



## INPUT INTO GASFIELDS COMMISSION CHARTER

25 May 2012

The Basin Sustainability Alliance thanks the Queensland Government for this opportunity to provide input into the role of the new Gasfields Commission (“the commission”).

We ask that the following points be considered when developing the charter of the commission, and considering its role, jurisdiction and powers.

### General principles

BSA would like the Gasfield Commission to -

- oversee the development of Coal Seam Gas best management practices and ensure adoption of these practices is done in a timely and sustainable manner
- ensure that CSG development does not cause adverse impact on a region’s agricultural capacity
- ensure that CSG activities are compatible with the Government’s policy to double food production by 2040, and are consistent with the new Strategic Regional Plans
- support, through its activities, the Government’s policy to grow a four pillar economy in Queensland through agriculture, tourism, resources, and construction.
- initiate and/or direct the development of long term ‘whole of basin’ planning (ensuring that there is ‘life after coal seam gas’)
- establish the ‘right to farm’ as a priority, and
- ensure that there is an understanding of the environmental and economic value of groundwater on a catchment basis and this knowledge be used to inform CSG development.

### Best Practice / Impact Minimisation

In relation to best practice and minimising impact, we believe the commission’s role should be to -

- direct CSG companies to adopt best practise and impact minimisation techniques;
- oversee the monitoring and auditing process of CSG activities and ensure the results of monitoring and auditing are transparent and, where appropriate, made public;
- direct CSG companies and/or government departments to undertake sustainability tests for CSG on **all types of land to ascertain** near-term and long-term (ie. more than 50 years) effects on all sectors of agricultural production and the effects water supplies for agriculture and the communities; and
- oversee the development of reliable metrics to measure best practice.

## **Basin-wide Water Management Planning**

BSA believes that the Commission should ensure the protection of water quality through a systems approach to water management that involves the commission -

- overseeing the development of a beneficial water use plan on a basin wide scale, that identifies the best possible use for treated CSG water ensuring sustainability of both groundwater reserves and long term economic and community well-being.
- protecting of water quality through a systems approach to water management

## **Legal Framework and Land Access Matters**

The Commission must address issues faced by landholders in relation to the sense of an imbalance of power when it comes to dealing with CSG companies, and protection of landholders' livelihoods and lifestyle through the legal framework. This should include:

- reviewing current land access legislation to ensure that landholders and industry are satisfied (ensuring the issue of asymmetrical power relationships between landholders and CSG companies is addressed);
- ensuring land access negotiations to occur on a fair and equitable basis;
- directing CSG companies to provide to landholders 'life-of-project' plans prior to entering into land access negotiations. These plans would aid in the ability for both the companies and the landholders to undertake genuine negotiations. It would help to facilitate trust and transparency and provide the landholder with clear understanding of CSG company's intentions for their property and the surrounding region;
- enforcing CSG companies to operate appropriately and not be given any access privileges unless agreed by the landholder or ordered by the court;
- supporting the legal process enabling CSG companies and landholders to reach fair agreements;
- ensuring landholders are treated fairly with respect to legal costs;
- putting in place a way for landholders to have an opportunity to have unsatisfactory agreements reviewed;
- facilitating change in industry culture to promote an even balance of power between landholders and CSG companies that demonstrates mutual trust and respect - working together to reach best possible outcome. (It should be noted that landholders have reported that some companies are still using adversarial behaviour and this has caused some landholders considerable stress).
- overseeing the appeals process and ensure the process is open and transparent
- directing that an information package for community and landholders be made available to fully explain 'make good' provisions and potential loss of water.
- seeking crown advice on specific legal matters, with respect to the state, for long term CSG impact to ensure the CSG company does not leave the responsibility of any potential environmental damage with the landholder, community or the state.

## **Research and Information Audits**

The Commission should:

- undertake a comprehensive audit on the scientific tools available for monitoring to ensure data is collected and modelled using the latest technology/methods;
- conduct a comprehensive audit on well completion and make the information public;
- fast track research and information modelling in areas that are identified as high risk;
- Initiate new research on socio-economic impacts of the CSG industry and ensure strategies are developed from the findings to address the impacts;
- commission scientific research into issues associated with high risk impact areas/ or areas of high impact consequence;
- commission an independent scientific review panel to provide independent advice on scientific studies to the commission and also communicate findings to all stakeholders including the CSG industry, landholders and community; and
- Identify and coordinate all the research being currently undertaken across the state. Ideally, it should be a requirement that research on coal seam gas to be lodged with the commission.

### **Commission Authority**

When defining the Commission's powers, consideration needs to be given to:

- how the Commission will operate and how it interacts (or encompasses) other statutory/govt bodies such as the LNG Enforcement Unit;
- how the Commission will coordinate government agencies to share relevant scientific, environmental, and related technical and economic information;
- the commission's ability/authority to be able to curtail or cease CSG development if CSG poses too greater a risk to natural resources (water and land resources etc)
- the Commission acting as an ombudsmen for the industry and/or develop an independent appeals process – independent of CSG Companies and Government – with appropriate skills and “teeth” - this appeals process should allow landholders to have agreements reviewed if required; and
- the commission's role in advising Government on other matters which would enable co-existence between the CSG industry, landholders and other stakeholders.

### **Selection of Commissioners**

- It will be important that there is an independent and transparent selection process for commissioners and that they are representative of the regional communities and industries impacted by CSG.

**The BSA Committee is happy to discuss these key points further in a face-to-face meeting with key staff and/or Commissioners when they are appointed.**

*Submitted by BSA on 25 May 2012*