SUBMISSION relating to: "Review of mining lease objections processes"

Conducted by: Queensland Law Reform Commission

Current Submission due: 31 January 2025

Report to Attorney-General: 30 June 2025

(Annexure attached – due date extended to 14 February 2025)

Submissions addressed to: qlrc-miningobjections@justice.qld.gov.au;

Some observations in these submissions may be anecdotal in nature. To maintain some objectivity and protect privacy, no names appear. However, references may be discussed by QLRC with the submitter if required.

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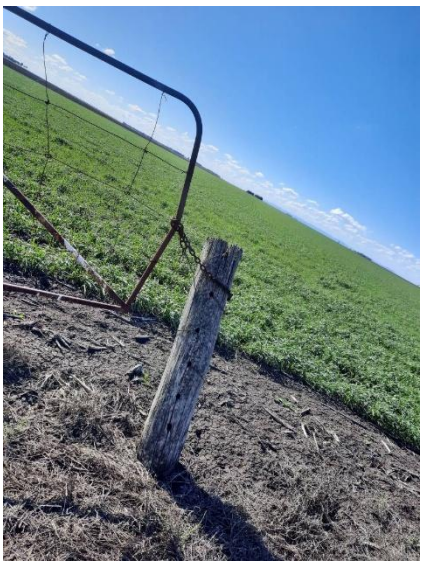

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SECTION (1) OVERVIEW:

The initial purpose of the review is to consider the "processes for deciding applications for mining leases and associated Environmental Authorities in Queensland." The review commenced during the previous Labor Government's last term and continues under the present LNP Government's current term.

The proposed recommendations which QLRC will present to Government mid-year are primarily focused on the Mining industry. However, QLRC was also tasked with reviewing if those recommendations would be appropriate regarding other resource industries and associated Acts of Parliament. Of particular interest are (i) Greenhouse Gas Storage Act 2009 (ii) Geothermal Energy Act 2010 (iii) Petroleum and Gas (Production and Safety) Act 2014.

During the initial consultation period and subsequent submissions, it was noted by QLRC that there are other Acts (and matters) which they were not charged with reviewing but that may be relevant to the review. During a consultation meeting in Dalby, November 2024, QLRC indicated that they could and would bring other Acts (and matters) to the Government's attention if deemed appropriate.

One Act which has been brought to the attention of QLRC is the Regional Planning Interests Act 2014, particularly the Regional Interests Development Approval (RIDA) section. QLRC are also aware of the proposed Subsidence Management Framework which if it proceeds to be reintroduced into Parliament (and passes) will sit under the MER(CP) Act 2014. There are some who consider SMF would sit more appropriately under the RPI Act 2014.

The primary interest in this submission relates to Coal Seam Gas versus [1]Agriculture, particularly in areas of regional significance which fall under the RPI Act 2014.

[1] The words "hosts" and "resource authority holders" have been used in this submission. They refer to the landowners/occupiers who are regulated to have coal seam gas infrastructure on or under their properties and the CSG companies who have tenure and environmental authorities. They are common terms.
"Department of Agriculture" is the term used in this submission. Qld State Government has now renamed it as Department of Primary Industries.

SECTION (2) SUMMARY:

- Any legislated decisions should not increase the apparent imbalance between resource industry interests and agricultural industry interests.

- Any legislated decisions should not contribute towards diminishing environmental protection of Queensland's finite resources (water, soil, flora and fauna.)

- Co-existence (whether enforced or voluntary) should not be a foregone conclusion. Risk based decisions on allowing the expansion of the resource (energy, critical minerals) industries needs to be balanced against precautionary principles, i.e. it is not always wise, advisable, fair, or desirable to allow unfettered access to all Queensland land by resource industries.

- Decisions should strengthen not weaken the RPI Act 2014 and regulations, including the RIDA process which sits under that Act.

CONCLUSION:

- At first glance, the proposals do not appear to be about preventing the right to challenge the granting of Mining Leases and associated Environmental Authorities. However, the proposals appear to limit those rights with no expansion of rights for other industries.

- By expanding the proposals to include the Petroleum and Gas (Production and Safety) Act 2014, landowners could be better enabled to challenge the granting of Petroleum Leases and associated Environmental Authorities. However, further consideration is required as to if proposals designed for the mining industry are suitable in the same format for the coal seam gas and other smaller industries.

- The Regional Planning Interests Act 2014, (and potentially the MER(CP) Act 2014) should and must be considered in conjunction with the Petroleum and Gas (Production and Safety) Act 2014.

- Aboriginal and Torres Strait Islander heritage should be considered. While different in history and nature, the heritage of non-indigenous Australians has been ignored. Although, it might be seen as being alluded to in the words "public interest".

- It is in the public interest to have a whole of Queensland approach and outlook regarding the resource industry. Treating each industry and company individually does not give a true and accurate picture as to how the continuous encroachment of these industries impact on agriculture, rural communities, indigenous and European heritage, and the environment.

SECTION (3) RELEVANT TOPICS:

(A) HUMAN RIGHTS

In developing proposals, any recommendations must: "properly consider human rights". R*eference: Point 109 Conscious consistency: mining and other resource production tenures*

1. This is a moot point, as human rights for individuals or communities may easily be over-ridden for the greater good of the Queensland people, i.e. public interest.

Examples of this contention are found in the statements relating to the MEROLA Bill 2024 which passed through Parliament after the removal of the Subsidence Management Framework.

Quotes: *"In my opinion, the BILL is compatible with the human rights protected by the HR Act"* and *"In my opinion, the Mineral and Energy Resources and Other Legislation Amendment BILL 2024 is compatible with human rights under the Human Rights Act 2019 because it limits human rights only to the extent that is reasonable and demonstrably justified,"* Statement of Compatibility: S Stewart, then Qld Minister for Resources.

On further reviewing Stewart's Statement, he admitted that that there will be or may be infringements of human rights, but they are justified. One of the reasons being that *"Limitations are necessary to achieve the purpose of the BILL."*

2. Human rights may be limited *"only to the extent that (it) is reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom."* With such a criterion, the human rights of individuals or communities may easily be justified to the benefit of resource industries while paying lip service to benefitting all Queenslanders.

3. As the review and subsequent proposals relate to mining lease objection processes, they probably don't impede human rights. Reasons: (i) The process relates to the granting of tenures and Environmental Authorities prior to the development of infrastructure. (ii) Impacted persons and interested citizens are not being prevented from objecting to or challenging the applications, (although legal costs are often an impediment, and the proposed changes may limit when and how objections are be made.)

However, the results of the granting of leases and EAs often do conflict with basic human rights, e.g. the right to quiet occupancy and loss of autonomy over a place of [2]residence or business.

