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Submission to the QLRC Review of mining lease objections processes – Conscious consistency: mining and other resource production tenures

Dear Queensland Law Reform Commission (QLRC),

Thank you for the opportunity to provide feed back on the Commission’s Review of Mining Lease Objections Processes.

The QLRC is reviewing the processes for deciding applications for mining leases and associated environmental authorities in Queensland and whether any recommended changes from this review should also apply to applications for resource production tenures, including their associated environmental authorities.

I write in reference to the Consultation Paper (November 2024) “Conscious consistency: mining and other resource production tenures”.

Current regulatory frameworks for other resource proposals

Point 9 – Exploration also entails the risk of harm and impacts, and should be considered in the same vein as resource production proposals.

Point 14 – As a landholder within Petroleum Lease (PL) 1039, which went from ATP 683 to an approved PL, unbeknownst to affected stakeholders because of the absence of notification requirements for PL applications, and no provision for any person to make submissions on the application, including the absence of any public record of the application, I can vouch for what an unforgivably opaque and inequitable process it is, representing a failure of procedural fairness. We were absolutely clueless as to the change from exploration to production licence and had no opportunity to have a say on the ramifications that the development may present to our livelihoods and business futures; especially considering the increased scientific knowledge and awareness of impacts that occurred during the time between the ATP approval (February 2000) to the PL approval (February 2019) – almost 2 decades!

Point 14, 23 & 33 – All ATP/PL, GHG lease and geothermal lease applications should be publicly notifiable, with the ability for any person to make a submission on the application. Applications should be publicly available, published on a public register.

Point 15 – in assessing an ATP-related application, there should be consideration of the existing land use type in the proposed area and whether the existing industry/land use type is compatible with the proposed resource industry. If the proposed activity is to occur in an area of regional interest, then the assessment criteria of the *Regional Planning Interests Act 2014* (RPI Act) should also be considered.

There should also be consideration of the groundwater sources to be affected and whether the Make Good provisions in the *Water Act 2000* are sufficient in terms of sustainability, long-term viability of the land use and intergenerational equity, including with a regard to warming global temperatures and changing climates.

The requirement that the Minister **must** grant the petroleum lease if satisfied the existing statutory criteria have been met needs to be rescinded. It should be amended to '**may**', in line with GHG and geothermal lease applications (see points 24 & 34)

Point 16, 27 & 36 – There should be an ability for an affected stakeholder to pursue an internal review and/or appeal of a decision to grant an ATP or PL; GHG lease; and/or a geothermal lease.

Associated environmental authorities

Point 40 – Any person can make a written submission to an environmental authority application associated with resource production tenures, unless there is a current and complete environmental impact statement (EIS) at the time of the application. This is an ineffective and indefensible condition of the *Environmental Protection Act 1994*. An EIS may be approved years prior to the advent of an EA or EA amendment application. Much can change in that time, including scientific and technical knowledge advancements, increased knowledge/understanding of the extent of impacts resultant from similar or nearby resource activities, as well as the ability to better assess cumulative impacts. Development plans can also change, with more specificity available compared with that presented in an EIS. Take for example Arrow Energy's Surat Gas Project EIS which was issued in 2012 and approved in 2013, where vertical drilling was the identified drilling type. A few years on deviated (directional) drilling - and with it a cohort of additional potential impacts - has become the norm (where coal depths allow). This becomes a whole new ball game that wasn't considered during the EIS assessment process. This changing development space and knowledge advancements can have a significant bearing on the environmental assessment provisions and economic, environmental and social outcomes of a proposed resource activity. Therefore, all EA and EA amendment applications should be publicly notifiable, with any person able to make a written submission regardless of whether there is a current and complete EIS at the time of the application.

Point 41 – As with point 15 for the consideration of petroleum leases, in deciding an environmental authority application, if the proposed activity is to occur in an area of regional interest, then there must be regard made to the *Regional Planning Interests Act 2014* and its assessment criteria. The principles and objectives of the *State Planning Policy (SPP)*¹, are being overlooked and disregarded during the resource production tenure and associated environmental authority approval process.

For example, out of the 17 state interests that must be regarded in state planning decision making, it is questionable if the following are being effectively captured during the resource tenure assessment process:

- Housing supply and diversity

¹ State Planning Policy (SPP), July 2017, Queensland Government
<https://dsdmipprd.blob.core.windows.net/general/spp-july-2017.pdf>

- Liveable communities
- Agriculture
- Biodiversity
- Cultural heritage
- Water quality – (NB: OGIA is not modelling or monitoring this)²
- Emissions and hazardous activities
- Natural hazards, risk and resilience [includes the projected impacts of climate change]
- Energy and water supply

Especially so for **Agriculture**, where the SPP states:

“Agriculture is essential to Queensland’s economic productivity, employment, and the supply of food, fibre, fish, timber and foliage and for ensuring food security for domestic and international markets. ... Queensland’s agricultural resources are of state and national importance and should be protected from incompatible uses and irreversible impacts that would compromise existing or potential productivity. With sound management, these resources can support agricultural production in perpetuity.”³

It is for this reason that the required outcomes and prescribed solutions of the RPI Act must be considered, to ensure appropriate and early assessment of the potential for incompatible uses and irreversible impacts to agricultural resources – which are finite and not easily restored once removed, disturbed or degraded - so that they may be protected to support the long-term viability and growth of the agricultural sector.⁴

However, this is not occurring. For example, ‘*The environmental impact statement process for resource projects under Chapter 3 of the Environmental Protection Act 1994*’ Guideline (EIS Guideline)⁵ states that to carry out a resource activity in Qld, a person must hold or operate under both a resource tenement and an environmental authority.⁶ It fails to mention that if the activity is proposed to occur in an area of regional interest, then it also must operate under the *Regional Planning Interests Act 2014*, having either obtained a *Regional Interests Development Approval* (RIDA), or have the benefit of an exemption. It is a failing of Qld Government regulation to not highlight and consider this additional planning development approval stage for activity occurring in areas of regional interest.

As can be seen by the following map of regional interests taken from the *RPI Act Statutory Guideline 11/16 – Companion Guide*⁷, areas of regional interest are significant across the Surat and Bowen Basins where extensive resource tenure and potential resource tenure lies. They must be considered, in accordance with the RPI Act assessment criteria, at the initial resource and environmental approval stages.

