**Submission to:**

**The Research Director**
**State Development, Infrastructure and Industry Committee**
**Parliament House**
**George Street**
**BRISBANE QLD 4000**

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**Submitted by:** Basin Sustainability Alliance

**Date:** 17 January 2014

# Submission on the Regional Planning Interests Bill 2013 by the Basin Sustainability Alliance ("BSA")

**About BSA:**

The Basin Sustainability Alliance (BSA) is a Queensland-based group representing the concerns of landholders and rural communities.

BSA's charter is focused on ensuring the sustainability of land and water resources for future generations - particularly highlighting the risk CSG development poses to the Great Artesian Basin. It also plays a role as an advocate for landholders who are facing uncertainty and frustration in relation to CSG development on their land and in their communities.

More information about BSA and its official charter can be found at: www.notatanycost.com.au.

**Introduction:**

The stated intent of the Bill is endorsed and embraced by BSA and in particular the comments of the Deputy Premier and Minister for State Development, Infrastructure and Planning in introducing the Bill to the effect that it is designed to "empower landholders", to give them "certainty", and ultimately to ease land use conflicts by "managing the impact of resource activities".

As always however, it is only on consideration of the full detail of the ultimate framework within which the Bill will operate, that the attainment of those objectives can be gauged.

BSA is concerned that the stated objectives can be easily undermined and in fact completely eroded if, for instance, coexistence criteria is adopted within Regional Plans or elsewhere that facilitates

resource activity at the cost of the priority land use said to be protected. The Bill must not become a Trojan Horse.

Further, this submission necessarily follows earlier submissions in respect of the Strategic Cropping Land Framework Review and the Darling Downs Regional Plan (including BSA's submissions in respect of the proposed coexistence criteria).

BSA reiterates the importance of a general approach to the coexistence criteria reflected in its submission to the Community Cabinet entitled "Coexistence Criteria for Agriculture and CSG Mining".

Because of the unfolding development of the framework we take the opportunity of placing this submission in context by providing as backgrounding material (included as attachments):

1. BSA's submission on the Strategic Cropping Land Framework Review;
2. BSA's submission on the Darling Downs Regional Plan; and
3. BSA's submission on the Coexistence Criteria.

**General Submissions:**

BSA makes the following general comments:

**1. The need for Individual Property Designation**

Perhaps consistent with the "regional" approach, the Bill presently only requires an RIA to be obtained if land is located within an area of regional interest, a priority agricultural area, a priority living area, a strategic cropping area or a strategic environmental area. That does not allow for the protection of small pockets of such areas that might not be captured in the relevant regional plan nor does it address the issue of properties that might not come within the relevant regional plan areas or the protected concepts but might still be highly productive (e.g. feedlots, intensive poultry or piggery operations etc.). BSA sees no reason as to why a mechanism could not be inserted into the Bill that also protects, adopting a new concept, a "high productivity operation".

Tenure holders could be required to obtain an RIA where it is reasonably considered that land on which it wishes to conduct its operations involves a "high productivity operation" or involves land highly suitable for cropping. This would also enable a landowner to assert in response to a RIA application that their land so qualifies notwithstanding that it is not within a relevant regional area. Appropriate definitions could be inserted into the Bill. Subject to our submissions in respect of the exemption clauses that follow (22 – 26), the exemptions would still apply.

**2. Confusion as to Priorities and Authorities**

Involving regional planning considerations in the regulation of resource development is a novel approach. Clause 5 of the Bill makes clear that its provisions are to apply despite any Resource Act, the Environmental Protection Act 1994 (EPA), the Sustainable Planning Act 2009 (SPA) and the Water Act 2000. Clauses 50(2), 56(1) and 100 make that intent even clearer.

BSA's charter is particularly focussed on the importance of underground water sources and the need for general preservation of existing environmental values.

The challenge for the legislature is to avoid rendering the protection of the EPA and the Water Act useless and for the Bill to lead to the regionalisation of State interests. The EPA, the SPA and the Water Act are all legislation that apply state-wide principles on a state-wide basis. The vesting of too much power in local authorities or departments that are not charged with the administration of that legislation is dangerous.

Failure to meet this challenge could see the objectives of the EPA, the SPA and the Water Act not only overridden but could also see local interest groups within local authority areas effectively taking charge of development within their local authority area in a way that leads to extensive inconsistency across the State.