4. QLRC recognised during consultations and submissions, that several entities questioned the potential conflict of the Human Rights Act versus the preliminary proposals with regards to Australia's first peoples. This is outside the scope of this submission but the writer requests that QLRC continues to consider and address concerns raised in those submissions.

[2] Farms are often both places of residence, business activity, and relaxation.

(B) PUBLIC INTEREST

What is Public Interest? "*Public interest can be described as the common well-being or general welfare that public policies and actions aim to achieve. It's a principle that seeks to balance the needs and rights of individuals with the collective good of society. In other words, it's about making decisions that benefit the majority while respecting individual freedoms."* Reference: Perspectives on Public Administration "Defining the Meaning and Concept of Public Interest in Public Administration" 2 March 2024 // polsci.institute

There are two components of the public interest:- *"(i) objectives and outcomes of the decision making process are in the public interest (ii) the process adopted and procedures followed by decision-makers in exercising their discretionary powers are in the public interest."* Reference: AIAL FORUM No 48, The public interest, we know it's important, but do we know what it means – Chris Wheeler

Public interest is mentioned throughout this process of reviewing the mining lease objections processes. A quick search reveals that it is not clearly defined and is subject to interpretation. Basically, just as the human rights of the individual are secondary to the rights or well-being of a country or state's citizens, so too does public interest take precedence over individual rights.

Resources and Public Interest
Note: *(1) (2) & (3) Condensed from QLRC Consultation paper – Nov 2024*

(1) Basically, public interest is considered in different ways in the granting of tenures and Environmental Authorities to resource companies.

- Mining – Public interest must be considered in lease application decisions.
- GHG leases (greenhouse gas storage) - In deciding a lease application, the resource and public interest are to be taken into consideration. But there is no requirement to publicly notify a lease application and no submissions.
- Geothermal leases - In deciding a lease application, the resource and public interest are to be taken into consideration. But there is no requirement to publicly notify a lease application and no submissions.
- Petroleum (Coal Seam Gas) leases – The Minister is not required to consider the public interest when deciding the application. However, the minister must approve the initial development plan, and this takes into consideration whether petroleum production "will be optimised in the best interests of the State having regard to public interest."
- Petroleum Lease applications do not have to be notified and are not on a public register, there is no internal review or appeal to the granting of a Petroleum Lease. There must be an approved initial development plan.

(2) Environmental Authorities – These are a requirement of the granting of resource production tenures. The criteria the chief executive must consider includes public interest. If granted, a copy is to be available on the public register.

(3) *QLRC's approach "is consistent with the Queensland Government's commitment, set out in QRIDP, to ensure that the regulatory framework for the State's resources industry is 'risk-based, efficient, effective and transparent', with the aim of Queensland's resources being explored and developed in the public interest*

Comments:
It is expected that Petroleum Leases will be granted. Environmental Authorities are likely to be granted but may have conditions and modifications attached. It is unclear how a Petroleum Lease will be treated by the relevant departments and Government in the unlikely event that an Environmental Authority application is totally rejected. Nor is it clear how Petroleum Leases will be treated if enough RIDA applications are filed and rejected (or major amendments demanded by the relevant Chief Executive) impeding the development of a [3]batch area within a Petroleum Lease.

There is no mention in QLRC's approach regarding the protection of conflicting industries, particularly the agricultural industry which is the one most often impacted. Nor is there mention of balancing the interests of Queensland's energy producing resources and industries against the interests of other resources and industries. This is in keeping with the Qld Government's approach that resource industries must continue at all costs with perhaps some environmental protections. *(Opinions may vary)*

Conclusion: Changing the processes for notifying lease tenure and Environmental Authorities of other industries to bring them in alignment with mining industry objections processes is a potential positive but requires more thought. It is only a positive if the proposed changes are beneficial for public interest, Aboriginal and Torres Strait Islanders, the environment including water, and the agricultural community.

The proposal does pay lip service to the idea that the general public should be informed of what is being granted in the public interest. The <u>proposals must extend the right to file submissions which challenge the granting of leases and environmental authorities to all industries – not remove or limit the right from mining tenures and by extension limit rights regarding other tenures.</u>

Questions: Is it in the public interest for rural communities who often bear the brunt of developments to always give way to the public interest? Should public interest only relate to Queenslanders as a whole or also to smaller communities? At which point, does the infringement of the rights of individuals or small communities' impact on the overall public interest of all Queenslanders?

[3] Batches aka project areas – Petroleum Leases are divided into smaller areas for gradual development.

(C) COEXISTENCE

Opening: "*The Queensland Resources Industry Development Plan (QRIDP) recognises that sustainable coexistence between the resources and agricultural sectors is critical to ensuring the state continues to realise the benefits from these industries."*

"Sustainable coexistence is a key element for long term responsible and sustainable growth of the resources and agricultural industries in Queensland." Reference: MEROLA Bill 2024, submissions and public hearings.

[i]Definitions of relevant words:

Co-exist In its simplest form, co-existence is:-

Co-existence - existence together at the same time or at the same place
Co-existent - existing together at the same time or at the same place // that which coexists
Co-existing - existing together at the same time or at the same place

In relationship to the coal seam gas industry, co-existence has been legislated under Queensland State Government Acts to occur. Provided a resource authority holder has the relevant authorities, including an Environmental Authority which does not allow for damage to environmentally sensitive areas unless it permits the resource authority to do so, presents the relevant Notice of Entry (if it has not been waived) and, for advanced activities, has negotiated by coercion, choice, or through the Land Court a Conduct and Compensation agreement, co-existence will occur.

The choice of activity and the location is at the discretion of the resource authority holder e.g. well pads, roads, gathering lines, deviated wells, work camps, communication towers, on any property within their tenure. There is some limited scope to negotiate locations with landowners/occupiers, but that is more a good will activity than a legislated requirement. There is no scope to negotiate trajectory well paths (deviated wells) when they originate from well pads on a neighbouring property.

From this basis, the power in negotiations is firmly within the hands of the resource authority holders. Codes of Conduct are at times little more than a feel-good exercise. Should Codes of Conduct or Government regulations in various Acts of Parliament be broken or infringed on, it is not likely to result in more than a slap on the hand. Serious infringements may result in investigations and fines e.g. a resource authority holder in 2022 was fined $1 million for drilling deviated wells several times without Notices of Entry. Consequently, RIDAs were not filed in relationship to those properties which fell under the RPI Act 2014.

Sustainable In its simplest form, sustainable is:-

Sustain - 1. To suffer; to endure
2. To rest for support // one who or that which upholds a sustainer
Sustainable - capable of being sustained or maintained; maintainable

Therefore, the point is not "Will co-existence occur?" It is:-
***(1)* Can the "hosts" to the industry endure coexistence and for how long?**
***(2)* Should coexistence occur, where should it occur, and how often should it occur?**
(3) How to ensure genuine protections are in place to limit, restrict or prevent coexistence reaching unsustainable levels of endurance?
4) Can coexistence be a mutually beneficial partnership not subjugation?