² <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5724T1052/5724t1052-fd87.pdf> - refer Part 2

³ SPP – page 29

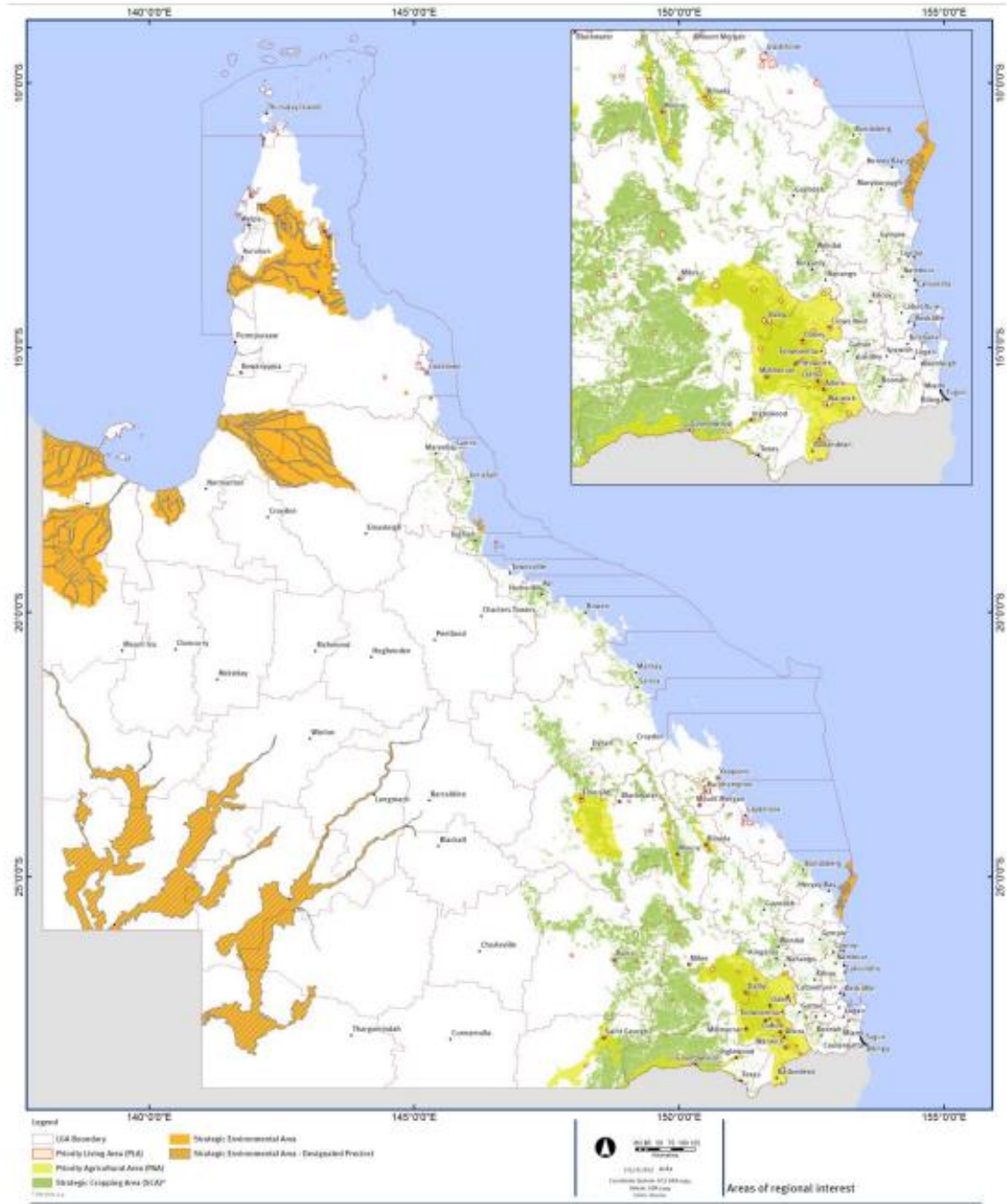
⁴ SPP – pages 29-30

⁵ https://www.des.qld.gov.au/policies?a=272936:policy_registry/eis-gl-environmental-impact-statement-process.pdf (EIS Guideline)

⁶ EIS Guideline – page 11/78

⁷ <https://dsdmipprd.blob.core.windows.net/general/rpi-guideline-11-16-dilgp-companion-guide.pdf> - page 11

Mapped areas of regional interest¹⁰



¹⁰ Data layers are provided by the Queensland Government. Map is current at 10 June 2016.

Yellow shading = Priority Agricultural Area (PAA) | Green shading = Strategic Cropping Area (SCA)

Prior to the commencement of the RPI Act, we had the (now repealed) *Strategic Cropping Land Act 2011* (SCL Act). This was more closely tied to the EA approval process, as an EA could not be granted for activity occurring over SCL land, unless the proponent held a *SCL Compliance Certificate*⁸ (for resource activities that have only a minor or temporary impact on SCL); or a *SCL Protection Decision*⁹ (for activity that may have a permanent impact and not be compliant with the SCL standard conditions code). The compliance certificate application form actually formed part of the environmental authority application form.¹⁰ The conditions of the code, by which the applicant was bound, were taken to be conditions of the environmental authority or resource authority.¹¹

It was made clear from the outset, that the SCL framework and legislation was to be considered at the initial resource and environmental approval stages [refer point 3 below], where tenure would be conditioned accordingly:

Outline of the framework

The framework to implement the policy will provide a comprehensive, state-wide approach applying consistent assessment to all types of development that may impact on Queensland's best cropping land resources.

Legislative and planning instruments will be developed to implement the policy. These are:

1. **A new Act specifically for strategic cropping land resources**—the legislation will describe how strategic cropping land is identified and will include an indicative map of where strategic cropping land resources may exist. Criteria will then be used for validating on-site whether the land is in fact strategic cropping land. The legislation will provide a consistent process for assessing and deciding whether development can proceed on strategic cropping land.
2. **A new State Planning Policy under the *Sustainable Planning Act 2009***—in conjunction with the new Act, a new State Planning Policy will guide planning (including regional plans) and development assessment under the SPA. The new State Planning Policy will operate in tandem with SPP 1/92, which protects a broader range of agricultural land from development.
3. **Amendments to existing resources legislation**—amendments to resources legislation will be made to recognise the requirements of the new Act for strategic cropping land resources. These amendments will require assessment of the impact on strategic cropping land and will condition tenure accordingly. Further conditions for restoration and other environmental matters will continue to be addressed under the *Environmental Protection Act 1994*.

12

This provided a more consistent process for assessing and deciding whether development can proceed on strategic cropping land:

“The Government will use these common decision-making requirements to determine whether the development or tenure application on strategic cropping land should be approved, conditioned or refused.”¹³

⁸ Strategic Cropping Land Act 2011 – section 81

⁹ Strategic Cropping Land Act 2011 – section 93

¹⁰ Strategic Cropping Land: Standard conditions code for resource activities, State of Queensland (Department of Natural Resources and Mines), 2012 – page 4

¹¹ Strategic Cropping Land: Standard conditions code for resource activities, State of Queensland (Department of Natural Resources and Mines), 2012 – page 5

¹² Protecting Queensland's strategic cropping land: A policy framework, State of Queensland (Department of Environment and Resource Management), 2010 – page 7

¹³ Protecting Queensland's strategic cropping land: A policy framework, State of Queensland (Department of Environment and Resource Management), 2010 – page 11

“This decision-making process allows development proponents to be fully informed of the expectations of government, and enables them to make decisions fully aware of the impacts that strategic cropping land requirements may have on a development project.”¹⁴

The consideration of areas of regional interest should be reinstated at the resource and environmental approval stages, as was the case when the SCL Act was in place.