Presumably the Queensland Plan, and state planning policies will temper the extent to which individual local authority areas can become maverick in their approach however the extent to which Regional Interest Authorities (**RIA**s) will have to observe critical aspects of the EPA and Water Act in particular is as yet unclear and the extent to which the relevant assessing agency will have the appropriate qualifications, experience and insight to ensure the EPA and the Water Act are not perverted is as yet unclear.

The EPA in particular is a mature legislation that has evolved over a lengthy period to address the many important considerations that arise with developments – including addressing application requirements, public notification processes, conditioning, compliance, amendment and variation procedures etc. to ensure the objectives of the EPA are attained.

RIAs are a new concept but are to be given precedence over EAs. There must be careful thought given to how that interaction is to occur and the same level of detail given to RIAs if the objectives of the Act are to be attained – and in particular to avoid RIAs simply becoming a means of undermining the EPA and/or the Water Act.

For instance, RIAs must not become a means of authorising environmental harm. It is important that similar provisions to those contained in the EPA that protect the State against environmental harm are imported into the Bill. Similar considerations arise in respect of many other aspects of the EPA and need to be restated or reframed otherwise RIAs may have unintended consequences.

Critically also, protection afforded landowners under section 804 and 537DB of the PAG Act must not be diluted or ameliorated nor overriding power given to local authorities or the Chief Executive at the expense of landowner rights.

**3. Inability to consider cumulative impacts**

If there is one lesson to be learned from the Queensland experience with the development of resource activity in recent years, it is the need to be able to assess cumulative impacts and to limit the loss of agricultural land by incremental development. This will be particularly so in areas of high potential resource value. There must be an ability to say "enough" in regional areas where extensive resource activity is likely to occur and where the priority areas that drive the Bill must be protected. The Bill does not yet allow consideration of cumulative impacts and it must do so when the tipping point is reached.

**4. Identity of Assessing Agencies**

The Bill currently lacks clear identification of who assesses applications for RIAs. Clause 27 provides that the Chief Executive is an assessor. BSA was unable to easily ascertain which Chief Executive is referred to in Clause 27, but assumes it is the Chief Executive State Development, Infrastructure and Planning (who is more commonly referred to as the Director-General). Whilst the current Director-General is highly regarded by BSA, the department itself does not necessarily have a history of clear identification with the objectives of the EPA and has a history of enthusiasm for the development of industry (as is its charter). This renders even more acute the concern expressed at 2 above.

Likewise, the Bill also allows other assessors to be prescribed under a regulation. It is clearly intended that a Local Authority (**LA**) will be an assessor as indicated in the example to Clause 27(1). These assessors need to be appointed and constrained having regard to concern 2 above.

**5. General Regional Plan Issues**

It is unclear as to how often Regional Plans (**RP**s) will be reviewed but they obviously assume significant importance to Landowners if the Bill is enacted. There appears to be no current ability to appeal the drafting of a Regional Plan notwithstanding that amendments or content could have extensive implications for a landowner. Amendments to town plans under the SPA can entitle a landowner to compensation if they are adversely impacted by a change in zoning. If being excluded from a priority agricultural area in a later RP lessens a property's value in the market place, will a Landowner be compensated?

Significant power is vested in the architects of the DDRP who may or may not be appropriately qualified to make the relevant decisions. It is respectfully submitted that appropriately qualified people and an objective criteria must be enshrined in the Bill if the objectives are to be obtained and future Regional Plans are to maintain consistency.

**BSA makes the following Specific Submissions:**

**Clause 5:**

Clause 5 must be read in conjunction with clauses 50(2), 56 and 100. The combined effect is to allow LA's and the Department of State Development, Infrastructure and Planning (**DSDIP**) to rewrite Environmental Authorities and override the EPA and the Water Act.

The extent to which protection is afforded landholders and the environment, by the environmental authorities and the EPA, is of enormous concern to your submitters.

Regional Plans are necessarily focussed on matters quite separate to considerations under the EPA and the Water Act. They are necessarily devised by Regional Planning Committees with limited input from Departments familiar with the provisions of the EPA etc.

The adaptive management regime used by the EPA and Government to date was designed to address unfolding problems associated with CSG development in particular. Given that the RIA processes are so uncertain, BSA has enormous concerns as to how this ability to override and/or ignore the EPA might work and/or the extent to which coexistence criteria could completely undermine the protection EAs and the EPA generally afford.