Comments*:*

- No genuine studies have occurred to understand the exact extent to which current coexistence has been proven to be sustainable (sic endurable) and/or mutually beneficial. That is: *(i)* How many have left their properties rather than continue to cope? *(ii)* What physical and mental health issues, including suicidal ideation, are contributed to current coexistence situations? *(iii)* To what extent has the profitability and viability of agricultural businesses on a regional and more particularly farm scale been impacted?

- The signing of CCAs or other agreements is not evidence of beneficial coexistence nor is it evidence that signatures have been inserted voluntarily (i.e. threats of ADR, land court, coercion, stress, bullying, and/or fear may be contributing factors.)

- **Continuing to carry on farming is not evidence of mutually beneficial and peaceful coexistence. It may be merely evidence of endurance.**

- **"**(Sustainable) *Coexistence is where both parties benefit from an agreement or situation. The situation of being forced into ADR and Land Court is Coercion not Coexistence."* quoted with permission from a MEROLA submission - name supplied

- There is an assumption by Government and associated departments and independent entities that CSG companies (i.e. resource authority holders) will be quick to accept blame, honour agreements, or remediate and compensate for CSG related damages to properties. Currently, claims for compensatible effects (MER(CP) Act 2014 section 81) only relates to on tenure not off tenure properties. The proposed Subsidence Management Framework partially addresses this issue.

- More steps should be taken to **ensure farmers (landowners) have more control over legislated (legal) entry onto their properties and intrusion into their businesses**, e.g. More detailed Notices of Entry, payment for time and inconvenience, supervised entry by farmers at convenient times, limiting number of wells, denying entry for bad behaviour.

- In deciding to grant leases for any energy/resource industry and the associated Environmental Authorities, more consideration should be given regarding the sustainability of the development of these industries at an individual and community level.

(D) LAND ACCESS

How many times should, or will any particular property be accessed under various Acts, regulations, and land access rules regarding resource and renewable industries?

That is: (i) How many companies may have exploration and/or development leases over the same property or portion of a property?

(ii) How many different energy related companies may have access to the same property to develop their industry e.g. renewable energy, geothermal energy, coal seam gas, coal mines?

Comment: Regulation must be in place to limit access to private properties for the activities of other industries. NB! The size of properties may influence the limits.

Reason: Coexistence cannot be sustainable and mutually beneficial if a property owner is:-

(i) Continuously having to negotiate agreements and Notices of Entry

(ii) Continuously giving way to other industries which operate from a financial and regulatory position of power. Coexistence should not result in the primary use of the land (agriculture) becoming unviable.

With the growth of renewable/alternative energy industries plus the growth of interest in rare minerals mining, these industries may compete and/or coexist in the same areas. This coexistence will and could compete with existing industries such as mining and coal seam gas.

When councils, such as Western Downs Regional Council, see themselves as Energy Capitals, and embrace the growing industries, other industries are threatened. The viability of those industries is thrown into potential disaray by the continual "giving way" to energy industries.

Acts relating to resources often appear to be written with the view that all properties are large cattle stations where one might fly rather than drive to the pub. This is inaccurate. Many of these emerging industries, plus the coal seam gas industry, are in more closely settled areas.

How will this coexistence play out? Scenario:-

Farmer has a small but viable property – well tended, a nice little producer. It's Deed of Grant dates back to circa 1880. Solar Energy company approaches with a proposal to build a solar panel facility (sic farm) in the southern section. Bit of a problem area, seasons have been disappointing – why not take the money and let go of farming this section? Along comes CSG company – they want, nay must have a piece of the northern section. Sign an agreement or go to court! After sleepless nights and wasted hours negotiating an agreement, a CCA is signed and legal bills paid – well only those bills that mounted up after an agreement was shoved into farmer's hands.

Not trusting the pretty pictures of cattle and crops being right up against the well pads and fearing accidents such as fire, the farmer chooses to cultivate but not plant for several yards around well pads thus taking more land out of production.

Things settle down, farm not as viable from an agricultural viewpoint, but they are managing. On a clear sunny day, when feeling positive for a change, farmer is approached by yet another company. They are resuming part of the eastern section for transmission lines. Can't say "No!" Disheartened farmer continues on with what's left.

On a cloudy day promising rain for the corn and sorghum, CSG company's Land Liason Officer cheerily shows up. They are drilling under the western section from a well pad on a neighbouring farm. Can't say "No!" But, LAO points out, "We're going under you not coming onto your land!"

Why has the irrigation bore failed? Farmer tries to negotiate a make good agreement with CSG Company who is reluctant to give a fair payment for loss of water. Adding to the farmer's woes, CSG induced subsidence has reached critical consequences. Subsidence Management Action Plan is not fit for purpose. CSG Company laughs and procrastinates when approached for compensation.

Community is shocked but not surprised by farmer's permanent solution to "sustainable coexistence." *Fantasy Fiction or Tomorrow's Reality?*

Conclusion: While outside the scope of this review, these matters are of concern and potentially impact the public interest of Queenslanders.

Some of the proposals in QLRC's review may at least assist in drawing a more complete picture of just how many industries are in various parishes, council boundaries, rural districts, and on individual agricultural properties.

(E) REGIONAL PLANNING INTERESTS ACT 2014 (RPI Act)

SUMMARY:

The Regional Planning Interests Act 2014 and regulations is one of several Acts of Parliament that regulate the resource industry in Queensland.

- It is:- *"An Act to manage the impact of resource activities and other regulated activities on areas of the State that contribute, or are likely to contribute, to Queensland's economic, social and environmental prosperity"*
  Reference: Part 1 Preliminary Division 1 Introduction

- Areas of regional interest are described as:-

  (a) Priority agricultural area (b) Priority living area
  (c) Strategic cropping area (d) Strategic environmental area

  Note: The Condamine Alluvium in RPI Act 2014 regulations is described as a regionally significant water source. The river is ignored.

- CSG activities in areas of regional interest require an additional approval called a Regional Interests Development Approval (RIDA) before commencing development. To meet the criteria of a RIDA there are a several prescribed solutions that must be met.

- There are exemptions to the RIDA requirement. The industry has been self-assessing with no genuine oversight into how they assess their development plans in areas of regional significance. Consequently, RIDAs are rarely filed and never rejected.

- Without a RIDA, "There is no documented evidence required to demonstrate the impact (or lack of) on the PAA or SCA or neighbouring landowner."

