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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

I am writing as a concerned citizen regarding the flow-on effect of removal of existing rights to object to mining operations. I am particularly concerned in light of the fact that Queensland Parliament is unicameral and citizens and the courts and tribunals are the de facto houses of review for many government administrative decisions.

Where this right is watered down or removed completely we are all the worse off as the essential checks and balances are not there and the effects of a decision on a community not heard or understood by a distant decision-maker in a concrete tower.

Particularly, the Bill makes light of the risks associated with mining by removing the right to a fifty metre curtilage around a home where there is mining proposed and compulsory acquisition of property, people's homes. The fact this may be at market value completely ignores the vibe and is these days is something to which Queensland communities are finely tuned.

In the interests of justice and community development, the right to mine and develop an area should always be balanced by rigorous public debate between the interested parties. If the right to object is removed, this debate cannot happen and the community will always feel disgruntled and unfairly treated. Something no-one would want to test at an election. There is also a risk of corruption where there is no external review of decisions.

I am further concerned about removing my right to object to a mine by other recent moves to have the Crime and Misconduct Commission or Crime and Corruption Commision's new focus put onto on bikies and common criminals rather than the corrupting influences within government. Quiet aside from the fact that Queensland ought to have learned this lesson, the real risk is that a lack of a review mechanism or challenge opens up each and every mining approvals process to all manner of potential threats from corner cutting to outright corruption as is happening in NSW today. Does it also have to happen in Queensland before we get our own ICAC equivalent?

Mining is a one-way process. Once the mine is exhausted that area is of no further use. If it leaves a negative impact, there may often be no way back for whatever used to live over or near the hole in the ground, so the decision to mine must be right.

The detail of my concerns are set out below. I would like also to take the opportunity to thank you for this chance 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 to the Land Court in up to 90% of mining projects**[1] 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,

John Stannard

[1] Discussion paper, p 7.