For instance, there appears to be no mechanisms for the assessing agency, a landowner, or any other affected party other than the applicant to be able to amend an RIA after it is granted.

That is of significant concern given the unfolding understanding of the environmental, health and other risks that CSG, for instance, poses.

What if best management practices change? What if new processes or techniques are undertaken by resource companies that pose a greater threat than previous ones? Can a landowner, a concerned citizen, or even the original assessing agency apply to have an RIA amended under some kind of adaptive management regime parallel?

The Bill does not adequately ensure the protection of the community or the environment in granting RIAs – resolving land use conflict should never be an excuse to override community health, and/or environmental and safety concerns and there is inadequate protection for those things in the current drafting for as long as the terms of an RIA can override the provisions of the EPA or even the Water Act.

Until the coexistence criteria are properly drafted and understood and until there are adequate mechanisms to ensure the foregoing concerns are not realised, BSA will retain significant concern in respect of the current approach in Clauses 5, 50(2), 56 and 100 of the Bill.

Unless these matters are adequately addressed it is quite possible that areas outside the "protected areas" will ultimately be better protected than the areas the Bill is designed to protect.

Clause 5 also provides that the Bill applies, notwithstanding any other resource authority. It must be clearly provided that nothing in the Act detracts from a Landowner's rights under sections 804 and 537DB or any other provision of the PAG Act nor in respect of the Make Good entitlements of a landowner under the Water Act. Without that amendment there is likely to be extensive confusion

as to the role of the court under section 537DB (where it can restrict activity on a particular property as opposed to the permission to undertake an activity in a Priority Agricultural Area or in a Strategic Cropping Area).

**Clause 8:**

BSA remains concerned at the lack of criteria to identify and define Priority Agricultural Areas and/or Strategic Cropping Lands as per our submission in respect of the Darling Downs Regional Plan. In particular, we remain concerned that areas of productive dry land cropping have been excluded from the DDRP and there is no ability to have individual properties, that may have a long history of proven productivity, protected if they are not within the relevant area or not within strategic cropping land areas. There appears to be no current ability to appeal the drafting of a RP in that regard.

There appears to be no equivalent to Section 40 of the SCL Act to have individual properties identified or validated as SCL properties. The Bill should be amended to allow equivalent provisions to those which existed under the SCL Act.

In particular, BSA reiterates General Submission 1 above, and urges the adoption of an ability to address individual situations which might involve high cropping or high productivity operations. This must be a ground on which to object to an RIA being granted.

**Clause 9:**

BSA remains concerned at the approach of protecting cities, towns or communities and not individual residences or even closely settled areas where rural communities might have houses close together but have the protection of buffer zones. The experience of the development of CSG gasfields within the Tara estates should not be repeated in Queensland.

There should be a specific provision that infrastructure for a resource activity, that has any potential for the emission of volatile organic compounds, must not be located within 800 metres of an existing occupied dwelling. This is a lesser area than the buffer afforded towns and Priority Living Areas but according to current health concerns is the likely appropriate minimum buffer required.[1] As more and more evidence emerges as to the potential health impacts of CSG and in particular fracking (especially with tight gas, shale gas etc.), that minimum area should be capable of expansion.

[1] See: Roxana Witter *et al*, 'Potential Exposure-Related Human Health Effects of Oil and Gas Development: A Literature Review (2003-2008)' University of Colorado Denver, Colorado School of Public Health and Colorado State University Department of Psychology. 1 August 2008; Dr Wayne Somerville, 'CSG and Your Health: A Report on the Health Impacts of CSG and Shale Gas Mining' (2013) 1 – 54.

**Clause 10:**

It is difficult to comment in respect of the definition "highly suitable for cropping" because that is left to a regulation. Obviously the definition is critical and BSA reiterates its earlier submissions in that regard.

Because the Strategic Cropping Land Act will be repealed the question arises as to whether the areas identified in the SCL Trigger Map are permanently fixed or whether there will be an ability on the part of the Chief Executive to be able to change the Trigger Map. Relevant criteria to preserve the protection throughout any further Trigger Maps, Regional Plans or amendments etc. should be inserted.

**Clause 15:**

It is imperative that the Bill ensure that not only the authority holder but also those acting through, for or on its behalf are also liable for any breaches of the Act and likewise, that authority holders are responsible absolutely for the actions of those people. The practice of contracting out of liability must be avoided and protected against, particularly where subcontractors are companies of little value or structured to avoid liability. This will also ensure that companies do not avoid liability or defend prosecution on the basis of misconduct of subcontractors or other delegates.

