

Parliament of Queensland

Agriculture and Environment Committee

SUBMISSIONS

Environmental Protection (Chain of Responsibility) Bill

March 2016

Submitter:

George Houen
Landholder Services Pty Ltd
[REDACTED]

TOOWOOMBA QLD 4350
[REDACTED]

Statements in the Minister's First Reading speech and the explanatory memorandum say that this Bill is the only available fix for the problem of failure of mining lease holders to rehabilitate. The long-standing security deposit system hardly gets a mention, yet it is – or if run properly would be – by far the most secure and direct way of preventing the problem. That is, if the government is already holding the money as security, it has the means to carry out the work if the lease holder defaults.

Surely we should start with revising the security deposit system, starting with a frank and honest assessment of the reasons for its failure.

I beg to differ with the Minister and the department – from experience representing landowners for over 25 years, I believe the primary reason the security deposit system has failed to prevent rehabilitation default is poor administration. The administering authority has failed to collect sufficient amounts as security, and has paid only lip service to its obligation to ensure rehabilitation occurs.

For decades, particularly in small mining such as opals gemstones, gold, tin etc., many landholders have been left with their land permanently damaged by miners who disappeared, usually when the mineral deposit petered out. Invariably, the administering authority takes no action because the security which it set is far short of the real cost of rehabilitation. And, unless the abandoned mine is located in a politically sensitive area, the administering authority will not even attempt to rehabilitate the land.

Examples from my personal experience include:

1. Alluvial gemstone mines at Lava Plains Station, south of Mt Garnet in North Queensland. Thai-based operators had bulldozed the alluvial material in the creek beds for kilometres, leaving a dreadful mess of pits and spoil piles without any rehabilitation whatsoever – then they disappeared.

Although Water Resources (as then named) had an ongoing involvement in respect of the mining in the watercourse, the disturbed creek beds were not rehabilitated. I believe neither Water Resources nor any other government agency made any effort to ensure the miners complied with their rehabilitation conditions.

The only security was but a nominal amount, no official action was taken even after strenuous representations by the landholder and myself, and the landholder was left with serious, ongoing and permanent damage. Those miners also caused the destruction of a bridge downstream on the Kennedy Highway – it was washed away when their temporary dam in the creek burst.

These were foreign nationals who apparently left the country – what purpose could the chain of responsibility serve in that situation?

2. At Nardoo Station at Emerald, gemstone miners with a very bad rehabilitation record, in WA as well as on the Queensland Gemfields - including on the property right next door - moved to acquire unused gemstone leases. That was subject to transfer of the environmental authorities for those leases. On behalf of the landowner I made strenuous – but unsuccessful – representations to the administering authority asking it to refuse transfer of environmental authorities because of that group's bad record which included a pattern of repeated insolvency.

Not only did the EPA (as it then was) ignore the landholder's plea – it stipulated only a nominal increase in the security deposit, which it then failed to collect.

True to form, the mining group started off with huge earth works, including a major excavation. They cut a deep drainage channel all the way down-slope for a kilometre or more and into Policeman Creek. Then, still true to form, the miners' operating entity became insolvent. It abandoned those works and decamped without any rehabilitation whatsoever. By reliable estimates, the cost of necessary rehabilitation was assessed in excess of \$1 million. The landholder was left with massive and very ugly damage, ongoing erosion and serious damage to the land's productivity and value.

For people of that ilk, the only effective way of ensuring disturbed land is rehabilitated is by the taking of, and wherever necessary the use of, adequate security.

3. The property 'Miclere' north of Clermont – unfortunately for the landowners - was once a goldfield. As typically happens in areas with a mining history, the department and, when called upon the Land Court still support grant of mining leases without evidence that any viable gold remains. While there are a few operators still actively mining and to an extent rehabilitating, there are more who live in shacks on their mining leases which have never had any rehabilitation because it is cheaper than living in town.

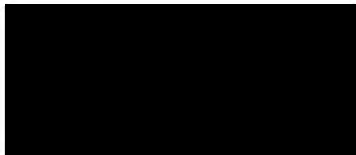
The living conditions are typically dreadful, with ramshackle temporary structures on sites draped with rubbish and old machinery and vehicles accumulated over the years, together with dangerous pits, shafts, overburden heaps.

The presence of these people causes the owners great concern. The owners have no idea how many people are living on their land or, for the most part, who they are. Together with their dogs they disturb any grazing and create hazards for the stock or allow the stock access to old shafts, etc., making it impossible have proper management of the cattle, let alone any paddock security.

To the best of my knowledge, no official action has ever been taken at Miclere to ensure disturbed land is rehabilitated in accordance with conditions – whether by departmental action using the security or any other means. In reality, only insistence upon adequate security plus firm departmental action to spend the security on rehabilitation where necessary will change that – in most cases with these small operators there is no associated party who can or will be the proxy rehabilitator.

Some Miclere photos follow.





George Houen

31 March 2016