# *INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES COMMITTEE*

**Members present:**

Mr J Pearce MP (Chair)
Mr MJ Hart MP
Mrs BL Lauga MP
Mr LL Millar MP
Mrs JE Pease MP

**Staff present:**

Dr J Dewar (Research Director)

# PUBLIC HEARING—EXAMINATION OF THE MINERAL AND OTHER LEGISLATION AMENDMENT BILL

## TRANSCRIPT OF PROCEEDINGS

**TUESDAY, 12 APRIL 2016**

**Toowoomba**

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**Committee met at 9.03 am**

**CHAIR:** I declare open the public hearing of the committee's examination of the Mineral and Other Legislation Amendment Bill. I thank you for your attendance here today. I am Jim Pearce, the member for Mirani and chair of the committee. The other committee members are: Mr Michael Hart, the deputy chair and member for Burleigh; Mrs Brittany Lauga, the member for Keppel; Mr Lachlan Millar, the member for Gregory; and Ms Joan Pease, the member for Lytton. Mr Shane Knuth, the member for Dalrymple, could not be here with us today.

The Parliament of Queensland Act 2001 requires the committee to examine the bill to consider the policy to be given effect by the bill and the application of fundamental legislative principles. Today's public hearing will form part of the committee's examination of the bill. Before we commence may I ask that mobile phones be switched off or put on to silent mode.

The hearing is being transcribed by Hansard. For the benefit of Hansard, may I ask that the witnesses state their name and position when they first speak and speak clearly into the microphone. This hearing is a formal committee proceeding. The guide for appearing as a witness before the committee has been provided to those appearing today. The committee will also observe schedule 3 of the standing orders.

## MASON, Mr Lee, Secretary, Darling Downs Environmental Council Inc.

**CHAIR:** I now welcome Mr Lee Mason from the Darling Downs Environmental Council. Do you have an opening statement?

**Mr Mason:** Yes. Basically we are, as it says here, an environment council. As such we are part of the Queensland Conservation Council. We are a member group of that organisation, which is the peak environmental body in the state. We are one of nine regional environment councils in the state. Unusually, we are the only one west of the range, and only just. The other thing is that our region, the area that we cover as part of our duty, is down to the New South Wales border and out to St George, which is a huge area. I want to make it clear that we do not just deal with what is happening on the Darling Downs. Our area is significantly larger than that and encompasses areas and sites that include the Texas Silver Mine, which is currently needing rehabilitation down on the New South Wales-Queensland border, and out to the gas fields Chinchilla way in the Surat Basin. They are of significant importance to us as an environment council because, since we formed two years ago, we do seem to have a lot of community inquiries from people within those areas as to what is going on with regard to mining—traditional mining, underground, open cut or coal seam gas extraction—within this region. Of particular interest to us as an environment council is the relationship of that and its coexistence with what actually happens on the land now, which is predominantly farming, and how that is playing out at the moment is not particularly good. This is why we made a submission in the first place, so that is a little bit about who we are.

When we first started I did meet with the previous minister for the environment, Andrew Powell, when the Liberal government was in. I raised a few concerns then, which would have been December 2014, concerning the expansion of coal seam gas and the regulatory practices and monitoring of that industry that the state should be undertaking. Those questions are still unanswered to this day. The Labor government has come in, Minister Miles is now the Minister for Environment Heritage and Protection, and the questions that I raised in November 2014 are still on the table. Progress has been made on those, but they seem to be very difficult questions for the government to answer. It is partially due to the regulatory framework around the industries, and it is partially due to not having a plan in place before certain activities took place. Of particular concern to us as an environment council is the disposal of salt brine waste from the CSG industry which is currently running—at anyone's estimate because no-one really knows—at 600,000 tonnes to over a million tonnes of toxic waste per year which is currently sitting in ponds all throughout the Surat Basin. There is a severe risk in this practice in that if a cyclone or any other freak weather event comes through that area or it floods it will wash into the river system. That is by the by.

We were also very concerned as an environment council about the effect of the previous bill put forward by the Liberal government, which is the Mineral Energies and Resources (Common Provisions) Act. If the provisions of that go ahead, people will lose significant rights to either question,

take part in, or even have their voices heard in dealing with issues concerning mining in the state, and in particular in this region. Of particular concern to us was the loss of landholders' rights under that previous act which would take place, so we are very happy to repeal certain parts of the Mineral and Energy Resources (Common Provisions) Act, including agricultural land in the definition of what is restricted land. We think that is a good thing. We think it is a good thing that the distances between those industries be enshrined in legislation between significant agricultural infrastructure and the mining sites, and we are also pleased that the proposed change would allow mining leases to be granted over restricted land where landholder consent had not been given to be repealed under the MOLA amendment.

We are not pleased—but I bet you are—that the estimated cost of this is fairly insignificant and that it just requires going through parliament to amend the existing bills. We are also pleased that the provisions amending the Environmental Protection Act 1994 will reinstate the requirement that all applications for environmental authority for a mining activity related to a mining lease undergo a public notification stage. We think that is a good thing. Under the Mineral Resources Act 1989 we are pleased that there will be a replacement of section 439, which was the requirement of the chief executive to refer the following matters to the Land Court if a properly made objection is made for the mining lease on application and if the application relates to an application for an environmental authority under the EPA 1994. We are pleased that those things are happening.

The most important thing from our perspective is that landholders' rights are restored. We do understand the political situation at the moment in the state is quite dicey in terms of getting things through parliament, but we would urge politicians of all persuasions to support these amendments because they do enshrine the rights of landholders and community groups to take part in the democratic process and to have their voices heard where developments are occurring in their local areas.

We also think mining should be beneficial to all Queenslanders, not just the mining industry or the government that derives royalties from it. The impacts of mining on the sustainability of significant ecologically important sites and farming areas in this region need to be very carefully considered and the right of the community to object is paramount.

**CHAIR:** Thanks, Lee. First of all, you say in your submission that you broadly support the introduction of prescribed distances from mining activities for bores. What should be a prescribed distance?

**Mr Mason:** That is a tricky question and I think in the bill it suggests something like 600 metres, and someone has obviously come up with that figure. I do not know personally what a safe or good distance would be, but I can give you an example. From where we are now, which is Ruthven Street, the main street of Toowoomba, three kilometres that way is a school, Downlands College, and that can be explored. That is a school and that is in this town. I am just saying that I am not sure whether the 600 metres is adequate or inadequate. Personally I do not know, but the figure has been derived by people in the know I suppose. It is better than what we have now, which actually allows mining activity to take place in very close proximity to schools, suburbs or other infrastructure that may be significantly affected. In terms of the actual distance, I am not sure. In terms of the theory behind it, that there should be a buffer, I think that is a good idea.

**CHAIR:** I personally fully support organisations like yours, local community groups, farmers or whoever wanting to lodge an objection. We are hearing some concerns about people who may be able to lodge an objection under the reintroduction of objection rights into the act—that is, people from Melbourne, Western Australia and overseas objecting. I personally think the rights of farmers locally and those who may be affected by the cumulative impacts have a right. What is your view on that? Do you think people from those other really extended areas away from here should be able to make an objection?

**Mr Mason:** It is a difficult question. Say, for instance, a company like Halliburton or something that is a huge multinational comes into an area in the guise of a local company that props up another company. In those cases perhaps it may be useful to find out what practices that company has actually undertaken in other parts of the world. In terms of people who have been aggrieved or affected by work carried out by companies such as that, it may be worthwhile to hear what they say. I doubt very much in reality whether that would happen in real life because how would they get wind of the proposal? Generally, what does happen is that the people who are aggrieved or have problems are in the local vicinity and they are the ones that generally run the show in terms of objections. I think it is a case-by-case thing. I do not know. I think the idea that people from all over the world would suddenly start objecting is a bit fanciful in itself. In a hypothetical world it is possible, but would it really happen? I doubt it.

**CHAIR:** It is happening now.

**Mr Mason:** Is it? In which cases, though?

**Mr HART:** Lots of cases. People in Sydney and Melbourne are complaining about local things, even here, like Acland. In Sydney and Melbourne you have people who are complaining about climate change. In other parts of the world because of coalmines they are complaining about things in your area, so it is happening.

**Mr Mason:** The difficulty is—and I do know this because we are actually in the Acland case—that we do sometimes as a community group in the local area have to access expertise in order to actually challenge some developments and it is not necessarily always there locally and we may need to get experts from Sydney, Melbourne or wherever else in order to put our best case forward.

**CHAIR:** Yes, but they are not actually doing the objecting.

**Mr Mason:** No, they are not actually, yes.

**CHAIR:** Thanks for that. In your submission you stated that you do not accept that in the majority of instances mining can coexist with farming and that it needs legislative consideration. Can you explain that a bit more for us, please?

**Mr Mason:** Could you just repeat the question for me, please?

**CHAIR:** You do not accept that in the majority of instances mining can coexist with farming and it needs legislative consideration.

**Mr Mason:** We say that because of what the current situation is. The New Hope stage 3 case is one that is very significant in this area, and the experience in the Surat Basin is proving a really difficult one for farmers in that region and a lot of people within the community. The reason for that in particular is that that industry was rolled out very fast and did not have proper checks and balances in place then. I know that the law did change last year to change regulations on that industry that would actually help people in that situation, but as it is in recent history it has been very difficult for farmers to find out what their rights are and understand what is actually going on. The other thing in that particular case and with coal seam gas is that the way it is approved is generally on a small, site-by-site or little cluster of mines basis rather than the cumulative impact in a given area, which then makes me question how accurate the environmental impact statements may be on the impact of those things. If you divide them up into small, little bits they may seem fairly insignificant, but, as I mentioned earlier in my opening statement, the industry as a whole is producing a massive amount of toxic waste that is not being dealt with.

**CHAIR:** I have one more question, and I would ask you to give a very quick answer, if you do not mind. Do you understand the hydrology of the mining lease and outside the mining lease?

**Mr HART:** Are you talking about at Acland?

**CHAIR:** Yes, at Acland, sorry.

**Mr Mason:** No, I do not understand it, but I do understand that if you dig a giant hole through the watertable it will have a significant impact outside the area.

**CHAIR:** Does the environmental council understand it?

**Mr Mason:** We do have people within the council who have expertise in that area, but I am not one of those, unfortunately.

**CHAIR:** That will do.

**Mr HART:** Do you think in some instances there are opportunities for mining and agriculture to interact and coexist? What would they be?

**Mr Mason:** If the industry had a history of actually rehabilitating sites properly and going about its business within its regulatory framework consistently well, it would probably not be such an issue, but, given the history of the industry itself in that regard and the way that the companies have acted in recent years, it is difficult to imagine such a situation. In theory it is possible, but in lived practice it does not seem to be happening that way.

**Mr HART:** Have you seen the rehabilitation that Acland have done out here?

**Mr Mason:** Yes.

**Mr HART:** It seems to me they have done a pretty good job of it. Do you not agree with that, compared to a lot of other places?

**Mr Mason:** Yes. It depends on what you want to use that rehabilitated land for. Prior to that, that was designated as prime agricultural land. It is not. You can grow grass on it, and that is what they have on it, but you cannot run cattle on it and you cannot grow anything on it. According to

experts in the field—and I know a soil expert, Dr John Stanley. He says that it takes thousands of years to actually generate the kind of soil that we have in this region—the black soil. It takes thousands of years for that to actually form and a lot of geological processes. With regard to filling in a hole, whacking some topsoil on top and saying, 'There it is. It's rehabilitated,' it might look like land that you could use for that, but it is not exactly the best land. It is not what it was before. It is something that looks like it may have looked before. That is not essentially the same thing.