In line with the changes made to the *Environmental Protection Act 1994* (EP Act) via the *Environmental Protection and Other Legislation Amendment Act 2023* (EPOLA Act), which introduced **subjective project refusal triggers** in the EIS process, developments determined unsuitable or incompatible in regards to the land type (e.g. PAA/SCA) and/or existing land uses (e.g. PALUs) would not proceed further, avoiding the proponent unnecessary time and expense, similarly avoiding drawn-out stress and anguish for the affected landholders/community members, and provide much needed certainty for all involved.

This would allow for a more consistent, fit-for-purpose and efficient regulatory process.

Point 44 – Any person who makes a submission on a GHG or geothermal lease application, should be able to seek internal review and appeal to the Land Court a decision to grant the lease, as stands with petroleum activities.

Changing landscape of the resource industry

Petroleum and gas

Point 53 – It states that gas will continue to be in demand to support global efforts to decarbonize. It infers gas is a transition fuel. I beg to differ. When exported as LNG - which the majority of Qld’s gas is (during FY21 over 90% was exported)¹⁵ - studies by Cornell University in the USA have found gas to be just as, if not more, emissions intensive than coal.¹⁶ Also, because of the lax regulation in Australia regarding measured GHG emissions from CSG production and transport, it is now becoming evident from technology advances in global methane detecting satellite services, that coal and gas emissions could actually be double that estimated/recorded, and succeeding the previously labelled first place emitter – agriculture (in particular the cattle industry).^{17 18}

Point 55 – Reference is made to the Gasfields Commission Queensland’s (GFCQ) review of the *Regional Planning Interests Act 2014* assessment processes¹⁹, following a scathing report on CSG regulation in Queensland by the Queensland Audit Office in 2020.²⁰ It should be noted that this review was carried out in-house by the GFCQ, and not by legal professionals. It lacked transparency and due process. After complaints were made by submitting stakeholders in regards to its integrity and accurateness, a corrigendum was published²¹. I point this out because for stakeholders to have

¹⁴ Protecting Queensland’s strategic cropping land: A policy framework’, State of Queensland (Department of Environment and Resource Management), 2010 – page 11

¹⁵ Gasfields Commission Queensland, Shared Landscapes: Industry Trends (Report 2022) – page 64

¹⁶ <https://news.cornell.edu/stories/2024/10/liquefied-natural-gas-carbon-footprint-worse-coal>

¹⁷ <https://www.couriermail.com.au/business/fossil-fuel-sites-emit-twice-as-much-methane-than-reported-says-rod-simsbacked-think-tank/news-story/2d85b794756a248d1f257eac094be35c>

¹⁸ <https://openmethane.org/analysis/top-methane-emitting-hotspots>

¹⁹ https://gfcq.org.au/wp-content/uploads/2023/08/20230811_GFCQ-Regional-Planning-Interests-Act_Review-Report_FINAL.pdf

²⁰ Queensland Audit Office, Managing Coal Seam Gas Activities (Report No 12), 18th February 2020

²¹ <https://gfcq.org.au/corrigendum-to-the-report-review-of-the-regional-planning-interests-act-2014-assessment-process/>

trust and faith in a review affecting legislation, there should be involvement by those with legal expertise, as is the case with this QLRC review.

Point 56 – It should be recognised by government, statutory bodies and the QLRC, that **sustainable coexistence** between the gas industry and local communities, particularly in affected agricultural areas, is not achievable in all situations. This was recognised by the Department of State Development, Infrastructure and Planning during the *Regional Planning Interests Bill 2013* consultation process. They made it clear that where coexistence is not feasible, the priority agricultural land use would take precedence:

“The department acknowledged that there could be instances in which coexistence is not possible. In those cases, the priority agricultural land use would be preserved.”²²

Something that is not possible cannot be legislated into existence.

In fact, there is no definition of ‘coexistence’ proffered in any of the coexistence framework legislation in Qld. A telling sign.

Greenhouse gas injection and storage

Point 58 – While I totally agree with the move to protect the Great Artesian Basin (GAB) from GHG injection, otherwise known as carbon, capture and storage, I believe we must also consider the irony of doing this while allowing a risk-prone unconventional gas industry to drill thousands of gas wells throughout the GAB, resulting in hundreds of impaired water bores^{23 24}, either from depletion of water tables or contamination (gassy bores), rendering the long-term water security future of regional Queensland questionable and decidedly more insecure.

Gas wells are now corroding on a substantial basis, thanks to microbiologically influenced corrosion (MIC), which seems to be systemic across the region:

*“Saltel Industries was approached in 2016 by one of Australia’s leading natural gas producers, to tailor a solution for their unusual problem: in some of their CSG wells in Queensland, the 7in production casing must cope with **severe and localized external corrosion**, developing at shallow depth. These corrosion cases are suspected to be **caused by bacteria growing under specific pressure and temperature environments**. ... The solution had to resist **Microbiologically-influenced corrosion**. **This particular type of corrosion can progress rapidly**, even through corrosion-resistant alloys. ... The corrosion damage can occur at very shallow depths (e.g., as little as a few meters below the wellhead), and **corrosion damage can leave less than 80% of the casing metal thickness**. The solution had to provide long-term and gas-tight seal. The particularity of CSG wells is that gas is produced through the annulus between the tubing and the production casing. The integrity of the 7in production casing is critical, since it is the first barrier for gas containment.”²⁵*

²² Parliamentary Committee Report to the Regional Planning Interests Bill 2013 – Report No. 35 March 2014, page 25

²³ Underground Water Impact Report 2021 for the Surat Cumulative Management Area, The Office of Groundwater Impact Assessment – page 123

²⁴ Underground Water Impact Report 2021 for the Surat Cumulative Management Area - Appendices, The Office of Groundwater Impact Assessment – page 51-69/98

²⁵

https://d3n8a8pro7vhmx.cloudfront.net/lockthegate/pages/6799/attachments/original/1594111945/Xpandable_Patches_to_extend_the_life_of_corroded_CSG_Wells_in_Queensland_Australia.pdf?1594111945&fbclid=IwAR3c0XeHO-BudWk8rtw9Z-jqpe-gea6zmJWXNZ2GOK0kgkMDyC3OSnma7QQ

This puts the critical zonal isolation between the target zone and overlying good-quality aquifers - relied on by agricultural and community use - at significant risk of cross-formation fluid leakage of both water and gas:

Hundreds of thousands of bores have been drilled and constructed across Australia and many of these are located in key groundwater resources. Where bore integrity is not maintained, or bores are not decommissioned properly, there is the potential to impact on groundwater resources, which can affect existing and future groundwater users as well as the environment. Bore integrity failure can cause adverse and unintended changes in groundwater levels, flow rates and flow directions and can also lead to changes in groundwater quality. A further impact often associated with bore integrity failure is the contamination of aquifers by leakage of gas or water of a different quality, either through the bore casing, the bore annulus or open (i.e. uncased) bores.²⁶

