bill to basically mean that the commission had reasonably strong powers. I think its powers to obtain information are very important. I think as I mentioned upfront, that ability to make recommendations about legislation and assessment and decision-making processes in legislation is really important, because some of those processes are under review now and the EIS process has some holes in it and the strategic cropping land framework has some holes in it. For example, definition of 'temporary impact' is, I think, 50 years. So there are some big issues there. I think the commission's powers need to be as strong as possible, yes.

Mr Berting: I would agree. I think the commission was long overdue. We needed an independent party or what was perceived as an independent process, so that is why we are very supportive of the commission. I believe the powers need to be strengthened because they need to be able to have some weight behind some of the decisions or some of their recommendations to government. So, yes, we fully support it.

Ms MILLARD: So there is nothing at this stage that you see as being inappropriate just generally or that you would not like to see?

Mr Berting: No, I do not think so.

Ms MILLARD: No, not at this stage?

Ms Phillips: I suppose I would caveat my statement just in terms of those conflict-of-interest arrangements. With power comes responsibility and the need for transparency, so I think that really needs to be weighed up. The degree of power of the commission I think needs to be balanced with its degree of transparency and having its decisions and deliberations being very open and public. So that would be a caveat for me on that.

Ms MILLARD: Thank you.

Mr HART: On that very point, as far as transparency goes, what sorts of benefits do you see to public disclosure of the commission's decisions and minutes of meetings and, in particular, how that might impact on information that is obtained from your councils that may be sensitive information? I just wonder how far we go with this public dissemination of information.

Ms Phillips: I suppose there would be limits to the sort of information that would be posted, and that, I guess, would be that legal check across implications in terms of corporate sensitivity. With regard to information, say, for example, on council submissions on various matters and that kind of thing, I think there is a lot of scope for that information to be made public. The other sort of technical information that I think might be sensitive would be information on flood studies and so forth, but that probably would not come into the purview of the commission's activities. I am thinking we probably need some guidelines to basically frame that and say what would be ruled in and what would be ruled out of being made public.

Mr Berting: I agree that commercial-in-confidence information should not be published if that information comes to the commission, but the reality is that it has to be open and transparent. If we start trying to hide things, I think the commission will lose a lot of credibility.

CHAIR: Just to pick up on that, we are talking about the use of confidential information contained in clause 37. Is there any particular wording that you believe needs to be changed in the bill, or is it a matter of a greater penalty being applied for failure to adhere to this particular clause? Your views?

Ms Phillips: That is a very good point actually, because, yes, there would be, I suppose, confidential information that could be used by proponents, like inside information if you like. Councils may have information about other development proposals, so I think those matters probably should perhaps be addressed. This wording is very general, isn't it? It does not sort of stipulate the nature of that information. I would have to think about that.

CHAIR: Phil?

Mr Berting: Looking at that, it is a little bit light on. The maximum penalty is quite severe. But it is probably something that we deal with every day in my field—confidentiality and how we address that. We are covered by a lot of acts. I am quite comfortable with what is actually written there.

CHAIR: I extend to you the opportunity to write to us about that, and I know that I have put you both on the spot. If perhaps in the course of, say, the next week you were to review that, you would have the opportunity to write a letter to us expressing any further feedback you have on that, because it is an issue that has been raised fairly consistently. I think it is one that is delicate for the commission to be able to resolve and we need to ensure that the structure of the bill is such that we empower the commission to be able to walk that balancing between what is rightly commercial in confidence and needs to be protected but also has a broader community value and whether that information is aggregated before it is provided or how it is done. There will be other options. If you consider one, please write to us, but do so in the next week so that we can pull that information out.

Ms Phillips: I have a couple of thoughts there. One is perhaps if there was a request made for information from a body such as a council that there would be some resources. We talked about resources before, but maybe resources for that legal checking before things go out. Yes, I think that is very important, because given the commission's make-up reps do have—quite legitimately—links back into the industry. So, yes, it would be very important to ensure that that information was not being directed back in inappropriate ways. The other thing that I am thinking about just off the top of my head is how that can be monitored because, as it stands, what sorts of institutional arrangements are there? That was one of the other comments that we had made about some sort of oversight of the commission itself, because unless something comes to light then the penalty could be applied. It is about tightening that up so that it does not rely on that happening.

CHAIR: As I said, the invitation is there.

Mr YOUNG: Just to elaborate, Rhia is here somewhere so you can get our contact details if you want to put anything on paper.

CHAIR: Even just a letter via email would be fine. Given there are no further questions, you have provided us with very valuable information, so thank you, and from a perspective that, to date, the committee has not had the opportunity to hear from. It again highlights the value of these public hearings in ensuring that we draw from a broad range of witnesses, so thank you again. Are there any final statements that you may care to make?

Mr Berting: Thank you for the opportunity. As I said, we welcome the opportunity for feedback. We often submit submissions on things but never get an opportunity to follow it through to this length. That was a great opportunity, so thank you.

Ms Phillips: Yes, and I would reiterate that. I very much appreciate being able to present the submission. It is an opportunity we do not often get and I think it augurs well for the commission that there is such interest—and genuine interest—in making sure that it works for the best for the communities.

CHAIR: Thank you very much. I thank everyone for their attendance today at this public hearing. I believe that the committee has gained a great deal of valuable information which will help it in its deliberations on the Gasfields Commission Bill 2012. I thank the parliamentary staff for their work in assisting us during today's hearing. I move—

That, pursuant to section 50(2)(a) of the Parliament of Queensland Act 2001, the committee authorises for publication the public evidence given before it this day.

I now declare the hearing closed. Thank you.

Committee adjourned at 12.40 pm