- On the second reading to Parliament prior to RPI Act 2014 being passed, the intent of the assessment criteria is noted as:

  "The focus of the assessment criteria is on ensuring that both the agricultural industry and the resource industry can co-exist as much as possible without displacing the industry that we believe should have the priority in those areas, and that is the agricultural industry. That is why, of course, it is called a priority agricultural area" Reference: Hansard. Second Reading, RPI Bill 2013, Queensland

Comments: This Act is not included in the current review. However, it has been mentioned in certain submissions in the first part of the process. It is clear that the resource industry is keen to have the RPI Act 2014 repealed. The reasoning is (i) more work for them (ii) they consider all issues or potential issues have been addressed through the granting of leases and Environmental Authorities. However, as revealed through the Second Reading of the RPI Bill 2013, the agricultural industry was seen as being the priority. This is also reflected in Regional Plans such as the Darling Downs Regional Plan.

Very few RIDAs have ever been filed. Particularly because of the Section 22 exemption in the Act. **S22 (2) (a)** (i) (A) landowner and authority holder are parties to a CCA other than court order (ii) landowner has voluntarily entered into a written agreement **(b)** activity not likely to have a significant impact on the PAA or SCA activity is not likely to have an impact on land owned by a person other than the landowner….. CONDENSED

Section 24 Also provides an exemption.

It could be argued that if existing Acts of Parliament were providing sufficient protections to areas of Regional Significance, this Act would never have come into being.
Note: RPI Act 2014 replaced the now repealed SCL Act 2011.

A review of the RIDA process in the RPI Act 2014 commenced during the previous Labor Government's governance. It is not known how or when the review will continue. The proposal is to replace the RIDA process as much as possible with Compliance against a Code. This is seen as not being self assessment. However, that is a matter of interpretation. This compliance strategy will involve more work for the resource authority holders which has largely been avoided because of S22 and S24 exemptions. It will be deemed to be the equivalent of having a RIDA but will not go through the full RIDA process. There will be no review or audit of the paperwork and applications by the relevant departments, e.g. Environment, Agriculture, Resources or the Local Council. There will be no submissions. Under the current process, submissions are only allowed if the Chief Executive decides the RIDA is a notifiable matter. Consequently, it is hardly likely that Requirement Notices will be issued demanding more information and or clarification of any supporting documents.

Note: Potentially, when RIDAs are filed they can provide a level of information previously denied to the landowners/occupiers.

It has been advocated by certain concerned persons, that RIDAs should happen before or in conjunction with the granting of Petroleum Leases and Environmental Authorities. The Compliance against a Code process could potentially work with being incorporated into the granting of PLs and EAs. However, this will not necessarily be in the best interests of areas of regional signifiance and the people reliant on producing an income in those areas.

Question: Currently, there is provision for submissions during the granting of EAs but not for PLs. Should that situation change courtesy of QLRCs proposals, how will Compliance against a Code fit if no reviews, audits, or submissions will be allowed?

Conclusion: RPI Act 2014 must not be repealed. Timing of RIDAs requires a review.

(F) RENEWABLES – SOLAR & WIND

Renewable industries may seem irrelevant to QLRC's review. However, they cannot be overlooked. A review into how the mining review proposals currently being considered by QLRC may be relevant to these industries is advisable.

REASONS:

- Solar and wind factories and associated infrastructure can and do compete with other developments, e.g. farms, pastoral, coal, coal seam gas, geothermal.

- Potentially, these industries will compete for the same areas of land and will have to coexist together. During the MEROLA Bill public hearings, Western Downs Regional Council spoke about this growing situation.

- Property owners and occupiers, particularly of agricultural land, may have to negotiate and coexist in some way with several industries. Depending on future Acts of Parliament this coexistence may be unavoidable, e.g. will a time come when it will no longer be possible to say "No" to solar and wind companies?

- In 2024, under the Miles Government, a mandatory Code of Conduct was in draft form for renewable industries. How helpful that might be is questionable. Codes relating to CSG allow property damage, e.g. cause no damage or minimal damage, damage a gate or fence but tell farmer as soon as possible and pay damages, kill a cow but tell the farmer. From this scenario, it could be surmised that when Bundaberg Solar Factory pulled down a boundary fence to erect a prison style fence and drove a bulldozer onto the neighbour's property without consent, they would potentially have permission to do exactly that but would have to repair any damages. *References: Courier Mail, Kilkivan Action Group*

- With so many industries developing within districts, a clear picture is required of how much agricultural land is being lost and how communities and towns are impacted. Note: Choosing to allow a renewable industry onto a freehold property will not exempt that property from coal seam gas should it be within a Petroleum Lease area.

Questions: Should there be limits on how many industries and/or associated companies may operate within any one parish, council district, regional area? Should there be limits on how many industries and/or associated companies may operate and intrude on individual freehold properties?

Note: Property owners don't always receive compensation, e.g. CCAs, so their time is "voluntary" but refusing to communicate leaves them in the dark. Property owners may spend time in discussions and making submissions only to have RIDAs withdrawn.

Breaking news: From 3 Feb 2024, there will be mandatory community consultation for wind facilities (farms.) *Reference: Media Statement: Qld Cabinet and Ministerial Directory*

SECTION (4) QLRC SIX RECOMMENDATIONS:

***Note*: Proposals, suggestions and questions from Consultation Paper – Nov 2024 – have been condensed below:-**

PROPOSAL 1: Participation in the current processes should be reframed by: (a) removing the Land Court objections hearing pre-decision (b) including an integrated, non-adversarial participation process (c) establishing an Aboriginal and Torres Strait Islander Advisory Committee for relevant mining proposals ……

Suggestions: Information session or open house, Community advisory committee or reference group, Community leaders' council, Written submissions or comments, Public Meeting, Aboriginal and Torres Strait Islander Advisory Committee.

Question 4: What should be the scope and extent of public participation in processes to decide other resource proposals?

Point 114 – applying participation rights to other resource proposals include: potential role for [4]LAO and CoQ given their recently expanded remits // genuine engagement and input by the right people for relevant country // ensuring any recommended process is accessible and responsive to the diverse needs of communities

Point 116 – *condensed* – level of active engagement and influence and the control and autonomy they vest in the community

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(A) REMOVING THE LAND COURT OBJECTIONS HEARING PRE-DECISION

- Part 2 of QLRC's review commenced late in the process. There has been little time for participants to familiarize themselves with current processes either for mining or other industries such as coal seam gas.

- Circa 2023, the framework changed for coal seam gas, and it became part of the process for Environmental Authority applications to have public notification and a submission period. This process is more limited than the current process for mining leases and the relevant Environmental Authorities.

  By the time this change occurred, many property owners/occupiers were already in CSG Petroleum Lease tenures with EAs. They often didn't know that their areas had moved from ATP (exploration) phase to production phase until phone calls from Land Liaison Officers.

