Speech By

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REGIONAL PLANNING INTERESTS BILL; PROTECTION OF PRIME AGRICULTURAL LAND AND OTHER LAND FROM COAL SEAM GAS MINING BILL

Mr KATTER (Mount Isa—KAP) (10.23 pm): I rise to speak on the Regional Planning Interests Bill in cognate with the Protection of Prime Agricultural Land and Other Land from Coal Seam Gas Mining Bill. The Regional Planning Interests Bill 2013 sets out to address the tensions that have built up between landholders and resource companies and attempts to build on the efforts of existing acts such as the Strategic Cropping Land Act, the Sustainable Planning Act and, dare I mention it, the Wild Rivers Act. At the outset I acknowledge that this was always going to be a very difficult and challenging issue for whichever party or government that took it on. In one of his contributions the minister suggested that this act operates as an urban town plan over a rural area, and that is the way that it should act.

From the initial feedback that I experienced on the State Development, Infrastructure and Industry Committee, both sides of the argument had very strong opposition to the bill which they made loud and clear. It was very unsettling how strongly they were opposed to the way that it was initially structured. The feedback that I had from industry and landholders was that they felt they were not consulted enough by the department. To the credit of the department there was some to'ing and fro'ing and there has been some adjustment. I acknowledge that at this early stage.

In those early stages there were some very unhappy people who raised real concerns. We have heard a lot about sovereign risk tonight. Some of the comments made concerning sovereign risk in the early parts of this bill being formed were very frightening indeed. The underlying theme throughout the development of the bill has been the lack of detail that has been provided on the regulations, which has only come out tonight. It has been very limited and has made it difficult to take a position to support it without knowing how it will work. I feel that there is still an issue with it being demonstrated that the objectives of this bill could not have been achieved through other existing legislative frameworks. I see the arguments put by the minister and his department, but I am yet to be thoroughly convinced of that.

I would like to go through some aspects of the bill and some of the contributions made. Some of these aspects have been addressed, but I think they are still worth going through as they had a significant impact on how it came together. There has been much mention made of co-existence. I take exception to the comments that it should exist and it can always be reached. I think more often than not it is forced on people. There is always an implied threat from large gas companies or resource companies when approaching landholders. Despite the legislative framework that exists to try to protect them, there is always an implied threat. I think many of us here have personal friends who have that hovering over them. When there is a threat of taking an issue to the land court or taking the money and running, it is always very imposing. There is always going to be an imbalance. Perhaps that is in favour of the resource companies at the moment. Co-existence is definitely very

contentious. There was no definition of co-existence in the bill which made it very difficult to comment and pass judgement on. That was evident in the submissions of QRC, AgForce and others.

I disagree with the assertion that the best example is when both parties come to agreement in that initial stage without going to court. As I have said, there are always those situations where there is an implied threat from a large resource company or there is a multinational knocking on the door exerting pressure. There are many stories of that happening. Hopefully in time there are fewer of those. I think many people are forced into mediation or there is an implied threat. I think it is very difficult from an outsider's point of view to stand back and say that there is co-existence and everything is lah-di-dah.

Mapping areas of regional interest is a very contentious issue. I am told that will be covered in the regulations. That would be the cause of much debate because many Queenslanders and people in agricultural industries would say a particular area definitely should be a quarantined priority agricultural area and called into those special strategic agricultural areas and they will miss out. In relation to ground truthing of that mapping, there was limited detail and it is therefore difficult to pass judgement.

Resource activities and regulated activities relate to the identification of areas of regional interest and the management of various resource activities. The submission from MetroCoal identified that they were particularly concerned about undefined regulated activities and that it may mean interested parties from other industry sectors may be unaware that they may ultimately be regulated by the framework and are denied the opportunity to make submissions. I understand that this issue is being partly addressed by the department. It was an issue that came through loud and strong to me.

Again, I have extreme difficulty with the bill in relation to the regulation. It is very difficult to cast judgement over something when a lot of the nuts and bolts of the framework are not there. According to the majority of stakeholders, it is difficult to assess the implications of the bill. It has created uncertainty for landowners, local government, business operators and industry. A number of stakeholders have requested an opportunity to review the regulations before the bill is passed. Certainly I would have benefited from that, because I could have interacted with them and given some good honest feedback and we could have had a robust debate here tonight, but we have been denied that opportunity. I think it waters down the purpose of the debate tonight and makes it difficult to support these things.