**Mr HART:** The chair raised a good point before about objection rights. At the moment people who are adjacent to mining leases have the right to object, but there is a real concern out there that somebody in Sydney, Melbourne or Perth may object to something just on philosophical grounds and not actually have a real objection, and that takes up court time and that is why this change was made to start with. I see it as an opportunity to expand it a little bit further than just those adjacent. It is up to the committee to make that recommendation to parliament. How far do you think we should look at expanding out those objection rights without it getting out of hand?

**Mr Mason:** I have not thought about that. As I said before in my previous answer to a similar question, there may be people that have significant information. There was a case down Warwick way with Dancorp, the Danish piggery, that they wanted to put in down here where that company had a dreadful record worldwide. In a case like that it might be useful to have someone from different countries where that company has operated, so I suppose rather than the distance I would say the relevance of their testimony or their grievance to the actual proposal would be how I would go about it. I think the actual distance idea will be difficult to determine, but I think if someone has lodged a complaint and it is particularly relevant to that particular activity it might be worthwhile to hear people from overseas. Then again, I can see the problem. People get a bee in their bonnet about one particular company and will track them all over the world.

**Mr HART:** On the notification side of things, where do you get your information on mining leases from? Do you read the newspapers, for instance?

**Mr Mason:** Because we are in a network with the QCC, we get things through there. Because we also have contact with the relevant departments in the government, we get them when they come out through the Department of Environment and Heritage Protection and the department of mines.

**Mr HART:** In how many instances would you pick up that information from reading a newspaper and seeing an ad in a newspaper, do you think?

**Mr Mason:** Personally our group probably not, but I suppose landholders and people in the local area where it is happening probably would.

**Mr HART:** Are they not being notified enough, do you think, that they need newspaper ads?

**Mr Mason:** No. As an example—and it is not a state related case; this one is a local case—there is a proposal to develop the Mount Moriah sand quarry. That is a little way out of town from here, and it is a local government approval process. The first that landholders around the area heard about it was when the local council announced in the paper that it was looking at it. They did not see any signs. They were not notified in preparation of it; they were just told that it was coming up for a decision. I got a call from them, but things since then have slowed down and they have had time to formulate some ideas on what might be the best approach. Once again, they were farmers in the area and, as far as I am aware, they were not given significant notice of that activity going ahead very close to where they live.

**Ms PEASE:** All of my questions have already been asked. How would you suggest improving notifications for property owners and other local people who are interested but who do not have access to the same sorts of networks that you are involved in?

**Mr Mason:** I think that should be something that the industry should do. It should get around those areas or write to property owners. It is not like a city. It is not going to cost them a fortune to get around or even drive around and contact the owners within a certain parameter of the site depending on what that site may be, and I do not think it would be that hard.

**Ms PEASE:** You talked earlier about the stockpile of waste. What is happening with that? Where is that stockpile?

**Mr Mason:** The stockpile is in ponds.

**Ms PEASE:** Whereabouts, do you know?

**Mr Mason:** In the Surat Basin.

**Ms PEASE:** What do you think should be done with that?

**Mr Mason:** When the EA was approved, there was a list of strategies to deal with that waste. The first one was to recycle it because the waste that comes out of the CSG process is very high in sodium, or salt, content. The initial idea—the top response of how to deal with it—was to recycle it into something useful. That proved too difficult. The next step down was to send it to the desalination plant and turn it into water, and that proved too expensive. Then down the list it went. There were six or seven. The last one on the list, the sixth or seventh option, is landfill and that one is proving too expensive as well. It is not actually being dealt with. It is just sitting there. The amount of it is staggering. It is sitting in ponds lined with plastic and it is all over the Surat Basin.

**Ms PEASE:** Do you or does your organisation have any suggestions about how to deal with that?

**Mr Mason:** No, I do not. It is a worldwide problem with that industry.

**Mr HART:** It is being dealt with. There is reverse osmosis happening all around the place and evaporation ponds—

**Mr Mason:** That is different water. You can do reverse osmosis on some of the waste water that is produced but not that particular water that comes out. There is some that you can recycle and re-use, but there is a significant amount—the bulk of it—that you cannot. It is sitting in evaporation ponds, which is what was done with it in America. It eventually ends up in streams and it eventually leaches into your land. Those plastic liners will not last forever.

**Ms PEASE:** I would like to comment on the distance in regard to farming infrastructure. Some submissions have commented that there might be some vexatious actions with people saying that this is an important piece of farming infrastructure. Do you have any comment on that?

**Mr Mason:** Do you mean where it might not be?

**Ms PEASE:** No. Do you think that landholders and people might be prepared to make vexatious claims by putting in infrastructure that is not really important farming infrastructure? Are people really likely to do that?

**Mr Mason:** I do not think so. It comes back to the nature of people. I do not think, in general, people would stoop to that level of trying to stop a project or move boundaries or something like that. Some probably would, but I would say in general that people wouldn't. That idea is trying it on a bit I think.

**Ms PEASE:** How can we ensure vexatious claims do not occur? How do we determine what proper farming infrastructure is?

**Mr Mason:** What you were describing before was a bit like someone saying, 'I will put a dam which does not really collect water or I will put a silo on the far reach of my property.' I just do not think people would do it, but that is my opinion of people. I might be a bit optimistic in my opinion of how people would act, but I think it would be unusual for that to happen.

**CHAIR:** Who does your research for the council?

**Mr Mason:** It depends on what we are doing. They are all volunteers. We are funded through the Department of Environment and Heritage Protection. When an issue comes forward, we will find the relevant researchers. As you are probably well aware, it takes an awful lot of expertise to respond to an environmental impact statement or a relevant EA, and we just have to find them. Sometimes we cannot and that then stops us from putting in any submissions; sometimes we can. In this area we are pretty lucky in that we have the UQ Gatton campus so we can get hold of some fairly good experts in terms of agriculture and water. There is a number of other regional groups—catchment management groups and the like—that have a lot of expertise on water and hydrology, but to deal with these things you do need a lot of expertise in certain fields. Depending on what the project is, we will hunt around and see who we can get and who knows what is best for the region.

**CHAIR:** Do you sit down with landholders as a group and talk to them?

**Mr Mason:** Yes, we do.

**CHAIR:** Do you go out to the mine and sit down with the mining company?

**Mr Mason:** Yes.

**CHAIR:** How have they treated you?

**Mr Mason:** Landholders, generally good; mining companies generally have to be dragged tooth and nail to the table. Conversely, we will hold what they call a community interaction or community consultation which is one-way traffic generally. 'This is what we are going to do and this is how we are going to do it.' If you raise any questions at those meetings, it is generally difficult to get an answer.

**CHAIR:** You would be asking for the consultation and discussion with the company rather than the company coming to you?

**Mr Mason:** We sometimes do, but in the case of New Hope that had been underway before we formed. I think what New Hope did in terms of community consultation was quite good at the initial stages. Having their office in the centre of Oakey was a good thing. I have been there and I have got information out of there myself. Having a presence like that as a mining company I think was a very good approach. It is not always the case that you can get access as easily as that. While we do have concerns about other parts of that particular proposal, the community access to the company was quite good. The answers that we got, on the other hand, were not that good.

**Mr HART:** Is your group involved with the case in the Land Court that is presently going on with New Acland?

**Mr Mason:** Yes, we are a level 2 objector in that case.

**Mr HART:** What sorts of objections have you made—on what grounds?

**Mr Mason:** On economic grounds. Their prediction of 1,400 jobs has recently been blown out of the water. It has been whittled down to in the 300s now.

**CHAIR:** Additional jobs?

**Mr Mason:** Yes. It is still being determined. It is going to be a very long case. There are new things coming up all the time. The value of agricultural land was not factored in or it was factored in as almost zero.

**Mr HART:** On the water side of it, just for a second, what was your objection?

**Mr Mason:** The biggest thing is that in stage 3 the draw on the watertable—the cut that they want to do—will affect land in one way or another for 25 kilometres around the mine.

**CHAIR:** I asked if you understood the hydrology and you said no.

**Mr Mason:** Well I know that. I am not a hydrologist.

**CHAIR:** It is a pretty important question.

**Mr Mason:** Yes, but I do know that.

**Mr HART:** You are under the impression that they had to draw water out of the aquifer for their purposes?

**Mr Mason:** No. What will happen is once they cut a hole that big which will go through the watertable the seepage back into the mine, which will be the lowest point, will affect basins for 25 kilometres.

**Mr HART:** Has there been that effect presently on what they are doing out there now?

**Mr Mason:** At the moment, no, but stage 3 is about four or five times as big, at least, as what is going on there now. It could be more. It is a huge expansion. What is happening now is only a tiny fraction of what is being proposed. In terms of hydrology, I do know that the impact will be significant not only in the local area but also for a huge area around the mine.

**Mr HART:** If the impact is going to be 25 kilometres, would you say that the objection distance should be set at 25 kilometres? Would that be a fair thing to put in place?

**Mr Mason:** In that case I would say yes. If it was deemed by experts or people in the field that that was where the impact could be felt, I would think that people in that region should be allowed to object in that particular case. If it were coal seam gas, you have a problem once you start dealing with the artesian basin because it goes under half of eastern Australia.

**Mr HART:** There is different legislation that covers all of that.

**Mr Mason:** Yes, I know but I am just saying that once you are getting into watertables and basins, where they are and where the impact will be felt, it is difficult to determine.

**CHAIR:** Thank you very much.

**Mr Mason:** Thank you for allowing me the opportunity to make a presentation.

## DAVIS, Dr Georgina, Policy Officer, Resources, Queensland Farmers' Federation

## MURRAY, Mr Michael, General Manager, Toowoomba Regional Office, Cotton Australia

**CHAIR:** I welcome representatives from the Queensland Farmers' Federation and Cotton Australia. Would you like to make a short opening statement?

**Dr Davis:** I will, please. I would like to start by thanking the Infrastructure, Planning and Natural Resources Committee for the invitation to appear today as a witness at their public hearing in Toowoomba on the Minerals and Other Legislation Amendment Bill which seeks to introduce changes to the Mineral and Energy Resources (Common Provisions) Act.

The Queensland Farmers' Federation is the peak body representing 16 of Queensland's rural industry organisations who work on behalf of the primary producers across the state and represents the interests of all farming sectors within Queensland. That includes Cotton Australia that is a member of QFF.

Queensland's farming sector employs 55,000 people, making it the largest permanent employer in rural and regional communities within Queensland. QFF welcomes the state government's move to reinstate landholder rights to protect selected farm infrastructure from mining and petroleum activities. However, QFF does have some specific concerns.

The first one relates to the limited agricultural activities and infrastructure covered by the bill which amends the definition of restricted land provided in section 68 of the Mineral and Energy Resources (Common Provisions) Act. Our second concern relates to the distances specified as restricted land. QFF is also concerned that landowner consent is still not required for the installation of a cable or pipeline on restricted land where the work can be completed within 30 business days. QFF would like to note that well drafted regulation leads to less frequent litigation and less burden on individuals, businesses and the court system. Therefore, we ask that any omission or clarifications required happen at this stage.