[4] Land Access Ombudsman, CoExistence Queensland previously Gas Fields Commission Queensland (GFCQ)

Conclusion:

(i) It is difficult to make an informed recommendation with limited knowledge and experience of the current processes. Further comments are under:- **PROPOSAL 6:**

(ii) Based on figure 5 of the Consultation paper, the newly acquired right to make submissions will be removed?

(iii) The simplified process after decisions are made may be beneficial and cost effective but does not necessarily provide better outcomes for the environment, conflicting interests and industries i.e. agriculture, Aboriginal and Torres Strait Islanders, or the public interest.

(B) INCLUDING AN INTEGRATED, NON-ADVERSARIAL PARTICIPATION PROCESS

Points to consider:

(i) Non adversarial (adversary – noun – opponent in a fight, disagreement …..)
QLRC recommends that any community participation process should be conducted in a nonadversarial manner. This has merit. How should it be achieved?

(a) Ancedotally, there are experiences of resource authority holders being aggressive in their interactions with property owners.

(b) Persons facing disruption to their lives and livliehoods may become agitated, loud, and exitable when expressing themselves. There appears to be little training of public servants to better understand the difficulties impacted persons are experiencing. Consequently, they may be accused of rude and unsafe behaviour and blackbanned from further contact. This isolates those persons and can impede the obtaining of relevant information to their situation or their neighbours' situation.

(c) It has been implied that property owners should only ask questions relating to their own properties – not their neighbours or the community as a whole.

(ii) Controlling the narrative / autonomy (noun – the right or state of self-government; freedom to determine one's own actions and behaviour; freedom from external control or influence; independence)

(a) Autonomy would imply that a community may have the final say in the decision making process. This is not accurate, paticularly with regard to industries (e.g. coal seam gas) that operate from a financial, regulatory and statutory position of power.

(b) What is the expected outcome by giving a community autonomy? What does it look like?

(c) Experiences have shown that resource authority holders and entities such as Gasfields Commission Qld, a.k.a. Coexistence Qld, control the narrative:-
* Submission 37 supports this approach "information sessions can be used by mining proponents ….. This can be mutually beneficial …… it should remain at the discretion of the proponent."

* QFCQ/CoQ choose when, where, what and how they interact with the public. Example: if requests are made to hold sessions in local halls on specific topics, the organisation is likely to refer the person/s to a Government department. However under the old Act and the amended Act, there is scope for CoQ to facilitate such sessions.

(iii) Information session, open house, public meetings

(a) Initially, in order to encourage public participation and build awareness, it would be desirable for the relevant companies to be obligated to advise of their proposed plans, as well as the decision making process. For people unable to attend meetings, it is necessary to have written and online sources i.e. minutes of meetings, design concepts, contacts.

(b) The people expected to host these industries in their communities, and/or at an individual level, have no say in facilitating public sessions, information sharing, etc.

Note: Some property owners have taken it upon themselves to share knowledge and experiences, although confidentiality and limited information can restrict these activities. Others have been invested in asking questions, challenging studies, and participating in consultations. This has led to being called idealogists or activists. *Example: OGIA Expenditure Advisory Committee Meeting November 2022: Agenda paper 2, page 3 of 5 page 45 of 63 – obtained under Right to Information)* "information is mis-interpreted or deliberately mis-constituted to discredit science, or, to fit a pre-conceived view – by those who are idealogically opposed to the CSG development."

(iv) Inevitability A deterrent to becoming involved at either a community or personal level is the knowledge or belief that the end results are inevitable. Therefore, why expend time and money with no hope of favourable outcomes?

(v) Time poor / information saturation/ lack of information With the continual growth of resource and renewable industries throughout the state, communities can become saturated with information sessions, committees, forums and surveys.

(a) In conjunction with **(iii)** above, it becomes a matter of "How much and how often should one become involved?"

(b) Citing commercial confidentiality, resource authority holders may keep proposed plans quiet. Thus, the people most impacted may not be aware that their properties are to be targeted until well after lease tenures and Environmental Authorities have been granted. This can leave them scrambling to play catch up.

Note: Some property owners may be targeted by more than one company, taking even more unpaid time away from their own businesses, families, and themselves.

(vi) Public Notices / communications How, where, and when should public notices be placed? How, where, and when should property owners directly targeted be informed?

(a) An on-line portal is a useful way of collating a plethora of information in one location. But, it should not be the only source.

(b) With written rural newspapers closing or going on line, there is limitations to this method. Where there are newspapers, they may be delivered by mail couriers several days after the date of publication.

(c) There are no obligations for resource authority holders to keep communities or more particularly their potential "hosts" informed prior to more targeted "We want to come onto your farm!" sessions. By this time, Petroleum Leases and Environmental Authorities have most probably been granted.

Note: GFCQ in Gas Guide 2.0 suggests cold telephone calls as a preferred first contact between coal seam gas companies and property owners. This is unprofessional.

Clarification: Points 88 & Point 91 (page 15) of the consultation paper *condensed* mentions that (i) Neither resource Acts nor EPA Act 1994 require proponent to give direct notice of an application for tenures and EAs (ii) Landholders receive direct notices when the proponent is ready to commenct the process for Conduct and Compensaiton Agreements. (There actually is usually Notices of Entry for Preliminary Activities onto several properties prior to the issuing of CCAs.)

(d) Emails – people on email lists for different organisations (i.e. CoQ) may receive notifications which is useful but is often a limited number.

(e) Community Facebook might be a consideration.

(vii) Community advisory committee, reference group, community leader council ***"***When you don't know what to do, form a committee. When you still don't know what to do, form a subcommittee". People can drown under the weight of committees, review panels, surveys, meetings, submissions, etc. etc. With competing interests for their time, they have to choose carefully where to expend their energies. Time taken engaging with industries that directly impact on their lives, leaves no time for their personal and business interests.

(a) Community leader council - could be manipulated, may not consult with wider community, may not report back to wider community, can be confidential (secretive) in nature.

(b) Community advisory committee or reference group – see (a) above

(c) Locals - Local Councils (community engagement officers) or Chamber of Commerce members may be in a position to facilitate and co-ordinate community participation. However, there can be conflicting interests.

Note: Given the size of some councils, the councillors and staff are not necessarily locals, e.g. Toowoomba Regional Council has no councillors residing in the Cecil Plains and neighbouring localities.

(d) OGIA, LAO, CoQ (previously GFCQ) are predominately based outside the areas being impacted. Therefore, they have no understanding of or interest in the well being of members of those communities. They are not necessarily perceived as impartial entities.

Opinion: LAO's current remit doesn't allow for taking on an advisory capacity.