The QRC argued against the framework of the legislation to provide flexibility for changes in current and future policies. I found interesting the statement that they made that the powers to make decisions have been pushed into regulations. They have taken statutory powers and pushed them down to a regulatory stage so that you are in a sort of double-jeopardy situation where you are subject to some rules that you have not seen and the ability to apply those rules has been delegated down to chief executive level, shifting it from a parliamentary power to a bureaucratic one. I see that as an outstanding issue that needs to be addressed.

On the issue of alternative policy proposals, mostly it came back to the fact that people were comfortable with the existing legislation. In my opinion, the vast majority preferred to work within the existing legislation, which could be tweaked or amended rather than rebadging or bringing out something new. I am sure it would send shock waves through boardrooms to have another band of legislation to deal with in Queensland. We talk about the sovereign risk with regard to the bill of the member for Condamine. Certainly there are some issues with that here as well. That has come through loud and clear in the feedback that I have had from some very significant resource companies.

The department advised a number of alternative regulatory frameworks through which to implement the land use policies of the new generation regional plans, including the amendment of the multitude of resource acts to include an assessment process through which the regional interest can be considered as part of the granting of tenure. That cuts to the thrust of the purpose of the bill. I must say at this point—and I think I touched on this earlier—that we agree with the intent of this bill, in that cutting to those regional interests is a very important part of the process and it is a concept that we very much support.

The committee's response to have the framework integrated in the existing legislative framework to minimise red tape was acknowledged by the department, which said that doing that would require considerable amendments and could likely lead to some unintended consequences. That may be true, but I am yet to be fully convinced. The major issue that kept coming back from most of the submissions was the lack of detail. Almost without exception, submitters maintained that they are unable to appropriately critique the proposed assessment framework because of the considerable

uncertainty in how it would work. That is something that everyone should be cognisant of with this bill. In the context of this debate, it makes it very difficult.

One of the most important issues that came up at the outset was the impact on existing mining operations, which I believe has been dealt with. That was a very scary proposition, indeed. It is pleasing that that issue was dealt with, because I felt that that was probably the scariest of all. Another issue that came through strongly was the exploration companies having a 12-month period to remediate, which has been extended to 24 months. That was a welcome response. Although the situation is not ideal, it goes some way to alleviating the issue.

In summary, the bill takes on a very challenging task. Aside from the other bill that I am about to speak to, it sets itself the task of taking on the broad area of Queensland where all these tensions exist. My gut feeling is that it has fallen short of properly addressing a very difficult situation. Both sides of the spectrum are unhappy with the outcome generally, although they have said they will wear it. Some people would argue that that is a good policy balance, but that is not necessarily true. It is very rich to be asking us to have faith and to deliberate and that it is all going to come out in the regulation. That is a pretty tough gig for us to deal with.

I will briefly address the other bill before the House tonight, introduced by the member for Condamine. It has attracted a lot of very simplistic arguments and criticisms. There was a lot of criticism about the KAP bills, but putting in stuff like this tells Queensland that there are areas where we can make a stand. I think some of those comments were a bit misguided when we consider the impact that they will have on Queensland. When I am shown a map of where existing activity is, there is a vast and very notable absence of activity in the area we are talking about. In the long term, yes, this will have a huge impact on the CSG industry. It is not to be treated lightly; I understand that. I have a lot of friends who work in the industry. It is a sugar hit that is propping up the economy at the moment.

However, people need to realise that there is a future beyond CSG and there is a flip side to the gas industry that a lot of commentators are talking about. At the moment there are a lot of jobs, particularly in the construction phase. There is a lot of income there now, but there is a flip side because a lot of big industry groups that use gas are taking hits from LNG and the rise to world parity price. There are some frightening statistics that suggest that, whilst it is great at the moment for the economy and it is a very big stimulus, there is a down side particularly in the long term. Part of that long-term issue is protecting our prime agricultural land. This bill fearlessly addresses that. It is a very confronting thing to do, as with the other bill we are talking about. They are confronting issues. Yes, there are big costs, but somewhere along the line we need to draw a line in the sand. That has been done fearlessly by the member for Condamine. I applaud him for that. I table that document.

Tabled paper: Map from Google Earth, dated 10 April 2013, titled 'Coal Seam Gas Wells 'Excluded Area': Protection of Prime Agricultural Land and Other Land from Coal Seam Gas Mining Bill 2013' [4698].