

“The erosion of private property rights is the single biggest issue facing the rural community. It creates uncertainty, stifles investment, job creation and threatens incomes and service delivery.”

GFCQ review of RPI – missing one letter – A for Agriculture

The GFCQ have released their report on their limited scope review of the Regional Planning Interests Act (RPI).

This review was recommended by the Queensland Audit Office’s (QAO) performance audit report “Managing coal seam gas activities”. The QAO recommended that the GFCQ “reviews the assessment process identified under the Regional Planning Interests Act 2014 to determine whether the process adequately manages coal seam gas activities in areas of regional interest”.

Incidentally the QAO also recommended that the government consider the effectiveness of the commission in delivering value, particularly considering it is not fulfilling all its legislated functions and stakeholders question its effectiveness and independence. Particularly that the GFCQ was failing in the one role it has that makes it distinct to the many other government entities designed to ‘manage the gas industry’. That being its role in oversight of the regulatory framework.

If this report from the GFCQ is anything to go by it appears that these recommendations of the QAO remain woefully unaddressed. There are some fundamental problems with the GFCQ approach to the review such as:

- The integrity of the review itself: the ‘report’ provides no description of who undertook the review, what were their qualifications, what was the review process used, did it meet with any standards relating to legislative review? What is the feedback process from the Minister, will there be a response, or will this just be another echo chamber?
- The quality of the report itself appears impressive in the formatting, but the content is marginal.
 - The incorrect use of the words such as “protect” presents inaccurate picture to the reader and demonstrates a failure to understand the core issue with the Act. Nowhere in the RPI Act does the word PROTECT appear.
 - The use of the term ‘coexistence’ in the role of the GFCQ and in relation to the RPI Act when the term has no definition. How is it able to be determined ‘coexistence’ has been achieved when we don’t know what it is?
 - The broad statements of ‘fact’ with no evidence demonstrate their bias and again questions the integrity of the report. Eg *“The onshore gas industry has achieved a high level of coexistence generally when undertaking activities. In some areas of PAA and SCA this is less certain due to the lack of availability and transparency of information about development on PAAs and SCAs. Notwithstanding in areas of PAA and SCA, there have been examples of industry using innovative techniques to reduce impact genuinely and measurably on areas of regional interest.”*
 - The use of the term “incentivized” in the following paragraph: *“Whilst the Commission considers voluntary agreements with land owners to be a preferable outcome incentivised within the RPI Act, it also considers other aspects in relation to the wider impacts to be as equally important.”* This demonstrates another grave and fundamentally wrong resource friendly assumption being made by the GFCQ. There is nothing about the RPI act that has anything to actually do with the CCAs with landholders,,, it is NOT a 'voluntary agreement' - farmer cannot veto - and who exactly is it 'incentivising' and why? What has this to do with Agriculture? When the CCA (landholder agreement) that currently exempts the gas company from doing a RIDA, has no parts to it that otherwise ensure the principles of the RIDA are implemented, and therefore justify the exemption,,, what is the point of the CCA - what is it incentivising?
 - Why does the report use a quote out of hansard to describe the overarching intent of the framework which is firstly not actually legislation, just a soundbite from hansard. This soundbite sounds good, but has not relevance to the actual legislation in reality. *“The*

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assessment framework has an overarching intent across all areas of regional interest “the focus of the assessment criteria is on ensuring that both the agricultural industry and the resource industry can co-exist as much as possible without displacing the industry that we believe should have the priority in those areas, and that is the agricultural industry. That is why, of course, it is called a priority agricultural area”.

- Did the review include any detailed case study assessment of any current or past RIDAs? What were the findings of such an analysis? Did the review consider the actual real examples and actual real agricultural areas and how the process in reality meets the specifics recommended by the QAO? An analysis of two specific current Arrow Energy RIDAs provide very clear examples of significant problems with the process that this superficial review has failed to pick up.
- Was there any actual in the field analysis done on the real issues, or did the GFCQ just sit in their comfy offices.
- Did they address the fundamental problem with the act, or did they just superficially skim off the top and repackage the current problems with the Act?
- What feedback process exists for those who submitted to the review regarding their input on the GFCQ recommendations.

To summarise the GFCQ report on the RPI Act:

- It has reviewed the assessment process, by receiving 15 landholder / community submissions unanimous in their concern that the RPI Act does not PROTECT agricultural values and only intention is to facilitate resource activities (as was said by these same groups in 2013 when the new act was introduced). And 3 submissions from the gas industry asserting that there was nothing wrong with the Act as it was.
- It has produced 7 recommendations, 5 of which were relating to the RIDA assessment administration and exemptions process.
- None of them address the self assessment process that has the gas industry choosing its own adventures, in fact it added another layer to the self assessment jackpot.
- And in true neoliberal ‘desktop’ bureaucratic style, GFCQ have generously imagined that a solution to transparency and agricultural values being protected is to burden the landholder to volunteer for the RPI administering body. The GFCQ suggests the landholder undertake on their own time and with their own resources even more detailed assessment of gas company documentation and information provision. That while the gas company does not have to address the landholders assessment, they can comply with the recommended change in the act by making a declaration to the administering body that they have caused the landholder to undertake hours and hours of excruciating assessment of their documentation.

The recommendations are heavy on trying to score just one run on the board in 7 years by removing the absurd landowner agreement exemption. But fail by replacing it with more self assessing codes and even more burden for the landholder.

More importantly GFCQ has failed in the last half of the QAO recommendation to: “determine whether the process adequately manages coal seam gas activities in areas of regional interest”. Well does it? Are agricultural values and priority agricultural areas and strategic cropping land being protected and sustained by this legislation? Does these recommendations that has taken 7 years to come to pass do anything to improve this obvious fundamental flaw in the RPI Act? Well, No.

Ends



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