QFF believes that the proposed definitions of 'restricted land' under clause 7 have omitted critical agricultural infrastructure and assets including, but not limited to: critical water infrastructure, including irrigation channels and drainage; other on-farm management infrastructure for controlling surface water flows such as contour banks, levee banks and even land that has been subject to laser levelling; accommodation for nonresident workers which is actually omitted under the definition of 'residents' within the act—we also note that it is excluded as a 'sensitive place' under the Environmental Protection Act so nonresident worker accommodation on farm has no protections at all; and, finally, infrastructure which perhaps does not meet the definition of permanent building but nonetheless is not temporary and represents a significant capex investment. For example, within Queensland we have seen a huge growth in our hydroponic enterprises, in particular across the intensive horticultural and production nurseries which has resulted in an increasing number of what we would refer to as high-technology structures, utilising full environmental controls. Such structures are not relocatable due to the high investment cost, the level of fragility of the equipment and the locality of those connected services.

As such, QFF believes additional dispensation for these various activities is required within the act to ensure that the intent of the regulation is extended to these businesses and their critical infrastructure, eliminating any future unintended consequences. In particular, uncertainty by investors and farmers which may need to test the standing of these buildings and other infrastructure within a court of law we are keen to avoid. QFF acknowledges the inclusion of the agricultural ERAs within section 68 and welcomes that this provides certainty and protection for those activities which are captured by the ERA framework.

Finally, QFF would like to address concerns relating to the distances prescribed in the restricted land framework. QFF welcomes the provisions and policy intent in section 68(1) (a) which essentially provides a right of veto and provides landholders with a no-go area around their restricted land uses where they have not provided written consent. However, QFF notes that the 50-metre restricted land determination, particularly for some of our critical water assets, such as our wells, our bores and our dams, is insufficient to provide physical protection for these assets in some cases and significantly lower than those protections that are specified within the petroleum exploration standard conditions now utilised by the Department of Environment and Heritage Protection under their environmental approvals.

QFF does not believe that the older approvals for gas—that is, those prior to 2014 where those standard conditions were introduced—and some of the older conditions on environmental approvals for mining provide those protections either within the environmental authorities. As such, QFF suggests increasing the buffer distances specified in the MOLA Bill as restricted land to protect these critical infrastructure and water assets. We also note that the proposed changes—that is, those 50- and 200-metre restrictions within restricted land—will only apply to resource authorities applied for and granted after the act commences because there is no retrospectivity in this section. Those are the infrastructure that we are most concerned about because the old conditions on those older environmental approvals may not have those protections either. That concludes QFF's opening statement.

**CHAIR:** Michael, would you like to make an opening statement?

**Mr Murray:** I really do not have much to add to that except to say that, in summary, it really does come down to the definition of the infrastructure and distance. We feel that 50 metres is totally inadequate. I have a question to the committee. Are any of you regular lap swimmers? Fifty metres is not all that far. Looking at this room, roughly from that wall to the far side of that corridor cannot too short of 50 metres. That is what we are talking about. That is totally inadequate to protect the functionality of the infrastructure and maybe even its structural integrity.

**CHAIR:** What would you do to determine the correct distance or somewhere around the correct distance?

**Mr Murray:** We have talked to our growers and we believe that a reasonable compromise is around about the 200-metre mark. It does not link up exactly. There is some precedent with local government planning in terms of whether rural consents are required. I think it is 200 metres off a main road. It is a number that our people can certainly work with.

**Dr Davis:** Two hundred metres is now the requirement within the Department of Environment and Heritage Protection's standard conditions for water assets such as dams and springs. To lift that MOLA Bill requirement from 50 metres to 200 metres would make it the same requirement as under the environmental authority.

**CHAIR:** I noticed in your submission that you mention the exclusion of nonresident workers accommodation. Why have you made reference to nonresident workers accommodation?

**Dr Davis:** Nonresident workers accommodation is actually excluded under the definition of resident within the MERCP Act, as it currently stands, and also within the MOLA Bill. This was raised as a concern by the department that tents, teepees and caravans could be bought on site and positioned on land to act as a stay, 'This is nonresident worker accommodation and you cannot drill here or you cannot enter the land.'

What we have in the agricultural sector is a set of very strong awards that protect our nonresident workers. Our shearers, our pastoral workers and our pickers all have industry awards that outline the quality of the accommodation that we must provide on farm. Most of them actually say that a tent is not deemed suitable. Under the award for shearers you actually have to provide accommodation that includes a dining room and a cook. It specifies the number of meals every day.

Competition for skilled work out there, particularly seasonal skilled work, is very tight. A lot of our farmers have invested heavily in providing good, quality accommodation for nonresident workers which meets not only the standards of the awards but exceeds the standards of the awards. Unfortunately, under the MOLA amendment, but also within the MERCP Act, that nonresident worker accommodation is not covered. It is not covered by that 200-metre restricted land zone.

**CHAIR:** Do you have any instances that you can refer us to, because it seems a little out of left field to raise that?

**Dr Davis:** I suppose Cubbie is a good example.

**Mr Murray:** Many of our cotton farms would have quite good quality—it is a slightly derogatory name—donga type accommodation set up. Some of those units are worth $100,000-plus. They are set up on a semipermanent basis but they may only be occupied for some of the year. Our peak labour times are irrigation—November through to February—and picking. Their total time of use might be three or four months of the year, but they represent a significant investment. There would be an issue when people are in them with having only a 50-metre exclusion area because there would be a significant diminishing of the quality of life within that area.

**Mr HART:** So how can we change the bill to fix that problem without entering into a situation where someone could pick a donga up and move it or move a caravan to stop some mining activity?

**Dr Davis:** There is already the statement in the bill that refers to it (that is a residence) being permanent. It needs to be a permanent building. This of course causes problems in terms of some of the very expensive infrastructure that agriculture is now using. If that permanent clause related to the residence type then it would probably be sufficient to leave that as it is and just remove the actual clause that specifically discounts or omits non-resident workers. That would be a very easy drafting omission.

**Mr Murray:** There is a little caveat on that. There are probably some examples in cotton, but there are certainly examples in horticulture. People have basically set up their own mini caravan parks on farm. They would have amenity blocks, but the caravans would be brought in by the pickers themselves. We would need to have coverage for that sort of infrastructure that has been put in place.

**Mr HART:** A permanent location.

**Mr Murray:** Some have a permanent location. They have probably built an amenity block and maybe a camp kitchen, but the caravans are coming and going as is the case with a normal caravan park.

**CHAIR:** Do you have an understanding of the hydrology of the mining lease and the distances around the lease itself?

**Mr Murray:** I certainly have no expertise in hydrology just a vague understanding.

**Dr Davis:** I have a vague understanding. It is very site specific. That is the reason for the environmental approvals being as complex and as different as they are.

**Mr HART:** I am going to ask you the same questions I asked the previous witness except I would like to cover a couple of things you said in your opening statement. You were talking about cables and pipelines and landowners not being able to stop that if there is no agreement in place. How can we fix that without causing a massive issue? If a pipeline or cable has to go a long distance and we have one person in the middle who says they will not agree to that, if we cannot make them put that in or allow the company to put that in what are we going to do?

**Dr Davis:** In most cases that I am familiar with the cabling in particular is very easy to divert. Yes there is additional cost in some cases for the mining or petroleum authority holder. The cost is minimal. If cabling was included in that 200 metres around homes and other critical infrastructure that has been identified in there I think that would be sufficient.

**Mr HART:** That would be enough?

**Dr Davis:** That would be enough, yes, just to keep all activities, including cabling, out of that restricted land—

**Mr HART:** I agree with that.

**Dr Davis:**—without written consent. In all these cases, although there is a right of veto, the farmer can agree for those activities to commence on their land and within that restricted land framework.

**Mr HART:** I see a problem in trying to divert something that is on a straight run to somewhere else and then moving that problem to another landholder, another landholder, another landholder sort of thing. You talked about there being a need for retrospectivity in some of the key infrastructure on a farm. Are we talking about mining activities that have not started and that have approval?

**Dr Davis:** Retrospectivity is always very difficult, because in terms of the rule of law you have to make a very strong case for retrospectivity and it is not usually welcomed within most legislation. The examples that I was providing were older style environmental authorities, so those that were granted to the gas industry circa 2012 and, in particular, those older mining authorities where they have a staged approach, so the mining is actually approved but perhaps the construction of that mine has been staged. It is again just making sure that for those older activities or where the mining is being staged, the 200-metre or 50-metre restricted land framework still applies to them as well, because it is those farms that do not usually have those protections under the environmental authority.

**Mr Murray:** You have to understand that the environmental authorities really are so vague that an environmental authority can be granted over a very large area and I, as a landholder, really have no idea at all what is actually proposed on my land, unlike if I want to build a house. I have to get approval and submit my final plans and we know exactly what is happening. The environmental approval basically says that they can construct 1,000 wells over this area. It does not say that five of them will be on my place and where they are going to be. Under this circumstance, to provide some retrospectivity is justified, because the approval that they are operating on is so vague anyhow.

**Mr HART:** Do you have an opinion on how far objection rights should be extended, if it is moved away from those adjacent?

**Mr Murray:** We have not submitted on that this time around, but if I recall rightly, the Cotton Australia submission lined up pretty well with QFF's previous one. Certainly we think objection rights should be able to extend over the potential area of impact. From a catchment position, I would say, anyone either upstream or downstream of that catchment should certainly have a right of objection.

**Dr Davis:** Yes. It is also important to note that the new provisions for strategic land do actually apply across boundaries. Under the old provisions, the MERCP Act, with the 'unwritten' 600-metre rule, did not actually apply off tenure or beyond those property boundaries. The QFF welcomes those provisions for strategic land that now apply across boundaries and would immediately provide protections for perhaps multiple property owners.

**Mr HART:** What about somebody in Sydney or Melbourne objecting to a mining lease being granted? Do you think that should happen?

**Mr Murray:** From a Cotton Australia perspective, I will leave it to my previous answer on catchments.

**Mr HART:** With the notification process, I asked the previous witness whether they read the newspaper to get their information. Where do you get your information from, with regard to mining lease applications?

**Mr Murray:** As an organisation, obviously we get feedback from our growers and our members, but there is a general concern that notification processes have not been good in the past and certainly need to be improved. Again, I think as with various things we have previously submitted on, our suggestion is that when a new activity is being proposed or something new is happening the notification should go out by letter to each individual landholder. It should be followed up very closely within a week or so with some sort of public meeting in the district and probably multiple public meetings, given the size of it, so that there is an opportunity for communities to be consulted almost simultaneously. In the first instance, individuals should be directly contacted.

**Dr Davis:** I would add to that that the QFF has a very close working relationship with QRC and also the Exploration Council. Usually, by the time something is advertised in the paper that development is quite a way down the planning stage and the funding stage. Absolutely, in terms of landholders, we fully support the fact that the MOLA Bill will reintroduce those advertisement requirements and we would concur with Cotton Australia and the previous speaker that identification and correspondence directly with all impacted landholders would be best practice.

**Mr HART:** Do you see any value in a newspaper ad, though?

**Mr Murray:** Yes, if they have a bit of common-sense or layperson's description. I have often looked at those ads and thought that unless I have a map with all the lot numbers and whatever it is basically meaningless to me. There are probably legal requirements and we may have to recognise that, but I think it should also say, 'This is the area generally bounded by road X, Y and Z, and we are planning on doing whatever.' A little bit of a common-sense layman's description included in the ad would be very helpful.

**Mr HART:** A couple of the submissions have suggested that there should be permanent markers that mark the boundaries of a mining lease. Do you see any value in that?

