

05/06/14

B.LINFORTH & SUE CRICKITT

ALDERSHOT QLD

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

We are residents of a township of Aldershot (pop 1042) where an open cut coal mine is proposed within 2.14 ks. from our residences and we have grave concerns regarding dust and noise pollution.

The bill being proposed would remove the right of any of us to be able to challenge this project in the land court as our properties are not actually on the proposed mine site.

The mine proponents now known as Colton Coal have tried twice before to gain approvals from DERM and now have submitted a third EMP for consideration to Dept. of Environment and Heritage.

You will understand our doubts that in spite of hiring ,probably the best consultants ,approval has not been given and the proposal deserves the challenge in court.

We have submitted e-petitions / written petitions / submissions to Govt Depts and the Ministers and staged numerous street protests but to no avail.

Taking away an individuals right to have a court decide if this mine should proceed is un Australian and should not proceed!

The court assessment would allow a decision ,which would not be biased by a Govt. Attitude to create more mines in spite of all other considerations.

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**

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- **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,

BRIAN LINFORTH & SUE CRICKITT

¹ Discussion paper, p 7.