




Speech By
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MEMBER FOR WARREGO

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LAND ACCESS OMBUDSMAN BILL; GASFIELDS COMMISSION AND OTHER LEGISLATION AMENDMENT BILL

 **Ms LEAHY** (Warrego—LNP) (8.03 pm): I rise to contribute to the cognate debate in relation to the Gasfields Commission and Other Legislation Amendment Bill and the Land Access Ombudsman Bill. I would like to thank the Infrastructure, Planning and Natural Resources Committee staff for their assistance with the inquiries into these bills and the professionalism in which they have produced both report No. 46 and report No. 50. I would also like to thank the members of the committee from both sides of the House for their participation in the committee process in the consideration of this bill. I would also like to thank the stakeholders for their patience with the state government, especially those who regularly made submissions and appeared before the parliamentary committee during the course of the examination of these bills. Perhaps the minister could advise why this legislation in response to Robert Scott's review has been delivered in such a piecemeal manner. Why not progress the review recommendations in one bill? As we have seen, we have review recommendations in two bills here, and I do not wish to pre-empt debate on the other piece of legislation that is on the *Notice Paper*, but we have a third bill that has come forward in response to Robert Scott's review recommendations.

The amendments to the Gasfields Commission Act and the Land Access Ombudsman Bill are, as we have heard earlier, as a result of the independent review undertaken by Professor Robert Scott. The amendments to the Gasfields Commission Act are envisaged to provide a clearer separation between the strategic and operational functions of the commission. The bill seeks to modify the membership requirements and clarify the responsibilities of the chief executive officer. There are also other amendments contained in the bill relevant to the Biodiscovery Act 2004 to expand the contractual framework available for biodiscovery and the Sustainable Ports Development Act 2015 to ensure that the port overlay provisions for the port master plans are applied consistently.

I will now turn to some of the detail in the Gasfields Commission amendments. During the public hearings on the bill it was confirmed that the GasFields Commission had closed its Toowoomba office on 30 June 2017 and the office will now be located in Brisbane. This closure, combined with only 23 per cent of the staff being tasked with regional engagement, is disappointing. As at 8 June 2017 there were only 13 staff engaged by the commission and only three identified as regional engagement officers. I feel for those three regional staff. They have massive distances to travel across the Surat Basin and right out to the Cooper Basin and they will feel some professional isolation. I think it is disappointing that those staff are placed in that position whilst the majority of the staff are actually located in Brisbane.

We heard earlier that one of the reasons why the office in Toowoomba was closed was because there was not a lot of walk-in foot traffic to that Toowoomba office. I can say that there is not going to be a huge lot more when it is located in Brisbane. They certainly will not be getting walk-ins about gas issues in Brisbane because they probably will not even be able to find it if they are from a regional area.

It is my view that the GasFields Commission should be located in a community and I am going to advocate very strongly for Dalby where there is an onshore gas industry, where there are landholders dealing daily with the industry, where there is local government, like the Western Downs Regional Council, that is dealing firsthand with industry issues, where there is a chamber of commerce that is

working closely with the industry to make sure that there is business stimulus through their community and where the health and social services are trying to cope with the impacts they so often see from the sharp peaks and troughs of the resource development. As the member for Nanango pointed out earlier, the Robert Scott review found the GasFields Commission functions should be maintained or enhanced in order that the harmonious relationship between the CSG industry and agricultural land uses can be created and maintained. I think it is particularly important to note that.

This government, behind the claims of structural and operational changes, has reduced a robust, standalone entity that could provide impartial direction, advice and recommendations to government and industry to a commission that is mainly a metro based entity that will be professionally isolated from the industry and the operations of the industry which they are to oversee and advise upon.

The explanatory notes state—

New subsections (ia) and (ib) are inserted into section 7 of the Gasfields Act and provide two new functions for facilitating the provision of information and community participation in health and well-being matters relating to onshore gas activities. These functions will be performed in conjunction with health specialists and service providers and are intended to be a coordination and communication role only.

This is an unusual amendment. Those who live in areas where there are onshore gas activities, as I do, do not want coordination or communication; they want a permanent doctor, they want a permanent dentist, they want a hospital that can do X-rays or a doctor who can set a child's broken arm rather than having to fly them out to Toowoomba or Brisbane, and they want a local hospital where women can birth locally.

Members opposite should not forget what some previous Labor governments did in relation to the onshore gas industry. Prior Labor governments set about shutting down birthing services in an area that was growing dramatically because of the onshore gas industry. They proposed shutting down the birthing services at Chinchilla, so women had to travel an hour to Dalby and run the risk of having their babies on the side of the road. When they came to government, the LNP not only implemented the GasFields Commission but also made sure that birthing services were returned to communities that had experienced significant growth, such as Chinchilla. When the former Labor government was in power, the community of Miles was also experiencing a lot of growth due to the onshore gas industry. However, they could not put dental services into Miles. They still cannot get a dentist to go to Miles. I hope that something is done about that in coordination with the GasFields Commission, because it is important that those people have access to basic services.