**Mr Murray:** It is not something that I have given any consideration to.

**Dr Davis:** No, particularly where those markers perhaps would be on private property. It works certainly within the planning infrastructure for non-regional areas and it is a requirement, but some of those markers may be in the middle of the private property and will have very little value to the local community.

**Mr HART:** Do you think agriculture and mining can coexist?

**Mr Murray:** I am not of the belief that industries can coexist. I do not think you can ask an industry to coexist, but you can ask two parties whether or not they can coexist. If they can come to a genuine free agreement without undue pressure or undue power on one side or another, yes, I think coexistence can occur in a positive manner. As one of my growers likes to suggest, his cat coexists with fleas, but it is not necessarily an arrangement that the cat enjoys.

**Mr HART:** That is a good point. I might use that one in my speech.

**CHAIR:** I am up before you!

**Mr Murray:** There is a slight royalty payment for each time of use, to go to his favourite charity.

**Mr HART:** You had better tell us what that is!

**Mrs LAUGA:** Can you give me an example of a situation where a landowner would not have been able to object if the provisions of the MERCP Act had commenced but where you think the landholder should have been able to object?

**Mr Murray:** Using my catchment analogy, I forget the exact rules under the last one but they were quite restricted—to immediate neighbour or something like that. A development that resulted in some sort of a tailings dam further upstream of the catchment—it could have been five, six, seven or 10 kilometres further up—could have a couple of impacts. Coming straight to mind, if it failed there is the risk of pollution or it may actually be catching runoff that may have been providing me with overland flow for irrigation. There are definite examples, which is why I concentrate on the catchment-type arrangement, because something happening up there could very definitely have an impact down below. There probably should also be, over and above the catchment, some sort of distance because if I was an immediately affected neighbour on the ridge line, and therefore I am not in the catchment definition, I may well be affected by dust or noise or a whole range of other activities. So still the immediate neighbour rule does have relevance.

**Dr Davis:** You will be aware that there is another bill currently before the environment committee, which is the Environmental Protection (Chain of Responsibility) Amendment Bill. Within that bill, section 363AB relates to ongoing potential liabilities of landowners, particularly if the landowner has also received some sort of financial benefit. Financial benefit is not defined within the bill, so it could actually be something like a conduct and compensation agreement that we would see under the MERCP Act, for example. There is concern in the farming community that if one of the gas companies, for example, or one of the miners goes under, as we have seen, then the landowner, that is, the farmer, even though they have had no control over the activities on their land, may well be fully liable for the rehabilitation of gas wells and mining infrastructure. It is really important that this bill is spot-on and protects all of the infrastructure that we can, because farmers may have well this future liability under the chain of responsibility bill.

**Mrs LAUGA:** I was interested in rehabilitated mining land and capacity for agricultural production in the future. Yesterday at the New Acland Coal Mine, we saw that they have quite a substantial area of land that has been rehabilitated and used for grazing purposes. I wondered about the science behind the use of rehabilitated mining land for cropping and whether it is possible.

**Mr Murray:** That is a good question. Personally I have only seen examples where land has been returned to grazing. Is it impossible? Probably not. Is it going to be really, really, really expensive? Yes. There are certainly some areas in Central Queensland where they have had underground mining. It was good cropping land. In theory, it should still be cropping land, but I gather that for whatever reason it has been moved back into grazing. I do not really understand. It is quite interesting and Lachlan would be much more familiar with it than I am. When you drive out there, you think you are driving on undulating country where it has collapsed with the longwall mining. It should not really have affected the quality of the soil on top. It would have changed the water-flow patterns and whether that is the impact I am not too sure.

**Mrs LAUGA:** In terms of mines being approved and then developed, I am interested in the long-term production benefits and the difference between mining and agriculture. If that land that the mine is developed on is then lost to cropping use, perhaps for a long time into the future, what is the difference between the income generated from mining on that land in that space of time versus the long-term agricultural capacity of that land? Is there information and resources out there about that?

**Mr Murray:** I think some work has been done on it. It is really difficult and I think the result, in a pure economic return sense, depends very much on what time frame you are doing it in. If you are comparing what can be the short-term rewards of mining over 20 or 30 years, it takes a fair while for agriculture to catch up. We are in a world where the population keeps growing. We are not making any new agricultural land. We are losing agricultural land for a whole range of reasons, including urban development, mining and the like. At some stage, supply of and demand on agricultural land is going to really kick in. There is only a certain amount of really good high-producing agricultural land as well, and we need to bear that very much in mind.

**Dr Davis:** I think at some point this is actually going to come down to a government policy decision in terms of the long-term protection of agricultural assets within the state.

**Mrs LAUGA:** Talking about supply and demand, are we now close to the position that the supply of good-quality agricultural land is diminishing to a point where government policy, in your opinion, needs to change?

**Dr Davis:** Yes, absolutely. One of the things we are seeing is a lot of urban encroachment and the need for critical agricultural infrastructure to move further out west, where we are seeing more of a conflict with competing land use for those areas, including mining and gas. As we move west and move critical agricultural infrastructure west, we also need to ensure that there is a critical supply of water and also energy. That is the thing that we are struggling with: as agriculture is being driven west, we do not have access, in all cases, to energy and high-quality reliable water.

**Mr MILLAR:** I congratulate both QFF and Cotton Australia on your submissions. I think they highlight some very good issues. The Cotton Australia submission states—

... the provisions that are currently in place apply a 600m distance from infrastructure and improvements to be defined as restricted land. The changes proposed by the Amendment Bill (where a distance of 50m has been applied) represents a loss in protection of Queensland's agricultural assets.

Can you explain that to me? There you are talking about levee banks, channels, head checks—important infrastructure for irrigation?

**Mr Murray:** We are concerned that the infrastructure that is identified, while it picks up on dams, does not pick up from an irrigation perspective all the other associated infrastructure. Good quality irrigation now, if it is based on a furrow system, is fully laser levelled within two-centimetre accuracy. Any sort of activity that is going to impinge on that has a real chance of negatively impacting on the productivity of that land. We certainly want that covered within the infrastructure rules. On top of that, it is still only a relatively small percentage but you have land that is being developed and additionally now has centre pivot irrigators on it or maybe installed drip irrigation systems or lateral move irrigation. All of that needs to be recognised as highly developed infrastructure that deserves to be protected.

**Dr Davis:** It is also worth noting that the 600-metre rule under the Mineral and Energy Resources (Common Provisions) Act specified 600 metres where a conduct and compensation agreement or similar agreement had to be entered into. That 600 metres was never a right of veto. The new 200-metre and 50-metre determination is a right of veto, but obviously we would support having a 600-metre right of veto where possible.

**Mr MILLAR:** You just explained that it will have a significant impact on irrigation land where you have laser levelled and there are head checks, channels, pipes, pumps and the list goes on. We are talking about hundreds of thousands of dollars in infrastructure improvement. Under the current bill, 50 metres is just a little bit too close. One impact on that infrastructure could have a flow-on effect for the entire operation.

**Mr Murray:** That is it. Any of the intensive agricultural operations represented by QFF and Cotton Australia are, by definition, intensive. What appear to be just small incursions can really affect the entire business. Hence, we need at least that 200-metre protection. As Georgina previously pointed out and as you would be aware, at the end of the day, if the landholder and the resource company comes to an agreement within that area, it can be done. If the landholder does not want to come to an agreement, they deserve that level of protection over that degree of infrastructure.

**Mr MILLAR:** That is to 50 metres.

**Mr Murray:** The 50 metres as it is proposed, but we believe it should be 200 metres.

**Mr MILLAR:** Why not 600 metres?

**Dr Davis:** Six hundred would be nice. I would vote for 600.

**Mr MILLAR:** How do you get these figures, from 600 metres to 200 metres?

**Mr Murray:** We looked around and talked to our growers and asked, 'What we can we work with here? 50 metres is clearly inadequate.' We talked to some of the growers out at Cecil Plains about other rules they are faced with from councils, and they said, 'We can probably live with 200 metres.' So we went with that number. Frankly, we would like our growers to have a right of veto over any proposal. We are trying to work with what we believe can be achieved.

**Mr HART:** I assume you were consulted by the government before these figures were set in stone.

**Dr Davis:** Possibly, yes. I would like to have seen some consultation. We did ask the department for the rationale of the 200 metres, if it was based on scientific or average evidence that they had received. Basically the restricted land distance of 200 metres is 'proposed as a balance between the interests of landholders and the resource sector'. That was the rationale for that 200 metres that we were provided by the department. It was not based on evidence or consultation.

**Mr MILLAR:** Two hundred metres is not a long distance given that the average irrigation paddock is about—correct me, Michael, if I am wrong—800 metres.

**Mr Murray:** Yes. If it were an 800-metre irrigation paddock and that was included, it would be 200 metres off that irrigation paddock. Effectively it would provide protection for the complete irrigation development by coming off that 200 metres. You are right. It is not a long distance at all. As I pointed out, 50 metres is even shorter. We only need to look to the end of the corridor on the other side to see what little distance that is.

**Mr MILLAR:** Following on from that, your submission says—

Cotton Australia is disappointed to see that the definition on restricted land will omit critical irrigation infrastructure including irrigation channels and drainage ...

That is an issue on top of that. Infrastructure for irrigation farming or farming is being omitted as well. They look at sheds and they look at infrastructure as in houses, but it is head checks, it is channels, it is pipes that are omitted that should be included.

**Mr Murray:** Two critical points from Cotton Australia's point of view which pretty much line up with QFF are that the infrastructure needs to be included in the definition—irrigation infrastructure as well as the others that Georgina has gone through for other industries—and the 50-metre distance is completely inadequate. We can live with 200 metres; 600 metres would be a lot better result for us.

**CHAIR:** Michael, in your submission you say—

We note that the Amendment Bill appears to generate a requirement for the development of a new land access code. Given our interest in the recommendations and requirements generated by a Code, we request that we be included in stakeholder consultation during the development of the new Code.

First of all, you have confirmed the amount of consultation that really does go on with regard to that other point we were talking about a minute ago. I cannot understand why in-depth consultation does not occur at every level. What would be your expectations to come out of that if you had proper consultation?

**Mr Murray:** In something like developing a new code, we would be expecting to be sitting around a table right from the start and working through the development from stage 1—not even having a draft plonked before us and asked to provide some input. We realise we are not the only players in the room. Obviously as a starting point it would require landholders, resource companies and government. There are probably other players that deserve to be around that table, but that would be the starting point that we would expect.

**CHAIR:** You have obviously put a lot of work into looking at the proposed legislation. You have made excellent submissions. Since these submissions have been submitted, is there anything else that has come to mind where you would like to see changes in the bill or where it could be improved? One thing that comes to my mind all the time is that we have to do everything we can from a legislative point of view to protect the landowners, particularly in areas where we have excellent cropping lands. I think we all understand the power of the mining companies. It is up to us to do what we can to put in place as much as we can to look after you guys.

**Mr Murray:** Whilst I do not have any specifics to add to the proposed amendments, we do have a situation in Queensland—and, indeed, in other states—where there are so many different acts and bodies around this space but there is not necessarily great integration. For instance, at the moment there is an inquiry into the ongoing role or otherwise of the GasFields Commission. The Regional Planning Interests Act came in two years ago, providing some degree of protection for high-value agriculture land. Prior to that, we had the strategic cropping land legislation. There is talk from the current government—although I have seen nothing in the way of firm proposals—about changes in that space. What they may or may not mean, I do not know. There is talk about a code.

