

Agriculture, Resources and Environment Committee,  
Parliament House,  
George Street,  
BRISBANE. QLD 4000

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

We write this letter as a person who is concerned about the abovementioned Bill and its impact on landholders.

The Bill clearly removes a number of rights that landholders currently have under legislation and therefore leaves them in a worse position than is presently the case.

We provide the following concerns:

**Restricted Land**

The Bill would have the effect of removing stockyards, bores, dams and other key infrastructure from the definition of Restricted Land. This would result in landholders having no right to restrict access to those key areas of infrastructure. Watering points are the backbone of many primary producing enterprises – any loss or damage to those watering points can have a substantial and disastrous impact on their livelihoods.

The Bill would firstly remove this key infrastructure as Restricted Land and then remove the landholder's ability to veto access in certain circumstances. Clearly this benefits the resource industry but does not preserve individual rights that have been in existence for many years.

While the Bill suggests that appropriate compensation will be provided to landholders where that infrastructure is impacted, the Bill fails to change the current compensation regime in any way but rather preserves the conservative and restrictive heads of compensation that presently stands and which are favourable to resource companies.

The present compensation regime does not account for the fact that in many respects a landholder is an unwilling Vendor and would not choose to be compensated at land values in a depressed market. Rather, if they were to sell their land, they would choose to do so in a more favourable market. The end result is that resource companies are able to take advantage of land values in a depressed market to obtain access to the resource. The current Restricted Land regime gave landholders an opportunity to bargain with resource companies to obtain more favourable land values on the basis they are an unwilling Vendor. The legislature would remove this bargaining power by implementing this Bill.

Allowing resource companies to also carry out low impact activities within close proximity of a residence is also denying individuals of their fundamental right to privacy and amenity. There must be a reasonable balance between the civil rights of individuals and their families and the statutory rights to explore and mine for resources. The Bill has gone too far and fails to achieve that balance.

In our opinion, there is a breach under the Legislative Standards Act 1992 as the legislation does not have sufficient regard to the rights and liberties of individuals and is removing key rights.

We submit that the current Restricted Land regime is adequate and should be retained.

### **Mining Applications**

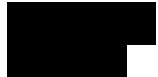
The Bill would remove established statute law rights for some individuals as it would remove the requirement for mining lease and environmental authority applications to be publicly notified.

The resource is a State resource but ultimately it is used or preserved for the public benefit. There is no good reason for not publicly notifying these applications. The public should have the right to be informed of the proposed use of these resources and their location. The present process ensures transparency and accountability.

We ask that you give serious concern to our concerns and seek amendments to this Bill.

Yours faithfully,

Andrew Rea,



BOWEN. QLD 4805