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NPH Farming Syndicate
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30th January 2025

Fleur Kingham, President
Queensland Law Reform Commission
George Street
Brisbane Qld 4003

By email: qlrc-miningobjections@justice.qld.gov.au

Dear Ms Kingham,

Re Qld Law Reform Commission Points

Introduction:

My submission relates to Mining in relation to Petroleum and Gas. The lack of consultation that has been presented to the people now impacted is alarming. Government control of the CSG industry is poor to non-existent and transparency in relation to monitoring is absent.

The application and exploration stages of ANY mining lease has never involved the landholders who are to be mined under or nearby. These landholders have the right to be informed of the possibility of mining occurring on and around their properties.

The legal obligation of Queensland Government Departments to enforce legislation must prevail.

Queensland Law Reform Commission has been presented with an opportunity to advise Government in the many flaws of its regulatory capacity when it comes to mining and in particular the Petroleum and Gas Industry. An obligation to the people of Queensland to ensure that accountability and transparency of Government Departments is paramount. Advising Government on these issues by QLRC is a positive step.

How Gas fits into the Plan.

In 2022, the Government published the Queensland Resources Industry Development Plan (QRIDP). It contains the Government's commitment to ensuring that the regulatory framework for the State's resources industry is 'risk-based, efficient, effective and transparent' so that:

- Queensland's resources are explored and developed in the public interest and
- the community is confident that the resources industry is well regulated.

Neither of these conditions have been displayed by a CSG industry determined to progress at all costs with no precautionary principle being applied by Government departments. This needs to be highlighted to government.

To date, landholders have been left out of decisions about gas industry projects on and around their land. Reference is made to Arrow Energy as I have had first-hand experience with Arrow.

Government recognised the importance of our Priority Agricultural Areas (PAA) and Strategic Cropping Lands (SCL) and specifically introduced legislation by way of the Regional Planning Interest Act 2014 (RPI Act 2014) to protect these valuable areas. As such the below points are relevant.

- Section 22 of the RPI Act 2014 states that the activity is not to have significant impact on the land or its neighbours. It does not state that infrastructure must be on or under this land to have caused the damage.
- Extraction of gas and water does not stop at property boundaries and has impacts from the extraction sites extending far beyond.
- Neighbours are suffering CSG induced subsidence from this CSG mining and yet **government fail to enforce the very legislation now in place that would protect these landholders.**
- Arrow Energy impact reports do not include consultation with the landholder to understand their long-term plans of operation.
- Arrow Energy impact reports do not consider the long-term impact of CSG induced subsidence that is shown shall continue for years post decommissioning of the CSG wells.
- Recent withdrawal of the RIDA for 4 Springvale landholders highlighted the inability of Arrow Energy to satisfy the approval conditions placed to allow this RIDA to proceed.
- Arrow Energy have repeatedly refused landholders now subsiding the legislative requirement to have had a RIDA in place prior to wells being drilled.
- Baselines for now impacted landholders needed to be ascertained prior to the commencement of the CSG industry.
- Impacted landholders are now being told that baseline data needed to be collected over a three-year period back in a time when gas company Arrow Energy was telling them that there would be no impact.
- **Protection now needs to be given to these landholders that both gas companies and government have failed**.
- CSG Subsidence must have the burden of responsibility for the detriment now caused placed back onto the resource company and for that company to prove they were not responsible for subsidence now occurring.
- Landholders are deprived financially by being expected to collect data over time, maybe years, and at great expense to engage professionals able to testify in any court action.
- Make Good Agreements (MGA) for water bores underwent a similar scenario in that if a landholder's water bore failed in tenement areas, the tenure holder had to prove they were not the cause.
- Subsidence should invoke the same onus of responsibility. If subsidence and increased water logging of crops is only an issue since any PL is granted, then the responsibility should not lie with the landholder to prove damage.

GasField Commission Queensland, now Coexistence Qld has released a Fact Sheet with frequently asked questions.

"GasField Commission Fact Sheet – FAQ 5: Can a person challenge a resource authority's reliance on the landowner agreement exemption?

GasField Answer: If any person is concerned that a resource authority holder is carrying out a resource activity without a RIDA or where an exemption does not apply, they may lodge a complaint with the Department of State development, Infrastructure, Local Government and Planning (DSDILGP) via RPIAct@dsdmip.qld.gov.au."

Despite the above answer, numerous complaints to DSDILGP have still not resulted in government acting. Instead, Arrow has been allowed to continue a development entirely on their own self-assessment process with no verification as to claims of no impact. Communication back to impacted landholders has been lacking.

Qld Government Response to recommendations in the Review of the RPI Act 2014 Assessment Process by the GasFields Commission Queensland.

"***Recommendation 1***: *Replace exemption provisions with a self-assessment process informed by a code that clearly articulates acceptable development outcomes.*

Explanation: The proposed compliance-assessment process is different from a self-assessment process as there will be a requirement to notify of compliance with the code and provide other details to the administering authority DSDILGP".

This shall fail as there is **NO-ONE** in government checking to ensure that any compliance assessment process has been carried out. **This is no different to the resource companies' self-assessing as they presently do. Legislation does not say resource companies can self-assess!**

"***Recommendation 2***: *When utilising the proposed compliance-assessment option, the resource authority holder should be required to make a declaration that they have consulted with relevant landowners* ***and notified neighbouring landowner of utilising the self-assessment option.***

Qld Gov response: The Qld Government will work to establish a framework for the resource authority holder to make a declaration that they have consulted with the relevant landowners and neighbouring properties, when using the new compliance-assessment process."

As for Recommendation 1 there is no one in government to check back with the impacted or to be impacted neighbours that any such declaration has validity. This is no different to Arrow Energy presently making the claim that neighbouring landholders have been adequately involved and no one in government checking to see if this is the case.

Please ensure that another piece of legislation is not introduced to supposedly do the job of legislation already there that is not enforced.

Conclusion:

In light of the complete failing of processes involved with the objections to applications for mining leases and associated environmental authorities, the opportunity now exists for the QLRC to guide government process.

The proposals should apply to other Acts such as the P & G Act for coal seam gas. Although I have been informed that QLRC are not specifically reviewing the RPI Act, it is the lack of enforcement of this very act that requires immediate attention.

Government Departments specifically Planning Department, have been sitting back and waiting for a grower instigated legal challenge to Section 22 specifically Section 22 (2)(c) of the RPI Act 2014.

Legislation is clear and yet government still allow CSG companies to self-assess as to the impact they shall cause. All CSG drilling on PAA and SCL must have a RIDA.

CSG wells now causing impact and that should have been subject to a RIDA process, must have gas and water extraction halted until a RIDA has been approved – as the RPI Act 2014 has always clearly stated.

The intent of the RPI Act 2014 was to protect our best PAA. Agriculture must take priority against a short-term industry determined to progress regardless of the irreversible impacts caused. Arrow Energy Surat Gas Project was approved without due regard to RPI Act 2014 and its statutory instruments. These actions have ridiculed the process and created a climate for inequitable decision making resulting in laws being unfairly mis interpreted. This has directly resulted in the unwanted impacts now being experienced by landholders left with no protections in place.

Surely there is no point in reviewing the processes for making objections to applications for mining leases and associated environmental authorities and having community engagement, **UNLESS** the Queensland Government is prepared to listen and act upon QLRC recommendations for enforcement of existing legislation by way of the of RPI Act 2014.

It is therefore imperative that QLRC does take into account the RPI Act 2014 when considering this review.

Yours sincerely,

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