

PO Box 275 Caloundra Qld 4551  
Phone/Fax: 0754 442 707  
[sunshine@wildlife.org.au](mailto:sunshine@wildlife.org.au)

July 7 2014

The Research Director  
Agriculture, Resources and Environment Committee  
Parliament House  
BRISBANE QLD 4000  
[AREC@parliament.qld.gov.au](mailto:AREC@parliament.qld.gov.au)

Dear Sir/Madam,

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

Thank you for the opportunity to have input to this Bill.

As President, I am writing on behalf of the above Branch of the Wildlife Preservation Society of Queensland. The Society is one of the oldest conservation groups in Queensland, dating from 1962, with the Sunshine Coast & Hinterland branch, originally known as the Caloundra branch, being formed in 1963

We are concerned that any problems which could occur with mines, even small ones, may last for decades and have serious impacts on Queensland's finances, ecology, environment and society. Public objection rights are powerful rights enabling objectors to go to court, unlike mere consultation. Public objection rights to proposed mines are essential to enable the likely costs and benefits, adverse or beneficial effects, to be debated openly in Court and to deter the type of corruption exposed in New South Wales.

We do not want those existing rights under Queensland law to be changed.

We therefore **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 have adverse impacts on a far broader 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, defies logic.

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<sup>1</sup>** 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 submissions is entirely untrue. Concerned objectors do not waste their time making such submissions. There are no examples of such cases and objectors’ intentions are to ensure that the pros and cons of any application have been duly considered, and all due processes will be fully implemented.

For example, in the Alpha coal case (2014) the land holders and conservation group exposed the fact 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.

We call on the Committee to approach the proposed legislation with a view to empowering, rather than disempowering, 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. 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.

---

<sup>1</sup> Discussion paper, p 7.

## 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 the Environmental Defenders Office 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,



Jill Chamberlain OAM  
President