During the course of the hearing, committee members were advised of the remuneration package for the full-time chair of the commission, which is about \$200,000. For a part-time chair, the remuneration will be about \$6,000, plus reasonable out-of-pocket expenses. The part-time remuneration has been set under the remuneration procedures for part-time chairs and members of Queensland government bodies. For part-time commissioners, remuneration will be around \$4,500, plus reasonable out-of-pocket expenses. I take my hat off to the commissioners who have taken on those jobs, such as Ian Hayllor from Dalby and Commissioner Ruth Wade, with whom I am quite familiar. I question how future governments will continue to attract suitably qualified and experienced persons to undertake the roles of chair and commissioners when the total remuneration package is around \$6,000 for the chair and \$4,500 for commissioners. Although we have adequately qualified people at the present time, we should be looking to the future because the gas industry will be around for the next 30 to 40 years. It is no secret that in Queensland the onshore gas industry is a multibillion dollar industry. Therefore, there seems to be an imbalance in the remuneration for the chair and the commissioners, given the importance that the industry has in generating growth and jobs in Queensland.

I turn my comments to the Land Access Ombudsman Bill. The LNP committee members support a simple low-cost mechanism for landholders and resource authority holders to discuss alleged breaches of conduct and compensation agreements and make good agreements once dispute resolution provisions have been exhausted. However, we are concerned about what this bill actually does, the additional layer of complexity that it adds to the courts and alternative dispute resolution processes, and how those can be resolved. The government has landed on an ombudsman model, which is interesting as, in his report, retired Land Court judge Robert Scott did not recommend an ombudsman model. In fact, recommendation No. 10 of his review states—

That an Office of the Petroleum and Gas Moderator be established to assist parties to a dispute about alleged breaches of make good agreements and conduct and compensation agreements on the following basis ...

Further, he said—

As required by the Terms of Reference, this review had regard to what occurs in other jurisdictions (Australian states and Alberta, Canada). These jurisdictions are broadly similar to Queensland in that the State owns the mineral and energy resources and compensation is payable for impacts of resource development on the surface landholder, however the land access frameworks differ. None of these jurisdictions uses an ombudsman model for land access disputes. Arbitration and tribunals are variously used throughout Australia and in Alberta when there are disputes about compensation, and in some cases conduct.

Robert Scott's review report stated—

The term 'ombudsman' usually refers to an independent body that can investigate complaints made about government. Historically, an ombudsman represents the interests of the public by addressing complaints of maladministration or violation of rights.

Whilst Mr Scott recommended the creation of an independent body to assist in the resolution of these disputes between companies and landholders, he said that this body should not be called an 'ombudsman'. Part 7.5 of his report sets out his clear recommendation. The government's own review, undertaken by Mr Scott, did not recommend the establishment of an ombudsman. It cited other jurisdictions that are comparable to Queensland and said that they did not use an ombudsman for the purpose of land access disputes. Therefore, this government has ignored its own review. It is trying to implement a government complaints process in what are essentially commercial agreements.

There has been some earlier discussion in relation to consultation on this legislation. I point out that, in their submission to the committee, the Resources Council stated—

The Gasfields Commission review only investigated and made recommendations regarding the gas industry, however this Bill extends the Ombudsman role also to the coal and mineral industry. Even though on face value it seems reasonable to apply the same process broad brush across the entire industry, this approach, without further considered investigation, is cause for increasing concern for QRC's coal and mineral members.

Therefore, the government did not consult with the coal and mineral sectors in relation to the inclusion of their conduct and compensation agreements and make good agreements. That is disappointing. That is what the industry is saying about this bill and we heard about some of that earlier today.

The explanatory notes state, 'The main issues raised by external stakeholders included the lack of statutory timeframes for the land access ombudsman's processes, defining the necessary qualifications for the land access ombudsman and support staff ...'. It is quite interesting to look at that. Despite the matter being raised in the consultation done by the government, the government did not address the concerns raised in relation to the qualities and qualifications that a land access ombudsman should possess. It is entirely at the discretion of the government as to what characteristics and capabilities the ombudsman should possess. The reality is that the government could appoint a union member, a member of the Greens or, basically, anyone off the street, because the legislation does not prescribe what qualities or qualifications the ombudsman should have. It is bad enough that the government ignored their own review and its recommendations, but they are making a bit of a hash out of things by not prescribing qualifications. Basically, any Tom, Dick or Harry could be appointed as the ombudsman. That is a serious flaw that will not result in good outcomes for industry or landholders.

There is another issue in relation to clause 43 of the bill. It describes when a party may be represented at a meeting, which must be done with the leave of the Land Access Ombudsman. The ombudsman must not unreasonably withhold leave for a party to be represented at a meeting. This departs from the principle of other Queensland ombudsman services, which are intended to be free and informal. The Queensland Ombudsman, the Health Ombudsman and the Energy and Water Ombudsman have little or no reference to legal representation in their legislation or on their websites. The Land Access Ombudsman departs from those principles of a true ombudsman. This was not recommended by the review and the ombudsman model is not used in other similar jurisdictions. There is no question that, while it may appear on the surface to be a low-cost mechanism, we need to delve into what can occur with legal representation. If a company turns up and says, 'We want to be legally represented in a situation before the ombudsman', it would be really unfair if the ombudsman did not allow the landowner representation, as well. Therefore, it is not really a low-cost mechanism. The legislation is not written to deliver that outcome.

It is difficult to see how this bill will genuinely resolve some of the issues in relation to conduct and compensation agreements and make-good disputes. It is difficult to see how this will provide good outcomes. The LNP will be watching very closely. We will keep a watching brief on this legislation. I will be quite happy to report back to the House when we have issues that arise with this legislation. I commend the bills to the House.