

4 July 2014

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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, my name is Vicki Perrin, I am the Chairperson of Coal Free Wide Bay, Burnett and Beyond Inc. Our group consists of community members and landholders from all over the Wide Bay and Burnett region. I offer this submission to the committee on behalf of all our group members.

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.

There are large scale mining proposals for our region and we believe that our community has the right to be informed and aware of proposals and object to them when their impacts are unacceptable. Do not change our existing rights under Queensland law.

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**. The narrow definition of an ‘affected person’ which the bill proposes to be land owners within the mining lease area is absurd. It completely ignores the health, property and social impacts that mines have on neighbours, communities and others in the water catchment. The impacts of a mine do not end at the boundary of the mining lease area and the broadest approach to who is “affected” should be taken. 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 role of community objection rights. The same mining companies who want to limit public objections are often foreign owned and this is an example of the Government taking rights away from the community and giving them to big business. Suggestions by State government Ministers that objectors lodge frivolous or vexatious cases is entirely untrue: 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 Minister. Decreasing judicial oversight, increasing ministerial powers and shutting out community participation has **worrying implications for corruption**.

¹ Discussion paper, p 7.

- 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,

Vicki Perrin