Again, it might be a good time to sit down with all the players to try to work out in a more coordinated sense what it is that we are trying to achieve and what is the best way to achieve it. We are subject to lots of things happening at the moment. Another aside is that we talked about the loss of good quality agricultural land and trying to balance those needs. At the moment we are also dealing with proposed amendments to the Vegetation Management Act, which take away the pathway to gain approval to potentially create more high-quality agricultural land. I think as a state, as a government, we need to have a very clear understanding of where we are trying to go in this space and then try to align all of the relevant bits of legislation and government bodies so that they are in sync with that, which is probably a little bit bigger than just commenting on this bill.

**Dr Davis:** I concur with that—in particular, the fact that strategic cropping land was omitted from the MOLA Bill. We were informed that strategic cropping land interests would be covered just in the Regional Planning Interests Act and it would not be included in the MOLA Bill. We have been informed by the department that they are looking at amendments to the Regional Planning Interests Act in the future, but what those amendments will be we have not been consulted on to date.

**CHAIR:** Do you believe there should be a reference to it in the MOLA Bill?

**Dr Davis:** Yes, certainly. One of QFF's earlier press releases from our president, Stuart Armitage, was about his disappointment that key strategic cropping land was not included in the MOLA Bill.

**Mr HART:** Is that in case it is taken out of the Regional Planning Interests Act?

**Dr Davis:** I think that is always a concern at the back of our mind—that we will lose all protections for strategic cropping land, depending on what tweaks and amendments are done within other pieces of legislation.

**Mr HART:** Michael, in the cotton industry alone, separating yourself from the rest of agriculture for a second, is there anything in particular that this bill could have a detrimental effect on or that not changing the original bill could have a detrimental effect on?

**Mr Murray:** With the exception of the need to include the irrigation infrastructure and the changes in distance, we are possibly in a slightly better position while the Regional Planning Interests Act remains as it is today. It certainly provides irrigators facing new resource developments with a higher degree of protection. As Georgina just mentioned, we have not seen anything from the government, except that occasionally it is mentioned that they are looking at other changes in that area. Whilst it is probably true in all aspects of life, this has been such a moving feast over the last five, six, seven years that there is such little degree of certainty as to where we are placed going forward.

**CHAIR:** Thank you very much for your time.

## ASHMAN, Mr Frank, President, Oakey Coal Action Alliance Inc.

**CHAIR:** Welcome, Frank. I invite you to make a short opening statement.

**Mr Ashman:** As well as being president of the Oakey Coal Action Alliance, or OCAA, I am also a beef cattle stud breeder with my wife, Lynn, at Brymaroo located eight kilometres from the New Acland coalmine. I am also a director in an engineering business in Rocklea in Brisbane, but today I appear as President of OCAA. Its members appreciate the invitation to participate in this inquiry relative to the Mineral and Other Legislation Amendment Bill, or MOLA Bill. Initially we wish to applaud the government for revoking the section 47D bill in 2015 and restoring objection rights to certain projects. Your chairman was a major player in making that happen. We read with appreciation in the MOLA Bill that Minister Lynham is attempting to ensure that rights to object by landholders and concerned citizens against mining proposals are upheld, thus adding weight to the removal of the 47D bill. Moreover, to have those objections placed in front of an independent member of the Land Court for further scrutiny and evaluation is welcomed.

Sections in the bill include the restriction of access to private property by mining companies until due negotiations are completed. We are also delighted that key agriculture infrastructure is a consideration but believe that it needs further refinement. OCAA and its members' current major concern, however, is the impact on groundwater and further destruction of prime agricultural land by New Acland Coal should stage 3 be approved, with our eyes being firmly attached to the current happenings in the Queensland Land Court and hoping for a positive outcome by the court and the legislature. The basic MOLA Bill should ensure that fair play is provided, with the concerns of all stakeholders being considered. Thanks once again for the invitation.

**CHAIR:** Thanks, Frank. This is a question I have been asking everybody this morning: do you understand the hydrology of the mine site and outside the mine site?

**Mr Ashman:** We started out as mugs and I can tell you now that we are smarter than we were two years ago. I am certainly not an academic on the subject but, yes, we are becoming very much in tune with hydrology, and that is only from information that has been provided to us by hydrologists and geologists that we have spoken to on the way through. We glean as much information from all sources as we possibly can.

**CHAIR:** I respect the fact that you are not an expert on it, but could you tell the committee what you have actually learned after looking at this particular issue?

**Mr Ashman:** That the hydrology does go hand in glove with geology obviously and districts change. What we are finding is people can sit on the sideline and they can look at what they consider to be a model of a set of circumstances under the ground. You cannot look into the ground unless you have X-ray vision. You can drill a lot of holes and you can gather a massive amount of data from drilling holes—and over the years we have had water drillers who have become very good at a district's characteristics and we source a lot of information from them—but the hydrology relevant to soil types and the position of the soil type and the rock types as it goes through our district in particular is unique. In our district we have five basic aquifers that are of concern to us, not in those aquifers but the ability for them to recharge. We know what is going into the aquifers and what is coming out by way of natural stock consumption or irrigation, and we are starting to get half smart about what is physically going into the ground by way of recharge.

**CHAIR:** Given what you know, what is your position with regard to the new development if it goes ahead? Do you have any understanding if it would have an impact on your property and surrounding properties?

**Mr Ashman:** We certainly do. Once again, we are using models as prescribed by certain authorities. Some of those authorities can agree on certain models, and when they are in agreement that is very nice. But what we do know in our case with New Acland Coal is that they have consultants that have done geological work and they provided information and data via the environmental impact statement, and I have actually brought a small copy along if you wanted to have a look at it a little later. In that EIS they indicate that, where we are located at the moment, if you take a median position and you take a one-metre profile around the mine, there are certain areas where there will be certain drawdown, and this is what they are claiming during mining and then post mining and then also down the track when mining has ceased. We have all of that information at our fingertips and it is not a pretty sight, and that is from the mine's own admission. I have all of that here for you to have a look at.

**Mr HART:** As far as objection rights go, Frank, how far would your group like to see objection rights extend? Are we talking about five miles, 25 miles, the whole of Queensland, the whole of Australia, the whole of the world? Where would you like to see it end?

**Mr Ashman:** I think every citizen of the world should have a right to object to anything. We have child abuse. We have terrible things that are going on in this world. Surely all of us have a right to object about certain things that we see that are wrong. It does not change where we are here at this point in time. If something is going on in the Great Barrier Reef, I as a citizen of this country want to object to it. If I see that it is wrong, I want to talk about it. In our case, we see something that is attempting to be very wrong and, gosh, we need some support from all over to tell that particular organisation that we believe what is going on is wrong. I do not hold any distance limitations to it, Michael.

**Mr HART:** We are only looking at the bill as it stands, Frank, so at the moment it is set to people who are adjacent. That is what the MERCP Act would enforce. This bill changes that. Should there be any distances prescribed? I take your point about objection rights to everything, and that is what you have when you vote. You can object then. As far as mines go and the impact that it could have on people, how far do you think that should be extended?

**Mr Ashman:** No limitations.

**Mr HART:** Okay. As far as the notification process goes—and I guess your group would be a prime example of this—how did you find out that there was going to be an expansion of the mine near your property?

**Mr Ashman:** A lot of the people in our area have access to newspapers. It is one of the great things that we have got. Strangely enough, we have local newspapers that are exceptionally good—and I believe that is where I saw the notification first and then I saw it in newspapers that were further out and then it continued on from there. Initially it was via the newspaper.

**Mr HART:** Would that have been a front-page article that said, 'There is going to be a new coalmine in our town,' or an ad that said New Acland were expanding?

**Mr Ashman:** No, it was certainly in the back portion of it along with the comics section and the unwanted sports stuff. It was certainly not prominent.

**Mr HART:** Really? I am sort of stunned by that. I would have thought it would be on the front page of the paper that these things are happening. I fail to see how an ad in a newspaper helps people when, at the end of the day, your peak bodies, your news channels and your TVs are reporting it on some level, especially something as controversial as this one here.

**Mr Ashman:** You are absolutely right. The notification came via a public department—a government department. I guess they have budgets that they have to subscribe to, but certainly to follow on from there—and it has done—it has become very topical in our district and it has had a massive amount of follow-on. In terms of the initial notification of the application for a mining lease et cetera, that is how it kicked off for us.

**Mr HART:** Is there a better way then, do you think? Should every person get a letter in the mail?

**Mr Ashman:** I do not know. I heard the gentleman prior and I was wondering how I would answer that same question. There probably are a lot of better ways to reach people and to advise them of certain subjects. In our district where there may be an impact from something within the district, you would imagine that either the council or the state government perhaps has a gallery of people—taxpayers—and out it goes and is broadcast.

**Mr HART:** That is how this committee does it. We shoot out emails to people to say, 'Do you want to give us some input?' I will leave my questioning there.

**Ms PEASE:** Thanks very much, Frank, for coming in. Do you belong to any peak organisation apart from the Oakey Coal Action Alliance as a farmer in the area?

**Mr Ashman:** Yes, we certainly do. We are part of AgForce.

**Ms PEASE:** Do they not send out notifications about things that are potentially going to be happening in your area?

**Mr Ashman:** With regard to that particular one we are referring to here now by way of this sort of mining situation, we were not a member of AgForce at that point in time, but AgForce are very good at getting data out to us, Joan.

**Ms PEASE:** Would that be common? Would many landholders belong to peak bodies or would they be independent farmers?

**Mr Ashman:** To be a member of a peak body is expensive. We all need to be part of peak bodies. We need to be advised. We need to be knowledgeable of everything that goes on within our industry, so it is in every farmer's interests to be a member of a peak body, as long as you can afford to be.

**Ms PEASE:** What sort of cost is involved in being a member of a peak organisation?

**Mr Ashman:** We are minuscule by beef standards and it costs us $500 a year to be a member of that group.

**Ms PEASE:** Does it relate to your income, your turnover?

**Mr Ashman:** Correct.

**Ms PEASE:** Do you have any comments on the distances that we have been talking about with regard to infrastructure?

**Mr Ashman:** The only initial comment I have is that, when it comes to our personal situation and our members of OCAA and affected farmers in that district, if they moved the mine, for example, to south-west Tasmania that would just be fabulous as far as we are concerned. As far as putting a particular distance down, I have nothing to say about that except that we would prefer that it did not happen at all so that that subject does not arise.

**Ms PEASE:** A lot of people have already asked this question about mining and agriculture coexisting. What would your comments be on that?

**Mr Ashman:** I am not a cat lover, but it was funny, wasn't it? It has done. In the district that you travelled through yesterday underground mining and farming coexisted for 100 years. There was beef, there was grazing, there was dairy and there were coalminers. They all came out of the ground of an afternoon and they would all rally at the same hotel at Acland and share the day's efforts, so it can coexist. But open-cut coalmining is decadent. The destruction that comes from that particular style of coalmining is terrible, so my theory in thinking of coexistence in that regard is no.

**Ms PEASE:** Do you know if AgForce have undertaken any modelling with regard to the impact that it has on the economy of agriculture as opposed to mining? Do you know if they have done any modelling on the economic returns and the differences between the two?

