

July 3, 2014

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 Cutella
 Queensland
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The Research Director
 Agriculture, Resources and Environment Committee
 Parliament House
 George Street
 BRISBANE QLD 4000
 By email to: AREC@parliament.qld.gov.au

Dear Sir/Madam,

Mineral and Energy Resources (Common Provisions) Bill 2014

Thank you for the opportunity to make a submission to the Committee. I do hope that as an individual landholder, I can make such submissions in the future. The initiation of this Bill makes me think that we in Australia are facing a serious threat to our way of life, that being the lack of empathy on behalf of elected Ministers toward people on the land, and a threat to the democratic processes. I am a landholder in the Darling Downs. I fear for the continuation of agriculture as I have always known it in our area due to the government's continual support for open cut coal mines and coal seam gas in our area. We operate without any surface water whatsoever, and mining not only brings pollution, degradation to our farming land, loss of wildlife corridors and causes serious psychological impact on the community, it takes away our most valuable resource, that being underground water. As such, as a fifth generation Australian, I would like to submit an objection to any changes to the rights we have as individuals to any change, by law, to the existing rights we currently have.

As such, 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, this is absurd and totally undemocratic. 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

¹ Discussion paper, p 7.

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,

JEANETTE WEHL