

From: [Graham Slaughter](#)
To: [Agriculture Resources and Environment Committee](#)
Subject: Mining and Energy Resources (Common Provisions) Bill 2014
Date: Tuesday, 24 June 2014 3:02:31 PM

Please read this in place of an incomplete submission which I emailed by mistake.

The Research Director
Agriculture, Resources and Environment Committee
Parliament House
Brisbane

I am writing to express my concern at the intention to amend the *Mineral Resource Act 1989* and the *Environmental Protection Act 1994* as follows:

- limit the notification of the mining lease applications to directly impacted landholders, occupiers, infrastructure providers and local governments;
 - remove the requirement under the *Environmental Protection Act 1994* for public notification of standard applications and variation applications for an environmental authority for a mining activity;
- (Page 25)

Whilst it is stated that this amendment is being made to address an inequality to miners and also because of previous objections which have been lodged without evidence (Page 36), I am concerned that this provision will take away the right of neighbours and members of the public to raise concerns about mining operations that, whilst they occur on private property, will never the less, impact them through the movement of machinery on public roads as well as issues of noise, dust and extended environmental damage beyond the property on which the operation is based. It is my opinion that members of the community should have the right and opportunity to consider very carefully mining operations that will occur in their area no matter how minor they may be considered to be.

Therefore I believe that the following statement a few paragraphs later is totally inaccurate:


As adjoining landholders or community members are not affected in this direct way, and the risk of environmental impacts are assessed as low and the level of development is insufficient to trigger broad scale social impacts, no notification or objection rights are proposed for these entities for low risk applications under either the Mineral Resources Act 1989 or the Environmental Protection Act 1994. (Page 36)

Whilst neighbours and other community members may not be directly affected, they will be indirectly affected in other ways and should be able to object if they believe they and/or others will be impacted if a proposed mining project goes ahead. It would seem to be to be extremely difficult to consider any mining operation to be minor when it

cannot fail to have some impact on persons and properties wider than the property on which the mining operation will take place.

In addition to this, individual property owners often feel powerless to negotiate with mining companies and often lack the knowledge and financial resources to adequately investigate and understand what is being proposed. In discussions with landholders, I am frequently told that they were dissatisfied with the way mining companies have carried out negotiations and some have felt pressured to sign agreements they didn't completely understand or want to sign in the first place, but do so as a result of being threatened with legal action. Most agreements also include confidentiality clauses which prevent landholders speaking with their neighbours and prevents public scrutiny. I believe public scrutiny is essential to building good relationships between mining companies, landholders and the general community.

It is for the reasons stated above that I believe these proposed changes should be rejected.

Yours sincerely,
Graham
Graham Slaughter

Chinchilla Q 4413

28th June, 2014

Chinchilla Qld 4413

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

Dear Sir/Madam,

Mineral and Energy Resources (Common Provisions) Bill 2014

I am a Uniting Church Minister, writing privately, but moved to do so because of my concern for a number people whom I regularly come into contact with who claim that their lives are being adversely affected because they live in close proximity to Coal Seam Gas Wells. From what I can see, their concerns are largely ignored by mining companies and by the Queensland State Government and I believe that the sections of the proposed Bill mentioned below will only add to the number of people whose lives become affected by the mining industry, but who find it difficult to have their concerns listened to and addressed by mining companies, and even by the government.

NB / Please note, this letter is in addition to an email I sent earlier in the week, raising similar points of concern, but lacking the clauses I wish to oppose.

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

Even small mines may last for decades and have serious impacts on our finances, ecology, environment and society. Public objection rights are powerful rights to go to court, unlike mere consultation. Public objection rights to proposed mines are essential to enable the costs and benefits to be debated openly in Court and to deter the type of corruption exposed in New South Wales. I say do not change those existing rights under Queensland law.

So I **oppose the changes** proposed in the following clauses.

- Clauses 418 and 420

These clauses **remove existing community notification rights and rights to object to mining lease applications.** Changing land tenure to allow for mining rather than another land use could impact on a broad section of the public. Therefore the narrow definition of an 'affected person' proposed, which would exclude neighbours or community groups or people in the water catchment, is absurd. 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 projects¹** in Queensland. This is unacceptable and fails to recognise the positive impact of community objection rights. 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. 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).

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

- **Clause 429**

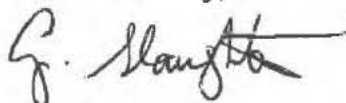
Removal of restricted land status when the miner is granted exclusive surface rights to access land removes one of the few rights of vulnerable landholders. No-one should have the land surrounding their house destroyed by an open-cut mine yet this would be possible under this clause.

I call on 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. I 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.

Consultation Process prior to the Bill reaching Parliament

Please ask Minister Cripps to provide exact figures on how many of the 176 submitters to the discussion paper opposed changes to existing objection rights and detailed examples of alleged cases of vexatious objections. According to EDO Qld, at least 106 submissions of a total of 176 submissions on the discussion paper, from both rural and urban submitters, opposed the changes. Yet Minister Cripps does not report this key fact in p47-48 of the explanatory notes.

Yours sincerely,



Graham Slaughter

¹ Discussion paper, p 7.

From: Agriculture Resources and Environment Committee

From: Graham Slaughter
Sent: Wednesday, 20 August 2014 12:32 PM
To: Lockyer Electorate Office; South Brisbane Electorate Office
Subject: Mineral and Energy Resources Bill

Dear Honourable Members,

Thank you for attending the public hearing regarding this proposed bill in Toowoomba.

I considered speaking when the opportunity was given at towards the conclusion of the meeting but felt that the opportunity more properly belonged to the landholders who were there, some of whom, took up the opportunity.

As the Minister operating the Uniting Church Leichhardt Patrol and taking in an area of some 45,000 or so square kilometres between Goondiwindi and Taroom, my overwhelming experience from landholders that I talk to is of Mining Companies behaving badly. By and large, they seem to operate within the law, but do so, in some cases, in such an aggressive and intimidatory manner that the rights of landholders and their surrounding communities are already significantly diminished. I regularly hear of landholders who are frightened to speak up for their rights because they fear retribution from a mining company.

With regards to the issues that were raised in Toowoomba yesterday, I can only endorse comments and concerns raised about those sections of the proposed legislation.

As far as I can tell, people want to try and get on with Mining Companies. They do recognise the economic benefits of mining to the State, but they would also like a fair go in operating their own businesses and have some assurance that the land will still be there for future generations when mining has ceased.

As you heard yesterday, the cards already seem to be stacked heavily in favour of the Mining companies who, in some cases, are ruthless in their application and exploitation of the law going well beyond the spirit of the law. For example, a recent action by QGC in the Wandoan/Taroom area, whilst lawful, is arrogant and insensitive to landholders battling drought conditions in requiring them to respond within twenty one days to applications to reclassify land classified as being of strategic value.

Once again, thank you to you and the team for coming to Toowoomba yesterday. I hope you were listening.

Yours sincerely,
Graham
Rev Graham Slaughter
Uniting Church Leichhardt Patrol

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