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The Research Director,  
Agriculture, Resources and Environment Committee,  
Parliament House,  
George Street,  
Brisbane, Qld 4000

1 July, 2014

Dear Sir/ \Madam,

### **Mineral and Energy Resources (Common Provisions) Bill 2014**

Members of the Bundaberg Branch of Wildlife Preservation Society of Queensland Inc. are extremely concerned about the proposed removal of community rights to object to mine proposals. As the elected Secretary of the Bundaberg Branch I have been authorised to write to you and voice our objections to the proposed changes.

We thank you for the opportunity to make a submission to the Committee.

As you are aware even small mines can remain in operation for decades and have severe impacts on the ecological, environmental and societal values, including serious financial impacts for affected nearby landholders, and the local community. **Public objection rights to proposed mines are essential.**

The right for public objection allows for matters to be taken to Court, unlike mere consultation, and enables costs, benefits, etc. to be debated openly in Court. The right for public objection, and open debate through the Court process deters the type of corruption that has been exposed in New South Wales. We beg you not to change those existing rights under Queensland law.

### **In particular we oppose the changes as 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, and patently wrong. 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 in Queensland.** This is totally 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 some 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.

It should be noted that –

- in the Alpha Coal case (2014) the landholders and conservation groups 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 to 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 is extremely worrying, and has **implications for potential 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.

We 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 project 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.

### **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 the existing objection rights, and *detailed examples* of vexatious objections.

According to EDO Queensland at least 106 submissions of a total 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 p 47-48 of the explanatory notes.

Yours sincerely,

Ann Jarman,  
Hon. Secretary,  
Bundaberg Branch of WPSQ