



Queensland Murray-Darling Committee Inc.'s Submission on the Functions and Powers of the Queensland CSG Gasfields Commission

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Submission to:

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This submission is presented by the Chief Executive Officer, Geoff Penton, on behalf of the Queensland Murray-Darling Committee Inc. (QMDC). QMDC is a regional natural resource management (NRM) group that supports communities in the Queensland Murray-Darling Basin (QMDB) to sustainably manage their natural resources.

QMDC would like to commend the government for its efforts to deliver decisions on CSG mining issues in partnership with community stakeholders.

1.0 Background

QMDC's internal policy, *Policy for the Queensland Murray-Darling Basin - Mining and energy industry impacts on natural resources in the Queensland Murray-Darling Revised Final Draft 2011* (the QMDC Mining and Energy policy) provides a framework for QMDC's position on CSG mining and associated activities. The policy was drafted by QMDC in consultation with the communities, organisations and stakeholders QMDC is working with in the region over a 2 year period. Its purpose is twofold:

- to address the impacts of the mining and energy industry on the QMDB's natural resources; and
- to provide a framework for best practice and policy decision-making, risk management and responses to the specific and cumulative impacts of the industry on the QMDB's natural resources.



2.0 Overall function of the Commission

QMDC believes the overall function of the Commission should be to make decisions on CSG development that primarily avoid adverse impacts whether site specific or cumulative on the region's natural resources and communities. QMDC believes the role of the Commission is to be to firstly avoid impacts, if impacts are going to occur to ensure they are minimised and when they occur ensure full rehabilitation is undertaken.

On this basis QMDC supports the establishment of a Commission if it operates in accordance with the following general functions and powers:

- Provides best practice responses to the specific impacts of CSG mining operations and activities.
- Provides best practice responses to the cumulative impacts of CSG and related mining and energy industry and businesses.
- Aligns decisions/recommendations with aspirations and targets of Regional NRM Plans and other relevant regional policies and plans.
- Provides clear direction on how the CSG mining industry must primarily avoid, minimise or rehabilitate impacts or risks on the region's resources and ecosystems.

2.0 Specific functions of the Commission

2.1 Decisions based on independent and best available science

QMDC recommends decisions on by the Commission to be based on independent and best available science. It is QMDC's expectation that the recommendations given will rely on a range of information and sources, for example, Aquatic Conservation Assessment (ACA) data, water monitoring, regional water quality guidelines, environmental and cultural values and impact assessments on communities and their social and economic well-being etc.

2.2 Decisions based on a threshold limit approach

QMDC supports the need for bioregional assessments and scientific expertise which takes into account local or regional scale ecological impacts. QMDC believes the development of a threshold limit approach in the functions of the Commission would provide greater clarity and certainty for the region. The Commission's role should be to advise the State Government and the industry on threshold limits for the region's natural resources, which must be based on local and regional data and research. These limits based on environmental values and natural resource asset protection values will help the Commission to identify whether a new development or existing industries or businesses can operate without causing unacceptable impacts on those assets within the defined threshold limits. It will then be able to define and provide for: "no go" zones; clear and predetermined standard environmental practices acceptable in the region.

This will mean that activities where the impacts are known to exceed the trigger threshold limits and cause decline for example, for environmental flows, stock and domestic or irrigation supply bores, and which will impact on surface and groundwater quality, quantity and pressures, for example, in the QMDB and GAB, would not be permitted. Threshold limits should also consider pollutant concentrations and discharge volumes.

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These should be set so that unacceptable pollutant load risks are not permitted for both individual site and cumulative impacts of all industry and commercial businesses on, for example, aquifers.

2.3 Decisions to assess cumulative impact

QMDC proposes that a function of the Commission should be to assess and advise on cumulative impacts. It is essential the methodology used to assess cumulative impacts sits within a framework that clearly articulates the cumulative upper and lower limits for changes to natural resource asset condition and function in defined zones and timeframes to protect the integrity, health and value of the asset, and productive capacity, of those zones. Exceeding such limits would not be permitted under any circumstance.

2.4 Commission to apply the precautionary principle

The precautionary principle requires that when faced with uncertainty the Commission should act in a precautionary manner. Adaptive management and the precautionary principle play distinct roles. QMDC argues that although adaptive management can play a positive role in bioregional assessments and addressing cumulative impacts and subsequent environmental management, the methodology must be correctly and appropriately applied.

Adaptive management must not be used as a substitute for committing to specific mitigation measures in order to cover a situation where a CSG company is not sure how to mitigate a negative environmental impact, but commits to finding the technology or science in the future, if a problem arises. Additionally, it must not be used to attempt to reduce uncertainty with respect to likely significant adverse environmental effects. Accordingly, if it is uncertain whether a significant adverse environmental effect from a development will occur, adaptive management cannot be asserted to, if there is a significant impact, so the proponent will adapt to deal with it. As well, it cannot be used to attempt to reduce uncertainty regarding proposed mitigation measures nor be used as to “offset” to the precautionary principle.

By identifying not only risks but also thresholds or proximity to thresholds that influence ecosystem vulnerability provides the Commission greater opportunities to make better decisions.

3.0 Specific powers of the Commission

- To direct CSG companies to provide new or additional information when required
- To provide direction to the State Government on appropriate timeframes to enable public engagement and disclosure and community input into decisions on all applications under the EPBC, EP, Sustainable Planning, P&G and other Acts
- To provide an independent and critical analysis and overview of the impacts of all gas field activities and operations (construction, operation, decommissioning)
- To comment on and/or draft regulations and legislation in order to manage existing and emerging issues relevant to the CSG and related mining and energy industry and businesses
- To require immediate and regular monitoring and auditing of CGS companies' gas field activities
- To investigate complaints registers and compliance breaches

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4.0 Representation of the Commission

QMDC asserts the Commission needs to incorporate Aboriginal interests and expertise in the Commission's membership. This will assist the Commission to avoid a tokenistic approach to Aboriginal interests and enable the Commission to articulate an informed position on: the traditional and contemporary connection the Aboriginal people have with their country; the impact of colonisation on those connections; and the roles and responsibilities Aboriginal communities have in relation to waterways and resources and the physical and spiritual health and wellbeing of their communities and the ecosystems they rely on, today and in the future.

5.0 Public consultation process

QMDC asserts that community engagement, disclosure of information and public consultation must meet community expectations for a more enduring and direct role in the planning, decision-making and implementation of natural resource policies and activities as they relate to CSG mining developments.

QMDC submits that public engagement that is timely, meaningful and relevant and conducted appropriately for each stakeholder will encourage and facilitate active public consultation. QMDC believes this should include public notification and consultation on the representation of the Commission and any reports, research relied upon by the Commission.

Good public consultation requires the Commission to be adequately resourced to engage the public or alternatively, requires resourcing regional Advisory Committees to engage the public and key stakeholders.