The coal seam gas industry underwent a rapid period of growth from the early 2010s with the advent of conversion to LNG for export markets. Regulation, legislation and science have played catch up within a wholly unsuitable adaptive management “wait-and-see” approach. The extent of risk corrosion causing microbes like sulphate reducing bacteria pose to the integrity of the gas wells is only just coming to the surface. We are seeing just the tip of the iceberg. This is made evident in the CSIRO’s recent desktop review study ‘Potential microbial interactions with cements and steels’²⁷ that highlighted the significant knowledge gaps surrounding microbes (and their habitats) that occur in subsurface environments of South East Queensland:

No publicly available data are available on microbes from non-coal aquifers of the region. No publicly available data were found on microbes that adhered to surfaces (pipes or other infrastructure).²⁸

It also alludes to the fact that shallow, unconfined aquifers, like the **Condamine Alluvium**, are at **higher risk to Microbially Influenced Corrosion** and damage to infrastructure, due to the oxygen and nutrient density (e.g. phosphorous and nitrogen) in these aquifers compared with deeper formations:

²⁶ Bore Integrity: Background Review, 2014, The Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development (IESC) – page 6/69

²⁷ Potential microbial interactions with cements and steels, CSIRO, 1st March 2024 (**CSIRO Microbial Report**) <https://gisera.csiro.au/wp-content/uploads/2024/05/CSIRO-GISERA-final-report-Microbial-interactions-with-cements-and-steels-Qld-CSG-wells.pdf>

²⁸ CSIRO Microbial Report – page 7/38

It seems likely that shallow, unconfined aquifers are more susceptible to Microbial Influenced Corrosion and microbial damage to cements than deeper components of wells. This is due to oxygen and nutrient ingress into these environments. At present, however, data on either microbiomes in such aquifers or their chemistry have not been collected or examined, and in many cases are not available. Work to redress this shortfall and establish representative baselines would be valuable.

Currently, there are no data on whether biofilms colonise groundwater pipework in Queensland. As biofilms can have both positive and negative effects on infrastructure, and as water-only sampling is not representative of biofilms, direct sampling of the pipe internal surfaces through swabbing or baiting would be valuable.

29

It will only be a matter of time before this environmental catastrophe takes hold.

Do we believe that these gas companies will still be around in 50 years' time to face any liability damages, or that there will be adequate residual risk measures in place to contend with this situation?

Guiding principles

Q1 – The guiding principles of 'fair, efficient, effective and contemporary' are appropriate for considering reforms to the processes for deciding other proposals. However, it is concerning that the QLRC has only pinpointed mining when it states under Effective "to be conducive to ongoing investment and sustainable growth in **mining**". It should be noted that mining is not the only industry that exists in Qld. **Agriculture** is the integral backbone of this state and also requires fostering to ensure its long-term viability and growth. We farmers are the ones keeping the rural communities alive. We're the ones on the local P&C associations, we're the ones volunteering in the local rural fire brigade, we're the ones selling the chook raffle tickets at the pub for the local swimming club. Not the mining execs nor the FIFO workers. And we will still be here once all the resources are extracted and sent overseas. Because our resources are regenerative; if we look after them right, they can be used time and again for generations to come. Again, to re-iterate, it is the omission of the state planning principles and interests in the resource approval process that is failing agriculture and with it, any chance of sustainable coexistence and thriving communities.

Another suggested pillar would be 'equitable' – which includes consideration of the following:

- ESG principles³⁰
- Ecologically sustainable development³¹
- Intergenerational equity

²⁹ CSIRO Microbial Report – page 25/38

³⁰ Mining lease objections review - Scanning the horizon: Queensland mining in the future - Background paper 2, October 2023, The Queensland Law Reform Commission – page 16

³¹ National Strategy for Ecologically Sustainable Development, 1992, Australian Government, Department of Environment and Energy

- The precautionary principle
- Other industries/existing land uses and the feasibility of coexistence
- Food security
- Water security
- Climate change

When it comes to **ESG**, we must also consider the implications on farmers and their commodities entering international markets where ESG credentials and sustainability accounting will be increasingly pivotal to market access and sales outcomes (e.g. as Canola is now in regards to entering European markets), and how having a **fossil fuel** industry co-located on your property may impact on these ESG credentials. A potential future liability that no one, it seems, has really considered.

Consistency in resource regulation

Point 75 – Should also include:

- Improved communication and cohesion amongst decision-makers and regulatory agencies
- Appropriate recognition of farmers’ property rights and interests
- Equity between industries sharing the land and resources - a level regulatory playing field.

An example of where this isn’t occurring is in regards to water extraction. All Queenslanders, bar petroleum and mineral industries, are regulated under an entitlements framework. Petroleum and mineral industries are granted special provisions in Qld which entitles them to take or interfere with **unlimited** amounts of associated groundwater.³² This is inequitable. This was raised by the Productivity Commission as part of the *National Water Reform 2020 Report* in conjunction with the *National Water Initiative*, who called for the removal of this special provision:

“The Commission has considered all arguments and retains its view that the special provision for minerals and petroleum industries should be removed. ... A renewed NWI should not include special provisions for the minerals and petroleum sectors and paragraph 34 of the current agreement should be removed in the development of a renewed NWI.”³³

Despite this, the State of Qld continues to grant special – inequitable - provisions to resource companies, over every other user of groundwater in the state. This must be rectified to ensure a just and fair process, and the sustainability of our water sources into the future.

Q2 – I am generally in agreement with a more consistent process by applying the consultation proposals for mining to other resource projects. This should create more certainty and better participation for affected stakeholders; enhance transparency and accountability; as well as create better efficiencies for government decision makers. This will be explored in more detail below, in reference to the various points made under ‘participation’, ‘decision-making’, and ‘review’.

Q3 – In general, the following consultation proposals could be applied to both mining and other resource proposals fairly consistently:

- Reframe participation
- Establish a central online Government portal
- Establish an Independent Expert Advisory Panel
- Amend the decision-making criteria

³² Petroleum and Gas Production and Safety Act 2004 (Qld) (**P&G Act**) – section 185

³³ National Water Reform 2020, Productivity Commission Inquiry Report, No.96 28th May 2021 – page 76

- Require decision-makers to consider the rights and interests of Aboriginal peoples and Torres Strait Islander peoples
- Introduce combined merits and judicial review by the Land Court

However, it must be noted that coal seam gas (CSG) development has a much larger impact footprint and varied extent of impacts than coal mining. CSG is spread over a vast area, affecting numerous landholders and community members versus a smaller footprint and number of affected landholders and community members for coal mining for example. CSG involves accessing people's land or state land (forestry etc) on an imposed coexistence/land access arrangement, whereas coal miners often own the land on which they mine. Landholders are unconscionably unable to say 'no' to gas mining. Its impacts to groundwater and the land surface through CSG-induced subsidence are more extensive and widespread than coal mining. These are all factors that must be considered if/when applying the consultation proposals for mining. Again, this will be explored in more detail below.