(e) Existing or proposed committees, advisory groups

(i) CoQ under the relevant Act will have Community Leaders Council/s (*may establish more than 1 committee* - Paraphrased: c*onsist(ing) of the chief executive, other individuals representing local governments, regional communities, resources industry, renewable energy industry.* Note: Landholders, farmers, individuals representing the agricultural community are missing from this criterion.

(ii) OGIA has the Condamine Landholder Reference Group - not open to public

(iii) At least one CSG company has had advisory committees, facilitated by their own staff members.

Question: Will existing committees or advisory groups be in addition to the proposed groups in this review?

Conclusion:

(i) Have an on line portal but advertise public notices in more than one public location. Additionally, landowners most probably targeted to host the industries, should be kept informed by the resource authority holders at every stage of the lease tenure and Environmental Authority process.

(ii) There is no simple solution regarding how to increase public awareness and participation in an impartial and genuinely beneficial manner.

(iii) Government entities and resource authority holders should not always control the dialoque when interacting with communities.

(iv) Timely reports from committees, advisory groups, and/or panels to the wider community, particularly potential "hosts", need to be publically available.

C) ESTABLISHING AN ABORIGINAL AND TORRES STRAIT ISLANDER ADVISORY COMMITTEE

- What will be the format should an Aboriginal and Torres Strait Islander Advisory Committee be formed? Will it be primarily volunteers or paid participants?

- Will members be relevant to country? To reiterate, will it be one Statewide committee or several committees?

- What steps will be taken to ensure such a committee draws on opinions, knowledge and experiences of all their community members?

- Will there be opportunity for non Aboriginal and Torres Stait Islanders to communicate with the committee to draw on their knowledge prior to or during conversations with the relevant resource authority holders?

The interests of Aboriginal and Torres Strait Islanders has also been addressed by QLRC in **PROPOSAL 5**

PROPOSAL 2: Central online Government portal to facilitate public notice and give up-to-date information. MR Act 1989 and EPA Act 1994 amended to require publishing on online portal, including (a) notice of applications (b) notice of opportunities to participate (c) outcomes of participation processes (d) information requests (e) decisions.

Question 5: Should the consultation proposal for an online portal apply for other resource proposals? Are there any additional notification requirements?

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- An online portal has merit.

- It could be expanded to apply to other resource industries including renewables.

- The type of information available on the portal could be expanded. Some examples are:- Details of existence of EIS for various companies, RIDA applications and submission opening and closing dates, referencing appropriate website for more information. Subsidence Management Framework information, if it becomes relevant.

- It could contain basic information such as how to look for Mining Permit Reports from Department of Resources.

- It needs to be user friendly. Perhaps divided into parish or council boundaries, then divided into each resource industry, (coal, gas, wind, geothermal, etc.) State wide and regional maps pinpointing the number of various resource and renewable industries throughout the state with a "click on an area to go to the relevant page" feature.

- It should not be the only place to receive information (advertisements) on submissions. Not everyone lives on their PC's checking various websites to see what's happening in the resource world. We do have lives!

- CoQ could help educate communities on the existence and use of the portal, if they want.

- "We acknowledge that there are consideration in relation to the commercial sensitivity of certain information." This statement in QLRC's Consultation Paper 2024 may have been intended to only relate to resource authority holders. It also holds true for landowners/ occupiers and their business interests. Part of the proposed Subsidence Management Framework included certain information not only being published online but being circulated between relevant entities such as OGIA. Privacy concerns have been raised.

PROPOSAL 3: An independent Expert Advisory Panel

(a) Comprised of people with recognised expertise in matters relevant to the assessment of Environmental Authority applications
(b) Formed as project-specific committees to give independent expert advice to inform decisions on Environmental Authority applications that meet specified criteria.

Point 130. Page 25 Is OGIA's expanded remit sufficient?

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- This proposal suggests a lack of confidence in the Department of Environment's assessment and approval processes. Perhaps, that is not QLRC's intention? However, there may be a lack of confidence by the general public regarding the manner in which Environmental Authorities are reviewed and granted.

- Will an independent Expert Advisory Panel produce better outcomes for the environment? Or will it be simply a "tick and flick" which provides employment opportunites for the experts?

- From where will the experts be sourced? Will they be truly independent and therefore outside the influence of certain entities such as resource authority holders or government department's expecting favourable outcomes?

ROLE - "The Office of Groundwater Impact Assessment (OGIA) is an independent office responsible for assessing impacts from resource development in Queensland, including coal seam gas (CSG), conventional oil and gas, and mining; and then developing and supporting proactive strategies for managing those impacts." It was established under Chapter 3A of the Water Act 2000. OGIA is not a regulator. It is uniquely positioned to bring together the science and resource management. Its work is primarily focused on scientific investigation, modelling and monitoring relating to groundwater impacts, and support of an adaptive management framework for managing the impacts within cumulative management areas (CMAs) in Queensland." *References:www.ogia.water.qld.gov.au;*

Comments:

(a) Does OGIA's remit include environmental considerations? Has there been genuine and accurate studies of CSG impacts on groundwater dependent eco systems?

(b) OGIA models theoritical outcomes from reports often gathered from resource authority holders which could be viewed as biased.

(c) OGIA's staff are not necessarily trained scientists, hydrologists, agronomists, agriculturalists (farmers) or biologists. *(Refer (f) below)*

(d) There is a concern that OGIA is not neutral in it's findings, e.g. LiDAR and InSAR analyses regarding subsidence. OGIA "developed a LiDAR Elevation Profile Tool" available on their website. However, it's accuracy has been questioned, e.g. doesn't pick up silo heights.

(e) Timing of reports could be problamatic e.g. Western Downs farmers never received an expected interim report regarding an Airborne Electromagnetic Survey. It is now expected to be included in the 2024 UWIR which won't be completed until late 2025.

(f) In the proposed subsidence management framework, OGIA plays a dominant role.
(i) They may call on "experts" for advice when reporting on subsidence.
(ii) There would be a "peer review by a technical reference group."
Note: There is already a Technical Advisory Group mentioned on OGIA's website as a part of their process regarding UWIRs and it is quite a detailed list.

The appointment of experts would be at OGIA's discretion. While they might draw from a range of "independent" experts, they do not necessarily have to call on the Department of Agriculture's expertise in any part of the process.

(g) There are concerns regarding the lack of a "Board to provide oversight" resulting in "no proper governance, no proper accountability, no proper transparency and no proper oversight." *Reference: MEROLA Bill 2024 submissions*

- Public input is a potential positive. The people living and working the land and coexisting with resource industries (whatever that looks like) may not hold university degrees but they know their land, their history, see the seasonal changes and adapt. To be neutral, public input must be drawn from various sources e.g. progas, anti or questioning gas, positive and negative experiences, farmers not just townies.