**Mr Ashman:** Personally no. I am sure they have done it because it is one of the obvious areas of concern. The economics angle of this is currently going on in the Land Court right now and the economic people that are representing OCAA via the Environmental Defenders Office have done their economics on it. Long-term sustainable agriculture wins out hand over fist with regard to non-sustainable, come-quick-and-leave coalmining. Coalmining is good today only if the coal prices are acceptable but next month the coal prices might be pretty lousy, so how do we do the economics? It does change on a day-by-day basis, but if you give it time enough agriculture will win out every day. If I can rely on the gentleman prior to speaking, agricultural land is becoming a very rare species. Coalmining is headed in that direction, but the destruction that occurs on prime agricultural land is devastating, and you would have seen it all yesterday.

**Ms PEASE:** Thank you, Frank.

**Mr MILLAR:** If you were following what I was asking Cotton Australia and QFF before, I referred to the provisions that currently apply in terms of the 600-metre distance for infrastructure and improvements to be defined as restricted land. The changes proposed by the amendment bill where a distance of 50 metres be applied represents a loss of protection of Queensland's agricultural assets. Are you aware of that and do you agree?

**Mr Ashman:** I was not aware that those distances were being thrown around. I was certainly aware that there was to be a barrier between one and the other. I was intrigued listening to it. Fifty metres in the bush is neither here nor there. You can throw a rock further than that, so it just does not equate. If we are talking about a resource company that is attempting to do something and if we are talking about open-cut coalmining at this time, they require a buffer around their actual operation. It costs them a lot of money to purchase that land relevant to that buffer. Do you look at this barrier from, say, our property out there and then their property? If you had it at 50 metres, it would be perfectly acceptable. You could have a road going between the two of them and we all get along famously, but then let us hope they have a kilometre from their external boundary to where they are physically working. It just seems to be hard for me to imagine how that one would work honestly.

**Mr MILLAR:** Looking at your operation, it is a very sophisticated operation with the breeding of cattle and you also have cropping opportunities. I saw your tractor yesterday with your planter that you swing around. By the time you turn around one corner to the other, it could be 50 metres or you could be getting very close to that point. Do you think we need to maintain a 600-metre buffer zone?

**Mr Ashman:** At least. I am in full agreement with you totally. It is not a residential situation. That intrusion factor is something that we all need to be considerate of.

**Mrs LAUGA:** Did OCCA have concerns about the provisions of the MERCP Act that would limit the objection rights to the community?

**Mr Ashman:** Yes. Objection rights going almost back to the initial part of the little inquiry here. If those rights were removed from any of us, once again there is a breakdown in the democracy of this country. The fact that they were reinforced by the removal of that 47D was fabulous. Where Minister Lynham is at the moment by proposing this, we believe it is only reinforcing what was already put in place by removal of that particular bill. That being said, yes, we are certainly aware of it and we want them to be upheld as strong as we possibly can, and then of course the follow on into the Land Court for independent scrutinising of the outcome of those initial submissions and items into the government.

**Mrs LAUGA:** Do you have any examples of situations where landholders might not have been able to object to a mining lease if those provisions did come into effect?

**Mr Ashman:** What I can do is indicate to you that we as a small group of farmers at a point in time did not realise what was actually going on. We are hard workers and all the rest of it. We have lots of reasons for not knowing what is going on around us. When we realised what was physically likely to happen relevant to our water deprivation, there was a rally of the troops and we had a meeting in our shed up there and 50-odd people arrived and they were stirred up. It was at that time that this little group organised itself. We had moved ourselves from Water at Risk, as we called it, and we became part of OCCA because it had litigation benefits there. It was then that we realised that had we not got ourselves into gear we could have lost the whole show. This thing could have gone ahead and we would not have even known about it.

**Mrs LAUGA:** That leads me to one of the questions I had for you. Was the threat of the loss of objection rights the stimulus that created OCCA or created your group?

**Mr Ashman:** Yes, most definitely. It certainly put the fire into the boiler.

**Mrs LAUGA:** That is really interesting. Could you tell me in personal and individual terms what it means to have community objection rights being fully reinstated?

**Mr Ashman:** It is a good feeling; it is warm and fuzzy. It is a thing that we know that the legislature is looking after us. What is currently going on is that, as farmers and graziers and via OCCA and via the Environmental Defenders Office, we are physically doing the work of the government. We are doing all of the hard yards, whereas we would have liked to have thought that the government would be giving us the protection as necessary. If I can quote Environment and Heritage Protection at this time, the name by nature would say 'protection', but over the number of years that we have been realising it, it really has not been protection as such. That was a bit of a concern for us. Being outside groups, we are not vexatious, we are not shouting down. We are just looking for support, and that is from our government, from our representatives.

**CHAIR:** You mentioned the word 'vexatious'. People like you put in genuine submissions and you have an agenda that is full of principle. What can we do to ensure that we create an environment where community groups and individuals put in claims, objections or submissions that are accurate and that are not just put in to cause delays to the mining industry itself? Have you thought about that and can you tell us what we could do about it?

**Mr Ashman:** We have never applauded the idea of strapping or locking ourselves to bulldozers or gates. A lot of things have gone on in the early years of this country that were probably done in a funny fashion, but the net result of it has saved a lot of good things—such as what happened in Tasmania and all over the place. We need people who are really passionate about where they are at. If we are talking Lock the Gate or other types of organisations, they start out and they have big hearts. I do not think they are out there to wear funny clothes just for the heck of it. They are out there to try to do something that they believe is right. The weird part about this is that my wife, Lynn, and I were invited to go to Canberra to talk to the federal politicians about bits and pieces. We were shoulder to shoulder with Lock the Gate representatives down there. We spoke to ministers and backbenchers, and they opened the doors and asked if we would like a cup of tea and this was the general manager, if you like, of Lock the Gate. The federal people took everything that they had to talk about with respect. It was mutual, left and right of it all.

That is getting off the subject a bit, but I wanted to indicate to you that the calibre of this type of organisation these days has changed—so much so that if people have got enough time on their hands to waste to put in an objection to a mining lease or a submission to an environmental authority, they put a lot of time into it. If they are going to get it right, they just might get their voice heard in the Land Court. On the way through, there is a self-cancelling effect. Once the demands are put on those

so-called vexatious people, they fall by the wayside very, very early. You can guarantee that the ones who actually get to the end of that objection period are pretty serious about it all. There is justice to be had out of that objection process.

You are right. It is about fair and reasonable. I am in industry. You have to understand that when industry is going into investment by way of research and development et cetera and they are prepared to put up some investment dollars to say, 'This is a good idea,' the last thing they want to know is that it is going to be pulled apart by some tree-hugging greenie down the track for some insignificant, stupid reason. Let us have a bit of balance and common sense.

**Mr HART:** Unfortunately, that is not quite right. In some instances, we are seeing vexatious claims and objections made. There is the Carmichael mines one in particular, where we have someone from overseas saying that climate change is real and we should stop coalmining in total because of it. In my mind, that is a vexatious claim. In Australia, Queensland is the only area that allows broad grounds for an objection right. In every other state, you can make a submission to the authority. In New South Wales, you can make an objection providing the land is deemed to be agricultural land—then you have a right to an objection. I just wonder if we go too far with this whether we will grind everything to a halt and maybe we should limit it to agricultural land. Can I have your opinion on that?

**Mr Ashman:** I am an agriculturalist, obviously. We get out on our plough and we breathe in a whole heap of dust and we do other things. The last thing I want to see is any of our birds and animals being destroyed. We have to look after our land, we have to nurture our land and treasure it. When it comes to the other areas of circumstance, I am sure that airborne contaminants are going to get us at the end of the day. There is that much cancer hovering around all of us, day by day. Is that generated from airborne rubbish that we can do without? Is global warming real and the carbon dioxide into the atmosphere? I have to leave that one out with the judge. It is a fair comment, though.

**CHAIR:** Do you have any comments about how Land Court objection rights impact on the mining industry?

**Mr Ashman:** I do not believe they do impact on them. In the early stages—and I hope I have the question right, Jim—the availability to the mining industry to get their message across is very loud and clear. They are able to go through the environmental impact statement side of life. They will move into an amended environmental impact statement side of life. They have to appease the Environment and Heritage Protection people and they have to appease the Natural Resources people so they have a big job ahead of them. They have an opportunity to get their message across loud and clear.

If affected people—citizens, farmers or whoever—can say, 'Hang on a moment, this needs further investigation,' then we will all meet at the Land Court. Their rights to object are there and are basically the same as ours, but they have a bit of an advantage here that they have already done so much of the research with their highly paid consultants. By the time they put a document like the one I am holding together, that becomes very impressive in anybody's eyes. They have already done the hard yards to get it to that point. We as people on the other side are finding it very difficult to play catch-up to this fellow, so we have to work overtime to at least come up to speed.

I think the mining side of life with regard to rights to object are there exactly the same as ours are and hopefully they will stay. It would be nice to have a level playing field, and that is where money wins out over this particular argument. We have not got any of it, but the mining companies have.

**Mr MILLAR:** And time.

**Mr Ashman:** And very professional people to make it all happen, too.

**Ms PEASE:** With regard to putting together that objection, did your peak organisation assist you as landholders in any way?

**Mr Ashman:** I do apologise, I am not sure—

**Ms PEASE:** Is that document from AgForce?

**Mr Ashman:** No, this is an environmental impact statement.

**Ms PEASE:** Sorry, I am talking about your objection you have in with the Land Court at the moment. Has your peak body provided you any assistance or support in regard to that objection?

**Mr Ashman:** No. I will be honest with you: we are asking them for financial assistance but that has not been forthcoming.

**Ms PEASE:** So there has been no research or modelling data that they have been able to give you to support your claims?

**Mr Ashman:** None whatsoever. It is disappointing, isn't it? However, we had a meeting in our shed once again and we did have representation. We have had excellent representation from the department of natural resources. Your folk have been out there and have really assisted us in putting the whole thing together, so there has been exposure on one side. There has been fact gathering. We did have a recent visit from AgForce and that was in particular to make good agreements so we have had representation from AgForce but in a different area.

**Ms PEASE:** Would many of your local landholders be members of those peak groups? Do you know?

**Mr Ashman:** I do know that not many of them are members.

**Ms PEASE:** Because it is costly.

**Mr Ashman:** It is quite unaffordable, to be honest. We have suggested to them that if they do the Woolworths thing—sell lots of items at a lower margin—they might get a lot more members in and get more input.

**Mr HART:** Were you saying that the department of natural resources was out helping you with your submission to the Land Court?

**Mr Ashman:** No, I may have headed you off there on the wrong path. We as landowners—and ignorant people in many, many areas—are looking for as much advice and information as we possibly can, and we will try to research that and get that from anywhere. The department of natural resources have the ability to provide bore performance, bore locations. They have everything at their fingertips to provide landholders with information. They have been very generous in that regard. They have been there to assist in the recording of bore performance. We have just gone live on to the Natural Resources website and I only put our bore performance in yesterday. They have been very helpful in that regard but not by putting in submissions, no.

**CHAIR:** Have you had any negotiations with mining companies?

**Mr Ashman:** Personally, no, Jim.

**CHAIR:** Are you aware of experiences that landowners may have had with mining companies that would be interesting for us to hear?

**Mr Ashman:** Yes, but I cannot remember his name. He was part and parcel of the objection to the Carmichael mine. He came to a meeting that we had at one point in time and he was very helpful in many regards. I think he is going to go into politics shortly so you will have to keep an eye out for him.

**Mr HART:** We will keep an eye out for him.

**Mr Ashman:** The short answer to that is no.

**CHAIR:** When the opportunity comes for you to have a discussion with the mining companies, do you feel that you have enough experience and understanding or that people on the land have enough experience and understanding to be able to put up a good argument?