Participation

Point 86 – All other resource proposals (petroleum leases, GHG leases & geothermal leases) should involve obligatory direct notice, public notice and public participation (with any person able to make a submission), for both the tenure and associated environmental applications, including renewals.

Point 91 – Direct notice being given under the Land Access Framework for the purposes of negotiating a conduct and compensation agreement (CCA) is too late, as the approvals are already granted by then. It denies the affected stakeholders and community from having a say/providing input during the production tenure approval decision making process.

However, issue lies in the **specificity** at the early application stages. This must be improved such that proponents need to state the intended location of wells (including deviated trajectories) and associated infrastructure; the type of drilling to be utilised (e.g. vertical vs directional); the chemicals to be used; comprehensive salt waste plans; what baselines (e.g. topographic, air quality, groundwater) will be enacted and how; and concise details on proposed well integrity monitoring and remediation practices - to name but a few examples (this is not an exhaustive list).

Decision-making

Public interest – this must be considered for **all** resource proposals, including petroleum leases; not just in assessing the initial development plan, but throughout the tenure approval process.

It must be considered on both a local and state perspective – environmentally, socially and economically, with not one factor taking precedence over the other. It must also be considered in line with the future challenges faced by our next generations (e.g. climate change, biodiversity loss).

The lack of public interest consideration in the petroleum lease decision making process is just another example of the preferential and inequitable treatment granted to the gas industry in Qld.

And where the absence of the consideration of planning principles and interests (e.g. agriculture) has created an ineffective, inequitable and turbulent approval outcomes process.

Regional Plans such as the *Darling Downs Regional Plan*³⁴ were developed to reflect community values, desires and aspirations, and spatially present desired future outcomes for a place or region.

³⁴ The Darling Downs Regional Plan, October 2013, State of Queensland, Department of State Development, Infrastructure and Planning <https://dsdmipprd.blob.core.windows.net/general/darling-downs-regional-plan.pdf>

Prepared using robust evidence and research and according to well-founded planning principles, subject to public engagement and consultation, and adopted by government, they define a public interest position for their subject areas and places.³⁵ It is therefore indefensible that they should not be considered as part of the production tenure and associated environmental authority application assessment stages.

If one were to weigh up the public interest under a cost-benefit analysis of the CSG projects a decade on from their outset, the outcome would likely be very different to the decisions that were made in haste in the early 2010's, under a precautionary-principle wipeout approach, where private interests and political persuasions dominated (e.g. taking into consideration low royalties, little to no company tax, fractured communities, social imbalance, land degradation, unsustainable groundwater impacts, exponential fugitive emissions, the stock of future environmental values being compromised for short-term private profit etc). Significant weight was placed on fragile and unsubstantiated economic promises, while the social and environmental considerations took a decided back step. Economic promises that have not proven themselves over time. Some would argue we have witnessed a decade of wasted opportunities.

Going forward, do we have an adequate enough public interest and net community benefit for the production of resources which are owned by the state? Do the benefits outweigh the adverse, cumulative impacts? We must learn by and rectify past mistakes.

Review

Review provisions should be available to all stakeholders (proponents and submitters) on both tenure production and environmental authority decisions, for all other resource proposals (petroleum leases, GHG leases & geothermal leases).

Proposals for reform of mining lease processes

Point 109 – In line with the additional considerations at Q1 (guiding principles), any recommended process should also:

- Be conducive to investment and growth in **agriculture and renewable energy**, as well as in mining.
- **Provide land use protections** (e.g. Priority Agricultural Land Use (PALU))
- Consider ongoing and future **food and water security**
- Properly consider **intergenerational equity**, including the effects of **climate change**
- Support good decision-making based on robust, **independent** expert evidence
- Include appropriate, **fair and balanced** review mechanisms

Participation

P1 – Reframe participation

(a) – agree

(b) – agree, but **must** include submissions

(c) – agree, but also recommend establishing an **'agricultural and regional interests advisory committee'** to facilitate landholder and regional community input as part of the new participation process.

³⁵ A Public Interest Framework for PIA, Patrick Fensham RPIA (Fellow), Planning News, Volume 49, No.2, March 2023

Public dissemination of committee dealings (e.g. briefing reports/minutes) would be beneficial.

The decision makers should be obliged to consider the views of the participants/submitters in the participation process.

Options for a new non-adversarial participation process

The proposed models of participation are comprehensive and broad, enabling the capture of views from a variety of stakeholders.

However, it must be said that you can't have a 'community leader council' without a more hands-on-the-ground 'community advisory committee or reference group'. I say this as a community leader council is often made up of peak body heads who may work in the interests of their members, but aren't always across the finer detail and issues of various developments and don't have the intense stake in outcomes as they do not have direct skin in the game. This is why you need a complimentary community group who would represent directly affected stakeholders, with a balance of views, who do actually have skin in the game. The Gasfields Commission's (now Coexistence Queensland) past Community Leaders Council (CLC) is a case in point. They state that the "CLC is a high-level forum that is used as a catalyst to help drive increased collaboration, strategic problem solving and honest dialogue relating to the most pressing coexistence issues being faced within Queensland's onshore gas industry."³⁶ However, it doesn't include a broad range of landholders, those truly affected and able to induce the 'honest dialogue relating to the most pressing coexistence issues'. At best they invite one or two farmers. Therefore, it risks becoming a pat-on-the-back industry and government talk fest, with no effective outcomes.

'Information session or open house' is a good format. However, landholders and community members don't always have faith that the government is working in their best interests (in the level of impartiality of the advice and information they provide) due to the inherent conflict of interest in them being regulator as well as benefactor of the industry going ahead. Therefore, as I see it, there is a gap in the provision of **independent** support, advice and information amongst the suggested models. This is where the Land Access Ombudsman could be better utilised. Or funding provided to peak ag bodies to resource staff to provide such information and advice (as used to occur with AgForce, allowing them to provide various stakeholder information sessions on a wide range of CSG related subjects e.g. CCA negotiations, property mapping, biosecurity etc).

Tailoring participation

Q4 - I believe a broad range of different participation opportunities is suitable, especially for large scale projects like coal seam gas mining, in relation to its large impact footprint; extent of risks; and level of community concern. This would also accommodate and capture the different levels of participation some stakeholders are comfortable with – some like being up the front asking the questions while others are less confident and prefer to take a back seat and possibly ask questions on a one-to-one basis.

Notification and information sharing

P2 – Establish a central online Government portal

Q5 – A centralised online government portal for mining and other resource proposals is a great idea and much needed in Qld, where huge discrepancies lie. The Environment Department does a good

³⁶ <https://gfcq.org.au/gfcq-community-leaders-council/>

job in publicly sharing information about resource applications, whereas the Department of Resources appears to be enshrined in a cloak of secrecy. We need more consistency and better transparency and accountability of all resource activities, including their associated applications and compliance matters.

- (a) Notice of applications should also include a copy of the actual application and supporting documentation (in accessible file types)

The government portal should also include the option for a subscriber-based mailing list, like the Department of Environment has in place now.