RIAs should be no less sophisticated than EAs in their approach to ensuring compliance and facilitating enforcement, given the potential power and importance they assume. Consideration should also be given to imposing liability on Directors.

**Clauses 18 - 20:**

It is respectfully submitted that a penalty of 6250 penalty units ($687,500.00) is grossly inadequate. A maximum penalty should accommodate the worst possible scenario. With so much money at stake, such an inadequate maximum will only provide an incentive to the companies to "cop the fine".

The extent of potential impacts on prime farming soil and/or precious underground water supplies could lead to millions of dollars in damage and the maximum penalty should reflect that. The current penalty undermines the importance attached to the legislation.

Further the current drafting of the alternative charges does not adequately ensure the ability to prosecute the tenure holder where the relevant breach is undertaken by a subcontractor or employee etc. It is imperative that the tenure holder be responsible for all the conduct of those undertaking activities on their behalf, or to their benefit, and clauses 18 – 20 must be amended to ensure full accountability in that regard.

**Clause 22:**

The order in which a resource company would apply for all relevant authorities would presumably be to either negotiate a Conduct and Compensation Agreement (**CCA**) or enter into a written agreement with the landowner before applying for an RIA (otherwise clauses 22(2)(a)(i)(A) and 22(2)(a)(ii) are ineffective). This may increase pressure between landowners and companies and could improve the bargaining power of landowners. It could also however aggravate the existing problems with bargaining inequality and lead to unjust outcomes where landowners do not avail themselves of legal advice or other professional assistance provided for under the PAG Act. BSA believes there must be adequate consumer protection provisions built into clause 22 or elsewhere in the Bill.

Further, the existing drafting of clause 22(2)(b) provides that an exempted activity must still not be "likely to have a significant impact on the priority agricultural area". Likewise, the activity must still not be "likely to have an impact on land owned by a person other than the landowner" under clause 22(2)(c).

Notwithstanding those important requirements, there is no process in the draft to have that assessed before activities commence. If this amendment is not made the intention of the Bill can be defeated because an exemption applies such that there is no scrutiny as to whether in fact the activities will be likely to have the relevant impacts. Certainty could be equally important for tenure holders however.

To achieve this, provision could be inserted requiring the assessing agency to certify that clauses 22(2)(b) and 22(2)(c) respectively are considered to be satisfied before the activity commences. Landowners and the community generally should be entitled to public notification and input in respect of a proposed certification before it issues - similar to the existing provisions in the Bill for a non-exempt RIA application.

Further, the Bill should contain specific provision to the effect that a landowner cannot be charged as an accessory or accomplice to a breach of clauses 18 – 20 by virtue of entering into a CCA or written agreement under clause 22 (or anywhere under the Bill for that matter).

Additionally, the current drafting only relates to CCAs entered into with the Landowners. The PAG Act requires occupiers to be parties to a CCA as well. There is no immediate logic as to why occupiers should not have a commensurate position under clause 22 although it is understandable that many occupiers would only have a limited interest. Occupiers with legitimate interests (perhaps registered lessees) should perhaps also be addressed, otherwise there is a danger that landowners will unwittingly cooperate in giving the exemption under clause 22 but then be liable to occupiers for detracting from the occupier's rights. Again it is imperative that landowners be empowered and protected against unintended consequences.

BSA also refers to the concerns in respect of the definition of "owner" appearing hereafter.

Finally, there is currently no provision under the Bill for the assessing agency to consider cumulative impacts. BSA repeats General Submission 3 above. The Bill should be amended to empower the

agency to reject applications where the impact considered cumulatively with existing applications would be unacceptable or undermine the intent of the legislation.

**Clause 23:**

Again, BSA would prefer an approach where the criteria under 23(1)(a)-(d) are certified as applicable before activity commences. This would be achieved in the same manner proposed in respect of clause 22(2)(b) and 22(2)(c) above (i.e. Chief Executive certification after public notice and input etc.)

Again, and critically, there is currently no provision under the Bill for the assessing agency to consider cumulative impacts. BSA repeats General Submission 3 above. The Bill should be amended to empower the agency to reject applications where the impact considered cumulatively with existing applications would be unacceptable or undermine the intent of the legislation.