**Mr Ashman:** Personally, no. I think the average farmer is probably in the same category as me.

**CHAIR:** It is a pleasure to have you here and thank you for your input.

**Mr Ashman:** Thank you very much. I have more data for you later in regard to faults.

## HOUEN, Mr George, Principal, Landholder Services Pty Ltd

**CHAIR:** Welcome, Mr Houen. Would you like to make an opening statement?

**Mr Houen:** I have highlighted two issues that are not in the bill. I am concerned that because they are not in the bill that may be a technical barrier in that they cannot be considered as part of this inquiry. What I am really saying is that they should be in the bill but they are not. These matters concern, firstly, proper notice to owners of land that their land is being sought by someone. The state is considering giving someone else the right to take that land for mining. The second issue is the marking out of mining leases. These might seem like relatively unimportant details but they are not.

Firstly, I would like to reinforce what I have said in the submission. I deeply appreciate that the bill is going forward. I hope everybody will see that it is important it becomes law because we have to restore a sensible balance between the rights of landholders and the rights of miners. Both the agriculture industry, through its members whom I represent when they engage me, and the miners have a vested interest in having the system work in a healthy, competitive way without one side having excessive rights relative to the other. If you had that situation continue where landholders did not have any rights, I have no hesitation in saying that if the measures which this bill seeks to repeal did become law then it would be the law of the jungle and the fights that we would have would be harmful for everybody because landholders would have no effective rights of objection, no effective rights of any restricted land and no recourse to an independent adjudicator such as the Land Court on issues. What else would we do in that situation but fight? We would have a completely different situation. That is highly undesirable. We all have better things to do than that.

I appreciate that the bill is going to parliament. I wish it well. I would like to make two points about, firstly, proper notice to owners of affected land. When the Mineral Resources Act became effective in 1990, it has had provision for what is called a certificate of application. While the wording could be improved, the act requires that it be issued as soon as the department—the mining registrar—is satisfied that the applicant is eligible to apply and the requirements of the act, as far as the application up to that point are concerned, have been met. To reach that point it would normally not take very long at all. The mining registrar might check that the lease has been properly marked out and might check the application to make sure that it contains what it is required to contain. At that point, why not let the owner of the land know that something is happening? The something that is happening can have very far reaching effects. For example, it gets caught up in restricted land because that usually involves improvements that the owners of the land are making.

A landholder who has not been told that someone is applying to take his land for mining may go on with any and all sorts of development, whether it be new watering facilities or land development improvement. It could be millions of dollars or much smaller amounts being spent on improving land which, unbeknownst to the owner, is the subject of an application by someone to take it away from the present owner and use it for mining.

That is part of it. Financially, the fact that a mining lease application has been lodged is really important for the owner of the land and his or her financial arrangements because most people operate on overdrafts, and overdrafts will have their own loan terms. The fact that a mining lease has been lodged can have a significant effect on the market value of the property. It is a blot on the title to varying degrees depending on the property, the nature of it, how big an area the mining would take et cetera. There is an impact on the value of the asset and on the owner's obligations to lenders to say, 'You guys need to know that a mining lease application has been lodged over part of my land.' If the bank sends its valuer out to a property that has become subject to a mining lease application, in most situations the valuer would say that the market value of the property is diminished to some extent.

They are examples of why the landholder is entitled to know as early as possible that somebody wants to take their land for mining. The department probably over the past 20 years has been gradually getting away further and further with ignoring the requirement of the act for it to issue a certificate of application which under the act is then served upon the landholder. While standard practice now is that most certificates of application are issued at the time the application is first lodged, the more normal situation, especially with the big projects which typically go into a holding pattern for some time, is that it can be four years from when they first lodge the application and when they receive a draft environmental authority which triggers the next phase of the application. What we are seeing is that the mining registrar is issuing two certificates on the one day. One is the certificate of application that in most cases should have been issued four years ago. There is absolutely no purpose served by issuing it in conjunction with the next notice which is a certificate of public notice advertising that the application has opened for objections.

I have never had a decent explanation from the department as to why it does not want to issue that certificate of application. On many occasions I have intervened to make the department issue that certificate because it is important that justice be done; that the landholder knows who is applying for a mining lease over their country and the details of the application. If left to its own devices, the department will simply issue it as a formality when the next stage begins of the objections hearing. I think that is utterly wrong. It is unjust. There is no basis you could reasonably argue, in my opinion, that the state has any right to keep that a secret. There may be ways that the landholder will discover along the way indirectly that the property is subject to a mining lease application, particularly if there is an EIS process or an environmental management plan process that involves public notice. They will then find out about it, but it could theoretically be the case that someone's property is under a lease application for four years and they did not even know about it. That is wrong.

The other thing is that the legislation as it will stand after this bill is passed will still change the time honoured process of identifying the land that is subject to a lease application by putting white pegs in at each corner, as has been done since mining first began, I guess. I honestly think that the change that was made in the legislation that will not be altered by this bill to do away with the specific requirement for marking out on the ground using readily visible markers is payback. With the mining lease application at Springsure Creek the marking out was appallingly bad. There were false statements made in the first of the mining lease applications. There was a map provided which was physically wrong. It was an amalgam of two different parts of an aerial photograph that was put together to give a false impression—or maybe it was accidental. Who knows? It was a terrible application. Not so long ago my clients had it rejected because it was so bad. Now we see that the department wants to remove the requirement for marking out altogether. Under the marking out as it currently stands, you have to do it properly. If you do not put pegs in that meet the prescription, if you do not put them in on the day you said you put them in, if you do not give a proper map that shows precisely what land you are marking out, then you do not get a second chance. That application is not going to succeed and neither should it.

However, with the new scheme that is not being amended by this bill, the applicant has the option to put a description on paper of the land, which of course will be a map, GPS coordinates and so forth. That in practice is of really very little use. I spend a lot of my time on properties working out what land is affected and how it is affected, whether this be a mining lease application or a proposed railway corridor or a dam—whatever it is. You simply cannot do without pegs that can show you where the land that is subject to the application really is. The owner needs the pegs. Anybody the owner engages to do any work in relation to the application such as me, a valuer, an engineer, a water expert—whatever—needs to be able to walk onto the land and see that corner peg there and that one there so they know what land we are talking about. It is very, very inconvenient and unsatisfactory to the landholder to not have those physical markers there which allow instant identification of the land that is affected. The mining companies have obviously persuaded the department that that is not necessary with modern methods anymore. I can assure you that it is because in practice it is simply impractical to try to deal sensibly with the application without being able to physically see the land you are actually looking at.

I had a situation with the Northern Missing Link rail line, for example. There was no marking of the corridor that they wanted to acquire and I could not persuade the railways at the time that we needed them to peg it. I said, 'For goodness sake, give me the coordinates,' and I went and pegged it myself on the properties whose owners I was representing. The reason for all that was that we simply could not do it without markers so that we can say, 'Yes, we can see where the line goes across there and here's what we need to deal with.' It is very simple. There is no good reason why the applicants for mining projects who are seeking their right to take somebody else's land for their purposes should not continue to have this obligation to mark it out so we can all see what we are talking about. That is the extent of the two issues that I wanted to put to the committee.

**CHAIR:** From my time around the ridges I am well aware of who you are and that you do good work. I believe you have a lot of respect out there, which is good. It gives credibility to your evidence. I have been asking every witness this morning about understanding of hydrology. I would think that would be an important part of your work as well. I do want to say I appreciate the detail you are going into—it is excellent—but we are not going to have a lot of time for questions if you continue down that road of being spot on. Understanding the hydrology is important to me here. Do you understand the hydrology with regard to the mining lease itself and outside the mining lease?

**Mr Houen:** Yes. It has been very much a centrepiece of the work that I do for as long as I have been doing it. I have developed a good knowledge of who particularly the groundwater experts are. It is a very, very difficult field because there is so much room for different views, assessments and

modelling. I have learned to identify the experts who are going to be fully objective and totally impartial. That has been one of the big bugbears that I am constantly having to deal with—EIS material, for example, which is honestly not up to standard. I am often in the position where I have to say to my client, 'You have to spend X hundred dollars because we need an expert who can show the defects in the modelling that has been done.' It is particularly an issue with groundwater.

**CHAIR:** That is certainly an issue. Do you understand the hydrology actually on the mining lease and outside the mining lease? That seems to be the main strength of the argument that has been put forward with regard to accepting or allowing the mine to go ahead.

**Mr Houen:** Yes, it is indeed. For example, in the Galilee Basin one of the early EIS reports done on behalf of the project proponent said that the drawdown effect of the mining was going to extend for 30 kilometres. That is probably the longest range of drawdown that I have heard of, but there could be other cases where that is relevant. It is an illustration of the fear that the mining project strikes into people who are not immediate neighbours of the project but are in the drawdown zone where their bores are likely to be affected. It is a huge issue and it is difficult to get the truth. That is what I was talking about before; there are a lot of experts who write reports that their client wants them to write.

**CHAIR:** Do you have any understanding of which way the aquifers flow?

**Mr Houen:** Yes, it is an important issue. I do not pretend to be able to judge that myself, but I know where to find the information, yes.

**CHAIR:** Would you be able to have a look at that or tell us where we can go to find it?

**Mr Houen:** It is individual in each case. The groundwater contours, as I understand it, broadly reflect the surface contours. The flow of the groundwater in the Galilee Basin, for example, is regarded as being from south to north, by and large. It would be hard to generalise because it really depends on the geology and the topography of the particular area. It is one of the important questions to start with, but in each case you have to have the specific answer for that specific site.

**CHAIR:** Given that you hit the nail on the head when it usually relates to the geology and the topography—and I am not going to lock in this, but could you give an opinion on which way the water would be flowing with regard to the underground aquifers? Which way would they be flowing to cross the mine and outside?

**Mr Houen:** If you are talking about a project like that, Acland—first of all, I have not read the EIS and I am sure the information or a view of the groundwater flow direction would certainly be reflected there. I think it would be east to west.

**CHAIR:** Thank you very much.

**Mr HART:** The committee is here to look at this particular bill. As you said in your opening statement, a couple of points you raised are outside the bill. However, it is within our scope to make recommendations to the government to make those changes. Rest easy with that. I will just concentrate on those couple of things and let the other members ask questions elsewhere. I was interested to listen to your recommendations around the notification period. I had a quick look at the report from the previous committee, the agriculture committee, on the MERCP Bill. That is the legislation that is hovering out there waiting to be put in place, and this will undo that. We seem to have been in a habit in the last 12 months of undoing everything that has been done. The report says this around notification—

*The Bill also proposes that notification of mining lease applications under the Mineral Resources Act 1989 is required for directly impacted landowners, occupiers, infrastructure providers and local governments*.

I notice you kept saying 'owners' only. Do you think it is more than owners that need to be notified?

**Mr Houen:** Owners and occupiers would be a more correct term. Of course the local government has always had a right to be notified and there are times when it is quite important, when local government interests are affected and other times when they are not. In terms of formal notice, the obligation to make sure that a person is actually notified, then the emphasis from my point of view is really on the owners or owners and occupiers and local government perhaps. If I remember correctly, the certificate of application is currently not required to be given to local government, only to the owner of the land. Mining issues have always been just the owner, whereas petroleum and gas has always been owners and occupiers. For mining it is owners really.

**Mr HART:** The comment from the committee's report was that affected landowners should be notified. That may mean that someone 10 kilometres down the road should be notified.