This portal should also be expanded to include compliance matters and outcomes. For example, if a responsible tenure holder notifies the relevant department of a detected breach in well integrity, this information should also get posted so that local landholders may be able to access information pertaining to their local area. It should also include information on Water Bore Baseline Assessment Plans and time schedules (incredulously only presently available through *Right to Information*), with a register of what bores have been completed and which are yet to be. It should also include information on Make Good arrangements, including the bores identified as IAA or LAA, and a register on the outcomes of those Make Good arrangements. There is currently such a lack of transparency and accountability when it comes to these matters that stakeholders can't help but be concerned that little if any direct oversight and compliance is occurring. Self-regulation appears to reign supreme at the expense of the viability of our natural resources and proving any future liability of the impacts. Having this information made available, with their associated outcomes, would provide stakeholders with more confidence in the compliance regulatory space.

Decision-making

P3 – Establish an Independent Expert Advisory Panel (IEAP)

This is a welcome idea. It would have to have a broad range of expertise, depending on the project being assessed e.g. hydrogeology, hydrology, environmental science, ecology, cultural heritage. For coal seam gas projects which traverse large swaths of good-quality agricultural land, it should also consist of members with soil science, irrigation engineering and agronomic expertise. The IEAP's advice to government decision makers should be made publicly available and posted on the proposed online portal.

If to be modelled on the *Independent Expert Scientific Committee (IESC)* who are responsible for providing advice to the Federal Environment Minister when the Water Trigger is activated under the *Environment Protection and Biodiversity Conservation Act 1999*, then some improvements would be required. For example, at the moment, the federal Minister is not obliged to take on board the IESC's advice. It should be made obligatory that the Qld Minister for the Environment must consider the IEAP's advice, to which their decision must be consistent. Where the IESC provides initial advice, based on that provided in the EIS or EA application, there is no obligation on the Minister to ensure the IESC's advice is sought on SREIS's or responses to information requests. Provisions should be put in place so that the IEAP provides subsequent advice to the Minister and departmental staff upon receipt of subsequent information from proponents. Ensure IEAP members are adequately at arm's length from the coal and/or gas industry and lobby groups in order to ensure independence.

Point 129 – The Office of Groundwater Impact Assessment (OGIA) would do well to undergo reform to their governance and oversight structure, in order to enhance their independence and accountability credentials. A structure similar to the GasFields Commission (now Coexistence Qld) would be beneficial, whereby they have a board representing a variety of interests and expertise, to

whom the management and operating staff are answerable. This would limit the situation where too much power or influence rests in the hands of one person. OGIA's transparency also needs to be enhanced. For example, there is very little information publicly available on their funding and Expenditure Advisory Committee (EAC) arrangements and processes.

Consequential amendments to the statutory criteria

P4 – Amend the decision-making criteria

Agree, that the relevant decision-maker of mineral and all other resource proposals and their associated environmental authority applications should be required to consider:

- a) Public input and information generated through the new participation process – including from the *Aboriginal and Torres Strait Islander Advisory Committee*, and from the above proposed *Agricultural and Regional Interests Advisory Committee*
- b) Any advice of the IEAP, to which the minister's decision must be consistent

Point 133 – The new participation process **must** include submissions.

Consideration of Aboriginal and Torres Strait Islander rights and interests

P5 – Require decision-makers to consider the rights and interests of Aboriginal peoples and Torres Strait Islander peoples

Agree

Consideration of the public interest

Q6 – see 'public interest' on page 11 above.

Review

P6 – Introduce combined merits and judicial review by the Land Court

(c) This should allow the ability for landholder applicants seeking the Review to provide additional evidence that may not have been available at the time of the decision-making (e.g. independent hydrogeology report, technical reports more recently published etc). Landholders are under-resourced and time poor, unlike the proponents who are well resourced and in the driver seat when it comes to time schedules. Landholders are beholden to the timing of application lodgement and statutory timeframes for making submissions etc. They often have to fit any review or objection processes amongst very busy farming schedules, which often proves insurmountable. They may not always be able to source and/or lodge all information in time with the submissions. Therefore, this requirement needs to be more flexible when it comes to landholders, who incessantly find themselves on the back foot, and beholden to seasonal/climatic driving forces.

Q7 – The review consultation proposal could be applied to other resource proposals, with the above-mentioned alteration instigated at P6(c).

However, I am of the opinion that all environmental matters should, where possible, rest with the Planning & Environment Court, which would mean 2 different tranches in the proposed flow chart (page 28) after decisions are made i.e. post-decision reviews for 'other production tenures' would be heard in the Land Court, whereas post-decision reviews for the 'environmental authority' would be heard in the P&E Court.

Internal review should be included, and linked to those who made submissions.

Interacting laws and processes

Point 145 – Although I realise this falls outside of the QLRC’s jurisdiction, I believe the federal *water trigger* should also apply to GHG storage (carbon, capture and storage) and geothermal energy developments.

Q8 -

A) The *Environmental Protection Act 1994* considers impacts on environmental values during the EA assessment process; however, the economic viability of agricultural land is not an environmental value. The *Regional Planning Interests Act 2014* is the **only** legislation available that identifies areas of regional interest, including regionally significant water sources like the Condamine Alluvium, and provides protection of their long-term viability, as well as of priority agricultural land uses, their ongoing productive capacity and their economic value to the state. While some proponents may say it represents a duplication of process, it most certainly does not.

B) As mentioned previously, the planning principles and interests (namely state interest agriculture) are not being captured in the production tenure and associated environmental authority assessment process. This could be addressed by considering the assessment criteria of the *Regional Planning Interests Act* and the policy and objectives of its underpinning Regional Plans (e.g. *Darling Downs Regional Plan* (DDRP)) at these initial assessment stages. Similar to how the SCL Act was being executed prior to the commencement of the RPI Act – where a SCL compliance certificate or SCL protection decision was required in order to obtain an EA, and whose conditions formed part of the conditions of the EA or resource authority.

As per the RPI Act, any new resource development seeking to operate in PAAs needs to meet the assessment criteria ensuring no material loss of land, no threat to continued agricultural use and no material impact on declared regionally significant irrigation aquifers or overland flow.³⁷ This should be established in the initial phases, to ensure appropriate protections are put in place early; avoiding a situation which we currently have, where, once the PL and EA have been granted, considerable time and investiture has already been put into the development, and it almost becomes a sense of *fait accompli* by the time the RPI Act and its RIDA assessment stage comes around (if at all – explained below).

This early assessment however is challenged by the lack of specificity provided in the production tenure and associated environmental authority applications. For example, for environmental authority applications, proponents do not provide an exact location of the gas wells and gathering lines, and instead delineate a proposed broad area where the activity may take place. An EA could be approved for 1000 gas wells across an entire PL, with the department not having the foggiest idea of where the wells may be positioned. As regards the extent of detail provided to the Department of Resources for the production tenure, including the initial development plan, who knows, as it’s all hidden behind a cloak of secrecy.