- Loss of productivity is not an environmental issue. Consequently, financial losses are not an environmental issue. Therefore, how can an Environmental Authority take into consideration the impacts to businesses dependent on soil and water? It doesn't. This is a failing of the entire process of granting lease tenures and Environmental Authorities.

- Soil – does it have environmental value? This appears to be a grey area. An Environmental Authority might stipultate that, once a project ends, soil has to be returned and the land rehabilitated. What are the standards of rehabilitation -- as good as or better than the original condition or anything goes?

- The RIDA process in RPI Act 2014 can address the issue of lost of productivity through degradation of the soil. However two failings of this Act are:

  (i) Very few RIDAs have ever been filed for Priority Agricultural and Strategic Cropping areas. Therefore, the relevant Chief Executive doesn't have opportunity to place conditions on the resource authority holder regarding their developments. Nor is there opportunity to deny an application, which to date, when RIDAs have been filed, has never occurred.

  Note: 15 January 2025 - RIDAs RPI 21/028 and RPI 22/004 were withdrawn prior to the filing of a response to a Requirement Notice (due 31 January) thus thwrating the opportunity to reject or place conditions on said RIDAs. The Department of Planning has not publically queried the reasoning behind these withdrawals.

  (ii) Loss of income because of CSG-induced impacts to productivy are not addressed in the Act. It is about the soil's productivity not about financial losses.

- Will there be opportunity for further comment after reports are given to Department of Environment prior to the granting of lease tenures and EAs? Will reports be publicly available, perhaps on the proposed on-line portal?

- Will an Independent Expert Advisory Panel regarding the granting of Petroleum Leases and Environmental Authorities be in addition to a Technical Reference Group in relationship to Underground Water Impact Reports and/or a Subsidence Management Framework?

  Note: An application for an Environmental Authority may relate to more than one Petroleum Lease area and these PLs do not necessrily share borders. The PLs can be in different districts and span more than one council boundary. PLs can also share boundaries within properties e.g. PL 238 and PL 1039 along Condamine River.

  Conclusion: OGIA's UWIR reports and/or the expertise of existing reference groups could be useful for matters relating to water – quality, quantity, overflow, underground streams, horrane fault, Condamine Alluvium, and subsidence. But, there would still be a need for expertise relating to other issues such as (i) ground water dependent eco systems (ii) flora and fauna.

  REFER: PROPOSAL 1 for more comments regarding committees and panels.

PROPOSAL 4: Statutory criteria in Mineral Resources Act 1989 and Environmental Protection Act 1994 be amended to require the relevant decision-maker to consider:

(a) for decisions about mining lease and associated EA application – information generated through the new participation process

(b) for EA applications – any advice of the Independent Expert Advisory Committee

Comments:

- It would seem appropriate for all information available at the time of application to be reviewed by the relevant decision maker. It should not be limited as to the source of that information.

- Will this be grandfathered? Will additional information that becomes available after the MR Act 1989 and EP Act 1994 are amended be allowed with regards to applications pending decisions at the time of amendment.

- Public interest (whatever that means) should be considered on all applications. This extends to the interests of the farming communities who are often the ones whose livlihoods are most impacted.

- To reiterate:- When deciding on granting resource tenures, all information gathered should be considered.

- As the general public are often not party to much of the information available to the resource authority holders, it would be appropriate to allow for the late filing of additional relevant information for review.

PROPOSAL 5: Statutory criteria in the MR Act 1989 and EP Act 1994 for decisions about mining lease and associated Environmental Authority applications should be amended to require each decision-maker to consider rights and interests of Aboriginal peoples and Torres Strait Islander peoples in land, culture, and cultural heritage.

Question 6 How should the following interests be considered in the decision making processes for other resource proposals: (a) the public interest (b) rights and interests of Aboriginal peoples and Torres Strait Islanders in land, culture and cultural heritage

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(A) Aboriginal and Torres Strait Islanders

This question implies that Aboriginal and Torres Strait Islanders are not always considered in the granting of leases and Environmental Authorities.

- It is acceptable to draw on the knowledge of Aboriginal and Torres Strait Islanders.

- Information gathering and decisions should be primarily based on communication with people who are on country or are from country but currently residing elsewhere.

- Adequate steps need to be in place to ensure there is no undue influence from other parties.

  Examples: (i) Environmental Defenders Office (EDO) was taken to court by Santos for the role they played in what could be interpreted as undue influence e.g. quote by Federal Court judge N Charlesworth "lawyers may have engaged in a 'form of subtle coaching' of some witnesses." *Reference: Fianncial Review updated 28 Nov 2024.*

  (ii) Some community members may be influenced by monetary gain to allow a project.

Questions:

How will the issue of more than one "mob" claiming an interest in country be addressed?

"Recollections may vary" – How will that be addressed, should it arise?

Further comment: The interests of Aboriginal and Torres Strait Islanders has also been addressed by QLRC in **PROPOSAL 1**

(B) Other interests and cultural heritages separate to first peoples

The rights, interests and cultural ties non Aboriginal people have to the land is largely ignored or an afterthought.

Question: How to address this?

Qualifier: This is in no way intended to disparage the long ties Aboriginal people have to the land and water.

(C) Public Interest

It could be argued that (B) above is addressed under Public Interest. As that term is very broad and tends to mean Queenslanders collectively, it is inaccurate. Example: a farmer with freehold land dating back to previous generation/s, perhaps to circa 1870s land grants, may feel a bond to the land. They also have knowledge to be drawn upon regarding the soil, water, flora and fauna, flood paths and water ways, and history.

Further comments on Public Interest are under the heading:-
4. RELEVANT TOPICS (B) PUBLIC INTEREST.

PROPOSAL 6: Review by the Land Court should be available after the Government has decided the mining lease and Environmental Authority applications. Land Court decisions should be appealable to the Court of Appeal on the grounds of errors of law or jurisdictional error. The Land Court should: (a) conduct proceedings after decisions on both applications are made (b) conduct combined (merits and judicial) review (c) conduct review on the evidence before primary decision-makers unless exceptional circumstances are established (d) apply existing practices and procedures.

Question 7 Should the review consultation proposal for mining apply for other resource proposals?

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After considering QLRCs consultation paper, the following conclusions are drawn:-

- The proposal is not adequate for the Coal Seam Gas Industry. It is too simplified, denies the submission making process, limits opportunities to go to the Land Court, and doesn't allow enough reviews. The timing of Land Court decisions requires more consideration

- Some aspects of the proposal have limited merit, such as more community involvement and information sharing before granting Petroleum Leases and Environmental Authorities

- Petroleum Leases and Environmental Authorities should be provisonal, subject to how they impact on areas of Regional Significance and interact with other Acts of Parliament.