**Clause 24:**

In light of the provisions of clauses 91 and 92 of the Bill, the benefit of clause 24 will be diluted if the Bill takes long to be enacted. It is respectfully urged that the exemptions for SCL decisions should only exist up to and including the date of publishing each relevant Regional Plan. Resource companies have been "on notice" since those Plans were implemented.

**Clause 25:**

BSA repeats its concern in respect of the need to consider impacts cumulatively. The exemption could mean a thousand applications are made each taking up only nineteen hectares and individually being exempt. That could completely undermine the intention of the Bill.

Further, small scale mining can presumably still have "big scale" impacts – especially where overtop underground water resources. Individual consideration must apply and/or perhaps the consensus of the assessing agency that the exempted activity will not be "likely to have a significant impact on the priority agricultural area" should still be necessary.

Again, clause 25 could be amended to require that small scale mining activity must still satisfy the criteria in clause 22(2)(b) (activity not likely to have a significant impact on priority agricultural area) and 22(2)(c) (activity not likely to have an impact on land owned by a person other than the land owner).

**Clause 26:**

Consistent with the submissions in respect of clauses 22, 23 and 25 clause 26 would need to be amended to accommodate the further process urged by BSA. Importantly certification of exemption

must not permit environmental harm (refer to General Submission 2) and must be obtained before activities are commenced.

**Clause 27:**

BSA urges the appointment of appropriately qualified and experienced assessing agencies. Without identification of the intended agencies it is difficult to comment further other than to repeat the concern that the RIA process must never become a means of circumventing the EPA, the SPA or the Water Act.

It is clear that local governments will become prescribed assessment agencies. That combined with the ability to override EA conditions is of significant concern.

Clause 50(2) even requires the Chief Executive to give precedence to any local government recommendations without any insight into what they may be. Whilst that might be appropriate where the local government recommends refusal it might also lead to perverse outcome if a LA recommends approval but subject to conditions that might be inappropriate.

That necessarily puts enormous power in the hands of a LA that would be completely inexperienced and unqualified when considering environmental or Water Act matters and would lack the insight of the Chief Executive. Whilst RIAs are able to be appealed against, the current drafting does not allow the Chief Executive to remedy patently inappropriate conditioning before Appeals.

Clause 43 does put such a power in the hands of the Minister. That power would seem to be better placed in the hands of the Chief Executive (given the desirability of separation of powers) or at least shared with them.

Vesting such power in a LA must also bring with it a responsibility to fully educate and resource those LA's in the areas of the EPA, the SPA and the Water Act especially if they have power to override those Acts.

**Clause 30:**

The clause provides very little detail or guidance as to what is required in an application.

If the RIA process is to have the capacity to override the EPA then there must be commensurate obligations to identify impacts and penalties for failing to provide proper detail.

At this stage there is completely inadequate provision to ensure that applications will be sufficiently detailed and truthful to ensure not only that the objects of the Bill are achieved but also to protect assessing agencies and to enable proper public submissions. Clause 49(1)(a) provides better insight but much greater criteria should be identified.

**Clause 31:**

BSA believes that immediate neighbours to the Lots of land the subject of the application should also be served with the Application. Given the importance the Bill attaches to "regional interests", ideally also an advertisement should be inserted in a local paper to draw attention to the fact that an application has been made and to alert the general community.

**Clause 32:**

Because of the importance attached to the LA recommendation under clauses 50(2), 56 and 100, clause 32(1)(b) should refer to the assessing agency's ability to consider the application. Further, the expression "minor amendment" is not defined and should be limited to truly minor amendments.

**Clause 34:**

BSA is concerned to leave identification of the circumstances in which public notification is required, to future regulation - or the ability for the Chief Executive to grant exemptions. The Bill does not allow us to make meaningful submissions save to say that all applications should be notifiable.

BSA also believes that exempt resource activities should still be subject to a requirement that the Chief Executive must certify in each case (and before activities commence) that the activity is not likely to have a significant impact on the priority agricultural area nor on land owned by a person other than the landowner.

BSA also urges a process whereby such certifications also allow public notification and submissions to the CE as to whether confirmation of exemption should be granted.

**Clause 35:**

BSA believes that immediate owners should be notified.

**Clause 37:**

BSA urges a clear ability for submissions that do not strictly comply with the requirements to still be a valid submission if the Chief Executive or the assessing agency so determine. Landowners are not always familiar with the formal requirements, or able to afford legal representation however their ability to assist in the decision making process is imperative.