**Mr Houen:** Yes. Of course it is going to be very difficult; it will almost involve an inquiry of its own to decide who is actually affected. If we are talking about the groundwater situation and the radius of drawdown, who knows at that early stage of the application how big an area that is. I suppose this certification, stage 1 that I am talking about, really only interests the owners because it affects his title to the land as a blot on the title and affects the various ways the landholder does business. When it comes to notifying that an application is now open for objections, then that is where the spread of the notice is significant. Currently, as you said, it is to owners and local government et cetera.

**Mr HART:** In the case of Acland, they own 10,000 hectares of land. They would be notifying themselves and not necessarily the occupier?

**Mr Houen:** Yes. I think they are probably required to do that anyway but at a relatively early stage because they already own the land. That simply falls to the wayside as a non-issue.

**Mr HART:** Moving on to the marking out of the prospective area, I take your point on that. I asked a couple of other submitters for their input on it, but they did not seem to think it was overly important. I heard what you said. The previous committee also recommended that the government work on its Queensland and Mines Globe websites. Are you familiar with those?

**Mr Houen:** Yes.

**Mr HART:** Have you had a look at those to see how effective they are in marking out mining leases so that people can look at this? I know there have been some issues with what is on the Globe not reflecting what is actually on the ground. The previous committee I was on made sure that the government was working very hard on ground-proofing all of this. We were given an undertaking they were fixing it pretty rapidly.

**Mr Houen:** We live in interesting times. The chairman was asking before about the question of how notice should be promulgated. In this day and age, just in a decade the information systems have changed beyond recognition and it is difficult for somebody like me, who is keeping his head down most of the time trying to get the work done, to actually keep up with those things. I am impressed with the work that has been done with the Globe. When I have used it, it has always told me what I needed to know. I do not know of any defects or shortcomings, but it is changing as we work out better ways of using it. Of course, I think the answer to broader, more effective notice about mining applications lies in the technology—whether there would be some purpose designed system that people subscribe to that alerts them if there is something that they need to find out about. Somebody with better knowledge than me of the current technology and where it is going would give you a better answer, I am afraid.

**Mr HART:** I know in my office that that is the first place that I go to look—on the Globe—if somebody calls me up about a road, or a block of land, and I am a city member.

**Mr Houen:** Good for you. That is sensible, good use of the technology.

**Ms PEASE:** You talk in your submission about potential improvements to properties. People go ahead and make the improvements unaware that there is some sort of lease arrangement potentially in the future. Do you have any suggestions or recommendations around protections for landholders in that instance?

**Mr Houen:** Simply that there is proper provision for that notice of application—certificate of application it was called—and that it be reinstated so that the owner does get formal notice within a short time, just long enough for the mining registrar make a decision that the application passes the A and B test. Right after that, if the owner is notified, that solves the problem.

**Ms PEASE:** Excuse me, I am not from the country, so my apologies. I am not a farmer. For improvements or developments on landholdings, do you have to apply to council for permits?

**Mr Houen:** Not as a rule. I think there might be some requirement for buildings to have planning approval these days, but there would be some instances where, if you want to build a dam, or if you want to do something that affects a watercourse, then you need a licence. If you want to fill a bore, you need a licence—those sorts of things, yes. They are good examples of the things that a landholder, who does not know that there is already a mining lease application over the land, could waste his money on—or our money—by building them in a situation where, if the application goes the distance, those improvements built after the day of lodgement of the mining lease application will not be restricted land and they will not be entitled to compensation. It will only be the land as it stood on the day of the application that they are entitled to be compensated for.

**Ms PEASE:** Thank you. I need to think more about that. I am just trying to get my head around it. How long does a mining lease last for?

**Mr Houen:** It is individual as to the requirements. I do not think there are any restrictions these days. It could be five years or even shorter in some limited situations—and I am mainly talking about small mines, whether they be for gemstones or gold or something like that, but it could be 40 or 50 years.

**Ms PEASE:** There could potentially be a case where there is a mining lease over someone's property that they are not aware of?

**Mr Houen:** You cannot really go that far because the mining lease cannot be granted until compensation has been resolved. The mining company either has to enter into a compensation agreement with the owner or buy the land in order to have the mining lease granted. Mining lease applications can hang around for a long time. At Wandoan, the mining leases have not yet been granted. It would be over eight years since that application was first lodged. That is perhaps longer than the typical, but it can go for years and years.

**Ms PEASE:** If someone was buying a property from someone else that there was a mining lease over, the onus would be through title searches? The purchaser would have to do searches to be able to locate that. Would they be readily available?

**Mr Houen:** Yes.

**Ms PEASE:** Would they be transparent?

**Mr Houen:** I can just quickly give you an example. I had a client in Central Queensland who reached an agreement on compensation with the mining company and then the mining company did not go ahead. I talked to the minister and after a few exchanges he agreed that he was going to grant the mining lease. I said, 'You either have to reject it or grant it, because you cannot leave the landholder in limbo like this,' which he did. Then not so long afterwards I get a guy on the phone saying, 'Look, I've just bought this property and I bought it on the basis that I assumed that the compensation was still to be paid but, in fact, it has already been paid and I am out of pocket by $1.5 million.' I said, 'You need to see your solicitor,' because in the process they should have investigated whether the compensation for the mining lease had been paid or not and they did not do it.

**Ms PEASE:** The compensation does not get carried over? Once it is paid, it is paid?

**Mr Houen:** There could be with mining—and, of course, it is very common with petroleum and gas compensation—that it be on an annual basis. A lot of the smaller mining leases for gemstones, gold and opals would be on so much per annum. There are ones that carry over because they are on an annual or periodic payment.

**Ms PEASE:** Thank you.

**Mrs LAUGA:** Do you have any examples of clients of yours where, as the landholder, they have a mining lease application over the land unbeknown to them and where they made investment decisions, or installed new infrastructure on the land?

**Mr Houen:** Probably not in any of my own cases, because I am always alert to it, but it is very easy for it to happen.

**Mrs LAUGA:** Is it a common problem?

**Mr Houen:** It is a danger, absolutely—a critical danger to every landholder who is affected by a mining application that they may continue to run their finances, or land development on their property in ignorance of the fact that an application has been lodged. Because there is no certificate—no formal notice—then it may be local publicity where the owner learns indirectly, or by word of mouth. There may be some process, as I said before, with the environmental authority where the owner is notified and given the opportunity to make submissions to the environmental authority. Years may have already gone by and the owner may have spent time, effort and money in developing in a way that is not going to do him any good at all, because the land is going to be taken and they will not be entitled for compensation for those improvements built after the date of the lodgement of the mining lease application.

**CHAIR:** Because of the work you do and you have your ear close to the ground all the time, have you had any experience with vexatious claims? Are you aware of vexatious claims that have caused a lot of problems for the mining company, or even for the community?

**Mr Houen:** No, I am not, and it annoys me that the mining companies and their organisation make such claims. You name the project and I will show you the fact that it has taken so long is primarily down to the applicant company itself. I can show you. Mr Ashman had a pile of documents. My pile is bigger than his, I can assure you. If I showed you the documentation, including what has been obtained under right to information in relation to the Springsure Creek coal project, which is one of mine, all the hard work in their EIS was really done by Environment and Heritage Protection. They are the ones who chased up all the details, who kept the process going, who filled all the gaps and who kept the applicant's nose to the grindstone.

A lot of those EISs, obviously, involve complex reports and the engagement of experts, but I honestly believe that most of them could be done in a lot less time than they take for the reason that the companies do not apply themselves properly. As to frivolous or vexatious claims, I do not know that I have ever come across one that could be so described. Really, the process sorts itself out. Somebody lodging an objection that is frivolous or vexatious is going to be stopped at the first hurdle.

**CHAIR:** That was a comment that we heard earlier this morning—that it does not get very far.

**Mr Houen:** Yes, exactly. No, I could not say that I have any experience of frivolous or vexatious claims, but I am confident that, if they were made, or when they have been made, they would simply come up against reality. The provisions are already there. If you lodge objections, you have to be able to back those with evidence and if you cannot then you stand to have costs awarded against you. It is just not a sensible place to be.

**CHAIR:** Yes, that is a good response. Thank you. We have also heard this morning about restricted distances with regard to distances from the mine to homesteads and all of those sorts of things. What structures need to be considered when we are taking into consideration the distance that the mine should be away from infrastructure that is important to the ongoing work of the particular property owner?

**Mr Houen:** I have no question at all about the current definition that will be the law if this bill gets passed. Of course, it has been expanded somewhat in the unification process—the common provisions act, I think is probably its proper name—where there has been a blending of the situation, which was originally developed for mining under the Mineral Resources Act where 50 metres was decided upon for artificial stock-watering facilities, stockyards and that sort of thing. That was really something that was to the credit of the Cattlemen's Union at the time. They did their job of representing landholders very well.

These days it is broader than that. It includes buildings and what have you. I think it is as good as it needs to be as it stands at the moment. Once this bill goes through—and I would not myself agitate for any real change to it—it is important to remember that there are two areas. If we are talking about mining, the main application of the restricted land system is in exploration. What it really means and what it was really put there for was to mean that somebody cannot come on to the land and set up a camp in close proximity to the dam, or the water trough, or the cattle yards where they are going to be in the way, or they cannot do that within whatever the distance is—or 50 metres, or 100 metres of buildings. I think it serves its purpose quite well.

I can understand the point that I think has been raised by Cotton Australia about irrigation infrastructure. I would have to think about that. It is obviously a different sort of a beast from your watering point, or your dam, or your stockyard, which are all areas that you can identify. They are a unit. You could say that there is a little buffer around those where you cannot go and you cannot drill holes and all the rest of it, but if you are talking about irrigation infrastructure, that is a whole different ball game. I would really have to think about that, because that would be reaching into territory where I think great care would be needed to do it in a way that did not amount to saying, 'If it's irrigated, it's excluded' and you cannot even go there. That would be the effect of it. I would have to really do some work on that.

**CHAIR:** Reading through section 68(1)(a), I am a little bit concerned whether we are covering everything that landowners have like hay sheds, your accommodation facilities, if you have a shearing shed on the property. They are not talked about, but I think they should be included.

**Mr Houen:** As I said, I feel pretty comfortable with the way they work in practice. I am going away tomorrow and I will not have time to do it, but I would be happy to give that a bit further thought and come back to you. I will be away for a couple of weeks so I am not sure I can do it, but I understand what you mean.

**CHAIR:** It is probably going to be a bit late because we have to table this report, but it would be interesting to hear from you.

**Mr HART:** These bits of infrastructure and restricted areas, how are they mapped out so that people know?

**Mr Houen:** They are not normally mapped out for the process of exploration. If a formal mining lease application is done properly, it will map those improvements. That was one of the problems Springsure breached: they just had not done it. In fact, in my experience most mining lease applications never properly mapped the restricted land, and they needed to and they should have.

**Mr HART:** Is it a case of a mining company going to explore on somebody's land and driving through the gate and saying, 'Hell, there's a big shed there'?

**Mr Houen:** It is done partly by aerial photography these days, which of course is higher and higher definition as they go, but they would usually have to ground truth it as well. It is their responsibility.

**CHAIR:** You have done a great job. We appreciate your input. Given that there are no further questions, we will bring this hearing to an end. I thank everyone for their attendance. I do think we have had a good day getting information together. The quality of the witnesses has been excellent. At this point I declare the hearing closed.

**Committee adjourned at 11.47 am**