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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

8 July, 2014

Dear Sir/Madam,

Mineral and Energy Resources (Common Provisions) Bill 2014

Thank you for the opportunity to make a submission to the Committee.

I am writing this submission on behalf of Protect the Bush Alliance, with a total membership exceeding 30,000, represents 29 groups, six nature refuges and individual members concerned about the conservation of High Conservation Value Areas throughout Queensland.

The only stakeholder who would benefit from the proposed changes within this paper is the mining industry – an industry already permitted considerable licence in terms of regulatory processes that would justifiably be expected to protect communities and environment negatively affected by the extent of resource extraction being promulgated by the current LNP Government.

Even small mines may last for decades and have serious impacts on our finances, ecology, natural environment and communities. 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. We say ***do not change those existing rights under Queensland law.***

PTBA opposes the changes proposed in the following clauses.

Clauses 418 and 420 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 that 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).

[1] Discussion paper, p 7.

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: The 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 landowner should have the land surrounding their house destroyed by an open-cut mine, yet under this clause, this would be possible.

We ask 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. 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.

We did not agree to have our democratic right to oppose waved during any pre-election debate. That such an extraordinary intent by our legislators to protect the right of the resource companies at the exclusion of participation by the citizens of Queensland is even being considered is appalling and totally unacceptable. The mining companies are renowned for secret contracts, deals, non-disclosure by employees; there seems much to hide. This is now to be supported by Government legislation when the every opposite should apply: integrity, openness, transparency of process – designed to consider all persons involved in the evolution of mining and resource extraction processes that adversely affect landscapes for eternity. These resources are owned by all Australians.

Consultation Process prior to the Bill reaching Parliament

We request that Minister Cripps divulge 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. However, Minister Cripps does not report this key fact in p47-48 of the explanatory notes.

Yours sincerely,

Lee K Curtis, Coordinator