



The Research Director  
Agriculture, Resources and Environment Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

4 July 2014

**By email to:** [AREC@parliament.qld.gov.au](mailto:AREC@parliament.qld.gov.au)

**RE: Mineral and Energy Resources (Common Provisions) Bill 2014**

Dear Sir/Madam,

Queensland Conservation (QCC) is the peak community environment organisation in Queensland. We represent over 50 environment organisations in the state and collectively the support of hundreds of thousands of individuals concerned about the environment.

Thank you for the opportunity to make a submission to the Committee.

Public objection rights are an essential component of a democratic tradition. They also provide an invaluable opportunity for broader public debate and consideration of planning and development proposals. These can have significant detrimental consequences for Queensland.

In our view public objection rights to development proposals must be maintained, and respected. We urge the Committee to approach the proposed legislation with a view to empower, rather than disempower, our communities to take responsibility for our State.

In Queensland for decades any person or group has been entitled to object to any mining proposal in open court, to have the evidence scrutinised about the benefits and detriments of a proposed mine. We request that you do not accept these changes but instead keep existing provisions that require public notification of all proposed mining projects and that allow any

person or incorporated group to object to all mining leases and environmental authorities on all the existing grounds.

Specifically we urge the Committee to oppose changes to the following clauses:

- Clauses 418 and 420

These clauses **remove existing community notification rights and rights to object to mining lease applications**. A narrow definition of an 'affected person' proposed, which would exclude neighbours or community groups or people in the water catchment. Land use decision making processes for other industries provide for community submission and appeal rights, so there is no good reason why mining tenure should be exempt from this basic standard.

Clause 245

Limiting community notification and formal objection rights to the Land Court to "site specific" environmental authorities will, in conjunction with the above clauses, **remove all existing public rights to lodge formal objections to the Land Court in up to 90% of mining projects**<sup>1</sup> in Queensland. This fails to recognise the positive impact of community objection rights. In the Alpha coal case (2014) the land holders and conservation group exposed that the mining company had a lack of hard data on groundwater impacts. Public spirited objectors went to Court and saved Ellison Reef (1967) from limestone mining and helped show the importance of protecting Fraser Island, now World Heritage Listed (1971).

- The same mining companies who want to limit public objections are often foreign owned.

Suggestions by State government Ministers that objectors lodge frivolous or vexatious cases is entirely untrue, rather the opposite is true: there are no examples of such cases and objectors are very responsible.

Clause 423 and 424

It is inappropriate to restrict matters that the Land Court can consider and give these powers, such as to consider the 'public interest', to the

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<sup>1</sup> Discussion paper, p 7.

Minister. Decreasing judicial oversight, increasing ministerial powers and shutting out community participation has **worrying implications for corruption.**

- Clause 429
- Removal of restricted land status when the miner is granted exclusive surface rights to access land removes one of the few rights of vulnerable landholders. No-one should have the land surrounding their house destroyed by an open-cut mine yet this would be possible under this clause.

### **Consultation Process prior to the Bill reaching Parliament**

176 submissions were received by DNRM on the Discussion Paper, it would be useful for the committee to consider how many of those submissions objected to changes to existing objection rights. According to our information a significant majority opposed the changes. Is the State Government actually interested in hearing those views?

Claims that vexatious objections are a problem, do not appear to withstand scrutiny. It would be useful for the committee to inquire as to any detailed examples of vexatious objections.

Regards,



Toby Hutcheon  
Executive Director