This was overcome in the SCL Act, whereby a SCL compliance certificate (assessed against a standard code) could be obtained for less impactful exploratory work and surveys (allowing the application for an initial EA); however, if they wanted to expand into production works, then they would need to apply for a more comprehensive SCL protection decision. By this stage they would have more information available on the intended location of gas wells etc.

³⁷ Regional Planning Interests Act and the agricultural sector (Factsheet), the State of Queensland, the Department of State Development, Infrastructure and Planning – page 4

Either, the specificity needs to improve at the initial stages (this is somewhat challenging due to land access implications), or, a 2-stage assessment process is introduced e.g. early-stage preliminary RIDA, to be followed up by a more comprehensive and rigorous RIDA assessment. That said, the assessment criteria must in no way be weakened, unlike what the Department of State Planning proposed in 2023 with their consultation paper *'Proposed amendments to the Regional Planning Interests Act 2014 Discussion Paper'*, where they proposed to remove CSG-induced subsidence as an assessable impact under the RPI Act. That along with the proposed prescriptive 'eligibility criteria' was a blatant diminishing of the protection of landholder rights and regional interests, in order to facilitate gas development across one of this State's most productive food bowls.

C) Under the *State Development and Public Works Organisation Act 1971*, the Coordinator-General has broad powers to declare a project a 'coordinated project' and subsequently become responsible for its assessment and approval. I would question the integrity of this assessment process when it is also the coordinator-general's role to **facilitate** private-sector infrastructure projects. This raises questions about the conflicts between the two roles. Is too much emphasis being placed on the economic pillar during this assessment, and not enough onus placed on the assessment of environmental and social impacts, and the state interest of agriculture? A more equitable and accountable process would be that all projects go through the EIS assessment process, under the *Environmental Protection Act 1994*. This would be made more robust again, if Queensland were to finally establish an independent Environmental Protection Agency (EPA). Despite much discussion, reviews and consultation, Queensland remains the only State in Australia without an independent EPA.

Q9 -

A) Unfortunately, what we are witnessing today is a broken and ineffective planning assessment process for activity occurring in areas of regional interest. This is because of the exemptions present in the RPI Act which are being flouted by a certain gas company. The *section 22 landowner agreement exemption* states that resource companies who can reach agreement with a landholder, **and who do not** have a broader or regional impact can operate under an exemption.³⁸ That said, due to the knowledge now in place in regards to CSG-induced subsidence and its consequences to flat intensively farmed land, especially on the Condamine Floodplain; in addition to the high risk of impacts to the integrity of the vulnerably positioned Condamine Alluvium (the only identified *regionally significant water source* in Qld), the resource company in question cannot satisfy beyond reasonable doubt the conditions of having **no** broad or regional impact.³⁹ As we all know, impacts do not simply stop at the farm gate or property fence. Subsidence impacts can occur up to 3km from the extraction point⁴⁰, and groundwater impacts in the highly conductive Condamine Alluvium will be felt across a wide area and socialised over time.

What is more, where there is scientific uncertainty about the impacts of an activity and potential impacts are serious or irreversible, **the precautionary principle is applicable**. As stated in the *RPI Act Statutory Guideline 02/14: Carrying out resource activities in a Priority Agricultural Area*:

³⁸ Regional Planning Interests Act and the resources sector (Factsheet), the State of Queensland, the Department of State Development, Infrastructure and Planning – page 2

³⁹ RPI Act Statutory Guideline 02/14: Carrying out resource activities in a PAA – Appendices 1 & 2 – pages 3-5, 17-18 https://www.planning.qld.gov.au/data/assets/pdf_file/0022/85180/02-14-statutory-guideline.pdf

⁴⁰ https://www.daf.qld.gov.au/data/assets/pdf_file/0005/1839902/23-115.pdf - page 51

“Accordingly, a lack of scientific certainty about the potential impacts of an activity will not itself justify that the activity is not likely to have a significant impact on the area of regional interest.”⁴¹

And yet, because of the latitude of self-assessment permitted and the lack of oversight in the validation of such eligibility, they are self-assessing themselves as exempt (with no regulatory checks and balances in place), effectively bypassing the rigorous RIDA risk assessment process. As a consequence, considerable drilling of gas wells has already occurred over PAA and the through the Condamine Alluvium in the Western Downs region (250+ gas wells), with no cumulative or local-scale risk assessment of impacts to the area of regional interest having taken place.

It is a major flaw in the enactment of the legislation that was put in place to protect our top agricultural areas from the impacts of resource activities, as per its intent, which is indicated here in an extract from the Darling Downs Regional Plan, to which the RPI Act must give effect:

*“PAA co-existence criteria are being prepared to ensure that the approval of any proposed resource development **cannot materially impact or threaten the ongoing viability of the Priority Agricultural Land Use. The cumulative impacts of resource development on the region need to be managed to ensure the ongoing viability of agricultural production on the Darling Downs.**”⁴²*

The definitive aim to **protect** Qld’s areas of regional interests from significant and possibly irreparable damage is reflected in the high penalties contained within the Act:

- Legislation should have sufficient regard to rights and liberties of individuals—extremely high penalties – *Legislative Standards Act 1992*
 - The Bill includes extremely high penalties for offences for undertaking a resource activity in particular areas of the State without the activity being allowed under a regional interests authority issued under the Bill. The maximum penalties for wilfully carrying out the resource activity in these circumstances is 6250 penalty units (\$687 500) or 5 years imprisonment. The maximum penalty for the lesser offences that do not include an element of wilfulness is 4500 penalty units (\$495 000).

These high penalties are considered to be necessary to deter mining companies from undertaking mining activities in areas of the State where the activities may cause significant and possibly irreparable damage to other contributions the areas make to the State’s economic, social and environmental prosperity.

43

“The high penalties provided in the Bill are necessary to ensure that significant, and possible irreparable, damage is not done to an area of regional interests.”⁴⁴

As the responsible administrator of the Act appears reluctant to take a stand against the flagrant abuse of process when it comes to the RIDA assessment on PAA and SCA of the Condamine Alluvial Floodplain, that leaves the landholder with the only option but to seek a declaration under section 78 in the Planning and Environment Court. At a potential massive cost impost and mentally

⁴¹ RPI Act Statutory Guideline 02/14: Carrying out resource activities in a PAA – page 4

https://www.planning.qld.gov.au/_data/assets/pdf_file/0022/85180/02-14-statutory-guideline.pdf

⁴² The Darling Downs Regional Plan, October 2013, State of Queensland, Department of State Development, Infrastructure and Planning <https://dsdmipprd.blob.core.windows.net/general/darling-downs-regional-plan.pdf> - page 1

⁴³ Regional Planning Interests Bill 2013 – Explanatory Notes, 20th November 2013 – p5

⁴⁴ Regional Planning Interests Bill 2013 – Explanatory Notes, 20th March 2014 – p2

harrowing ordeal, this situation is totally unjust. **This damning situation needs to be reviewed** before more drilling takes place in the total absence of any localised or cumulative risk assessment to PAA, SCA, PALUs and the Condamine Alluvium, risking material, widespread and potentially irreversible impacts occurring beyond a point of no return.