- QLRC has failed to demonstrate how this proposal will provide better outcomes for the environment, public interest, Aboriginal and Torres Strait Islanders, property owners and occupiers particularly the ones most affected being agriculturalists.

- The proposal may involve more "work" for resource authority holders in the preLease and preEA stage, but they will still be the ones in charge i.e. when and how they interact with the wider community, how much they share either with the community, individual business owners or Government departments and/or how much they listen.

- The proposal seems geared towards cutting back on how often resource authority holders may be inconvenienced by reviews and appeals. While this can be seen as streamlining the process for fast tracking developments, it does not guarantee a balance between the resource industry and other industries and the interests of all Queenslanders.

- The Water Act 2000, Chapter 3, requires a review. OGIA should be reviewed regarding information sources and methodolgy for the conclusions published in the UWIR.

* No Comment is made regarding other industries competing for their share of Queensland.

SECTION (5) OTHER QUESTIONS

Question 1 Are the guiding principles of 'fair, efficient, effective and contemporary' appropriate for considering reforms to the processes for deciding other resource proposals?

Point 72: 'QLRC's approach is consistent with Qld Government's commitment, set out in IDP, to ensure the regulatory framework for the State's resources industry is 'risk-based, efficient, effective and transparent'.

Answer: The guiding principles as per Figure 2: (page 13) appear to to be consistant with point 72. However, 'risk-based' is tantamount to saying the industries should and will proceed with minimal distraction. It is at odds with the 'precautionary principle' of "When in doubt, don't." Some of the proposals may result in the industries' plans becoming more transparent. However, it will not address issues regarding how many industries should be allowed throughout Queensland, how much should be extracted from the ground including CSG water, or where infrastructure should be placed. It is unclear how the proposals will ensure a tightening up of environmental protections given that Environmental Authorities may grant permission to disturb environmentally sensitve areas up to *xxxxx* number of hectares per project. There does not appear to be miximum limits on how many hectares per district my be disturbed regardless of the number and types of industries involved in the disturbance.

Question 2 Should there be a consistent process by applying consultation proposals for mining to other resource propsals?

Answer: Undecided. Possibly, yes. However, the proposals must be beneficial to other industries, the impacted landowners (farmers and others) and the wider community, as well as Aboriginal and Torres Strait Islanders, and the environment (soil, water, flora and fauna.)

Question 3 Is the rational for the consultation proposals for mining also appropriate and justifiable for other resource proposals.

Answer: Comments have been included under **PROPOSAL 1**

Question 8 Are there any issues or opportunities arising from interactions with decisions made under other Acts that we should consider?

Question 9 Is there anything else you would like to tell us about the current processes for deciding other resource proposals or any additonal options for reform of these processes you would like us to consider

Answer: There are comments throughout this submission relevant to Questions 8 and 9.

CLOSING: The Department of Agriculture has no role in the granting of lease tenures. They must be brought into the scenario regarding analysing expert reports, methods of adaptively managing impacts, and/or to advise against proceeding with developments in the most vulnerable areas of the state.

SECTION (6) ANNEXURE: due 14 February 2024

Further to recent consultation with QLRC, the following comments have been added:-

(1) Land Access Ombudsman (Refer: Proposal 1)

In QLRCs consultation paper - November 2024 - the question was raised as to what role the LAO might have in the community consultation process during lease and environmental authority application periods.

In the "Coexistence institutions & CSG-induced subsidence management framework - consultation paper - September 2023" recommendations were made to expand the role of the LAO. Some of the proposed amendments were implemented in the MEROLA Act 2024, Act no. 33 of 2024, (assented to 18 June 2024.)

However, these amendments are still focused on Land Access disputes occurring after agreements have been entered into. Other proposals not in the Act related to the LAO having a role in negotiating Conduct and Compensation Agreements (CCAs) or providing a "dispute resolution pathway (is) intended to handle circumstances where there is a dispute about whether the activity is a preliminary or advanced activity."

Note: Deviated Well Agreements (DWA) are unregulated by Government and outside the LAO's remit.

Conclusion:

The current amendments to the role of the LAO via MEROLA Act 2024, and the additional proposals in "Coexistence institutions & CSG-induced subsidence management framework - consultation paper" would not be applicable to QLRC's proposals.

However, after further consideration, the proposal has merit and requires further thought. It would require another amendment to the LAO Act 2017.

(2) Submissions during consultation period (Refer: proposal 1)

There was uncertainty around QLRCs proposal relating to submissions.

To reiterate: submissions should remain as part of the consultation process which will occur prior to the granting of lease tenures and Environmental Authority application decisions.

REASONS:

* It provides opportunities for property owners, occupiers, and individual community members to ensure their voices are heard.

* Opinions in public meetings or committees can be ignored, misinterpreted or condensed.

* It provides opportunity to attach supporting documentation as evidence.

(3) Internal Review **(Refer: Figures 3, 4, and 5 of consultation paper - Nov 2024)**

Question? Should this be removed from the process or extended?

Recommend:

Internal Reviews should remain an integral part of the process.

Reviews should and could be expanded beyond Environmental Authority applications for petroleum leases, to other industries.

Reviews should and could also be considered for lease tenure applications in all industries.

Decisions in Internal Reviews should not prevent the parties involved from continuing with merits and judicial reviews (Land Court) or Appeals (Court of Appeal).

REASONS:

* Lease tenure and Environmental Authority applications should be decided in tandem and final decisions on both applications should be interdependent.

* (i) Internal Reviews provide an avenue for decision making which may relieve some of the burden from the "watchdogs" who are often the impacted landowners and occupiers.

(ii) It may provide viable solutions, thus freeing up the Courts for other issues.

(iii) It may provide opportunity for landowners and occupiers to source documentation not readily available and to provide their own supporting documents in a more cost-effective way then going down the Court path.

(4) Community/ landowner support, financial costs, court costs.

(a) *Further to (3) above:* Some discussions during consultations centred around how landowners are unsupported.

They have the burden of their own legal and associated costs should a matter end up in Court. There is no financial assistance from the Government. Information gleaned through Right to Information is another cost which cannot be passed on. The Environmental Defenders Office may provide financial assistance in some instances, but their budget is limited.

(5) Codesigned engagement process **(Refer: Proposal 1 part B)**

A Codesigned engagement process might ensure that communities have some control over the narrative e.g. agendas, conference protocols, nature of engagement, educational sessions. However, QLRCs review only relates to the initial application process for lease tenures and Environmental Authorities. *That is a separate issue to (4) above* which relates to after the granting of leases and EAs and extends beyond the development of infrastructure and the lifespan of resource or renewable activities, to the decommissioning of projects (i.e. gas wells) and rehabilitation of the land.

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