**Clauses 39-40:**

It is difficult to make submissions on matters that are to be subject of future regulations.

**Clause 41:**

It is respectfully urged upon the Committee that assessments must be able to be determined on a cumulative basis (refer to the General Submission 2 above).

**Clause 42:**

We repeat General Submissions 2 and 4 above and our comments in respect of clauses 5, 50(2), 56 and 100 – but especially in relation to the implications of clauses 56(1) and 50(2), both of which, without amendment of the Bill in the manner urged in this submission place extensive power and responsibility in the LA.

Further, a time limit of twenty business days may well prove impractical.

**Clause 43:**

The extent of power to be vested in the Minister and the circumstances in which that is to be exercised needs consideration and elaboration.

**Clause 44:**

We repeat the concern expressed in respect of Clause 30 above. Clause 44 places an onus upon the assessor (a department that does not invoke the provisions of the EPA, the SPA or the Water Act) to determine an appropriate level of information but with limited insight within the legislation as to what is required. Whilst the power must remain, it is urged that clause 30 needs expansion so as to compliment it (see comments at clause 30 above).

**Clause 46:**

Given the concerns in respect of LA involvement some clearer empowerment of the LA to acquire the necessary insight to be making good decisions is imperative.

**Clause 49:**

As indicated above, clause 49(c) should allow for the consideration of submissions made, but not technically "properly made submissions", where they are accepted by the assessing agency under the proposed amendments to clause 37 above.

**Clause 52:**

BSA submits that immediate neighbours should also be notified consistent with the proposed amendments to clause 31 above.

**Clause 53:**

It is urged that word "or" in clause 53(1)(a) should be changed to "and". Landowners and regional citizens generally are highly unlikely to ever visit the department's website and many do not access the internet in any event. Further, the appeal rights should not be limited to affected landowners if regional interests are truly the object of the legislation.

Further, it is important that notices be required to adequately describe the land in a way that is commonly understood and not purely by Lot and Plan reference – ideally a map showing the geographical location should be required identifying commonly known locations. Many landowners are not informed by advertisements that do otherwise.

**Clause 56:**

General Submission 1 is repeated. There is considerable danger that important provisions of the EPA and the Water Act could be undermined by LA conditions which are necessarily binding on the Chief Executive under clause 50(2).

**Part 4 – Clauses 57 – 66:**

BSA is concerned with the SCL mitigation fund approach generally because it has the potential to reduce focus on the need to preserve good quality agricultural land. It is difficult to see how the money could be applied other than towards research and development. In fact the DERM brochure in respect of it states "*Guidelines will consider how the implementation of the National Research Development and Extension Framework will link with the allocation of mitigation funds to research and development projects in a particular local government area*". (emphasis added)

LAs could be seduced by the prospect of Universities or Agricultural Colleges being located within their local authority area and become more likely to approve resource activity in those circumstances or to lose focus on the intent of the Bill.

**Part 5 – Clauses 68 – 72:**

The purpose of the legislation in clause 3 speaks of the importance of the State's interest and logically the maintenance of agricultural capacity is in the interests of not only landowners but the community generally. The right of appeal and the right to see to enforcement should apply for all members of a regional community and the broader community generally. This is an approach

reflected in the EPA because the communal interests are also acknowledged. It will be no less important here – and especially if the EPA is to be overridden.

Clause 37 enables any party to make a submission so it is difficult to justify restricting appeals to landowners only. Further, without broader community input and rights there is a danger of LA areas providing widely inconsistent outcomes and/or the assessing agencies being inadequately equipped to absolutely protect the communal interests.

Clause 69 (and all associated provisions) should enable any submitter to appeal.

**Division 2 – Clauses 72 – 78:**

BSA urges clear provision to protect landowners against exposure to liability as accomplices or accessories as detailed in our comments concerning clause 22 above.

**Clause 100:**

For the reasons indicated above (General Submission 2 clause 50(1) and clause 56, BSA is particularly concerned by the proposed amendment to section 212A of the EPA.

**Schedule 1 – Dictionary**

The definition of "owner" is confusing and it is difficult to understand why the definition adopted under the PAG Act would not apply. The current definition could mean registered owners of leasehold land are not "owners" for the purposes of the Bill (notwithstanding they may be entitled to a Conduct and Compensation Agreement or have other rights).

Dated this 17th day of January 2014.

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on behalf of the Basin Sustainability Alliance
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