B) Landholders, community members and first nations people remain significantly unsupported and under-resourced in any mining or other resource assessment review process. The reforms put forward by the QLRC seek to address some of this inequality and improve provisions for participation. However, these groups are still at a significant disadvantage due to the immense cost of seeking legal advice or pursuing any legal action post the decision-making stages of a resource development project. It becomes cost-prohibitive; acting like a barrier that plays into the hands of the multinational resource companies. The establishment of a **rural legal aid fund** would help to alleviate some of these inequalities and create a more level playing field.

C) In line with the specificity comments above, it turns out that no government agency is aware of the location/direction/depth of the trajectories of deviated gas wells (I am happy to supply evidence to support this statement if required), unless it goes through a RIDA assessment process. As explained above, this is seldomly occurring due to an abuse of process surrounding the RPI Act exemptions. The Department of Resources are only made aware of the trajectory details up to 12 months from the drill date. The public may not be aware for up to 5 years due to commercial in confidence limitations placed on the publication of drill log reports. Therefore, we find ourselves in the situation today, where a gas company has been able to drill deviated gas wells directly under the Condamine River - part of the Murray-Darling Basin and a matter of national and state environmental significance - unbeknownst to the general public nor even the government regulatory agencies, effectively bypassing a more specific and detailed impact assessment. It's only if one performs a 'dial-before-you-dig' report that one can establish the direction of the trajectories.

This disconcerting situation must be rectified.

Recommended improvement measures include:

- ensuring the appropriate application/administration/enforcement of the RPI Act,
- better specificity of gas well locational details at the initial development and environment assessment approval stages, with public online access to the application documents
- the removal of the commercial in confidence limitations on the publication of drill rig reports
- immediate notification to the Department of Resources - as part of the '*PGGD-01 – Notice of intention to drill a petroleum well or bore*' form - of the trajectory details, so that it may be uploaded to GeoResGlobe and other government portals in a timely manner
- The majority of information submitted to the Department of Resources as part of the '*drilling, completion, and abandonment of petroleum wells*' flowchart, being made publicly available on a government online portal⁴⁵

D) Consistency is one thing, but so too is communication and oversight. Presently CSG regulation occurs in silos with a failure of communication and cohesion between the various regulatory agencies. Not only is there an acute lack of direct oversight (the system is overrun by an infestation of self-assessment, self-regulation and self-governance), but also there is not one responsible person, body or entity overseeing the whole regulatory space. In essence, there is no commander in charge

⁴⁵ https://www.nrmmrd.qld.gov.au/_data/assets/pdf_file/0010/273394/diagram-pg-wells-drill.pdf

of the police station, the staff that are there are under-resourced, operating under a communication breakdown, where elements of neglect, non-compliance and even lawlessness can creep in.^{46 47 48}

i) Take for example baselines. Where they are imposed, they are left to self-regulation by the resource companies, with very little, if any, direct oversight. I say “where they are imposed” because:

- When it comes to CSG, there have never been any comprehensive **human health impact baselines** put in place, nor is there any adequate **air quality monitoring** taking place (the only government managed air quality monitoring station is in Toowoomba, miles from gasfields themselves).
- When it comes to CSG-induced subsidence, appropriate **topographic baselines** were not enacted, despite:
 - o the knowledge and predictions of subsidence even in the early EIS stages of the major LNG projects (Santos, Origin/APLNG, QGC);
 - o the obvious vulnerability of the flat Condamine Floodplain around Dalby and Cecil Plains, subject to Arrow Energy’s Surat Gas Project;
 - o Geoscience Australia recommending topographic baselines be established under coordination by the Qld Government⁴⁹

Self-regulation is based on trust.

The baselines are needed to establish future liability if impacts do occur.

When a resource company’s number one focus is to make profits for shareholders and reduce any potential costs that may arise out of compensation, can they be trusted to put comprehensive baselines in place that will assure the future compensation liability against themselves for the benefit of community and environmental values that may suffer impacts over time? For example, gas companies are responsible for carrying out water bore baselines in accordance with Chapter 3 of the *Water Act 2000*. However, there is very little, if any, oversight of this process, other than the initial approving by the Department of Environment of the *Baseline Assessment Plans* (BAP). The baseline assessment reports must be sent to OGIA, but it is unclear if they have the responsibility of ensuring compliance with the BAP and associated baseline assessment guideline⁵⁰. And if OGIA are not carrying out this critical function, then who is? From a Question on Notice pertaining to baselines carried out in the Condamine Alluvium, asked in the Queensland Parliament last year, it is clear to see that that these baselines are not being carried out to a satisfactory level.⁵¹ Out of 1109 baseline reports received for the Condamine Alluvium, over 40% had no standing water level or water quality sample recorded, as it was stated that they were either abandoned, destroyed or landholder access was refused. But, is anyone actually validating with landholders the claimed refusal of access? Of the remaining nearly 60% (648 bores), 30% had no standing water levels recorded and nearly 40% had no water quality measurements recorded. Of the 405 bores that did have water quality

⁴⁶ <https://statements.qld.gov.au/statements/94855>

⁴⁷ <https://www.thechronicle.com.au/news/toowoomba/arrow-energy-hit-with-1-million-fine-for-illegal-gas-wells/news-story/e7daf9a30360aa712a3252b882e81138>

⁴⁸ <https://www.theguardian.com/australia-news/2022/mar/31/coal-seam-gas-company-arrow-energy-fined-1m-for-breaching-queenslands-land-access-rules>

⁴⁹ <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5724T1052/5724t1052-fd87.pdf> - refer Part 1

⁵⁰ https://www.des.qld.gov.au/policies?a=272936:policy_registry/rs-gl-baseline-assessments.pdf

⁵¹ <https://documents.parliament.qld.gov.au/tableoffice/questionsanswers/2024/712-2024.pdf>

measurements recorded, only 34% had the full obligatory suite of water quality parameters tested and recorded. This is a complete failure of CSG regulation, due process and responsibility of the state to protect environmental values and ensure appropriate make good measures for impacted community members. As we have been continuously told throughout the last decade plus, no citizen or business/property owner should be worse off after the introduction of coal seam gas mining in their region, and if they are, they should be duly compensated. Most of these baseline reports would likely not hold up in a court of law if any future dispute were to arise over the liability of impacts occurred. **This failing of responsibility by the state as regulator needs to be investigated and addressed.**

ii) While ever there is no commander in chief or over-arching independent watchdog, ineffective and dysfunctional regulation will continue to occur.

For effective regulation that the affected community and wider public can have faith in, at the mere basic of starting points, we need:

1. Better resourcing for regulatory agencies
2. More direct oversight – ‘boots on the ground’ compliance teams
3. Establishment of comprehensive baselines (able to withstand legal scrutiny) – e.g. water bores, topographic/land form, environmental values, air quality, human health
4. An over-arching independent overseer/watchdog

Thank you for the opportunity to provide feedback on this important review.

For any further information, I am happy to be contacted as per the details below.

Kind regards

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