

From: [Margaret Hilder](#)
To: [Agriculture Resources and Environment Committee](#)
Subject: RE: Mineral and Energy Resources (Common Provisions) Bill 2014
Date: Tuesday, 8 July 2014 8:14:54 PM

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The Research Director
Agriculture, Resources and Environment Committee
Parliament House
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Dear Sir/Madam,

Mineral and Energy Resources (Common Provisions) Bill 2014

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

I have serious concerns about the proposed changes to this Bill. I believe that as these changes will remove the community's rights to object to mining proposals, the chance for full community consultation and feedback regarding mining lease applications will be weakened or made non-existent, and that this will result in inadequate assessment of proposals and provide opportunities for corrupt practice.

Even small mines may last for decades and can have serious financial, environmental and societal impacts. Public objection rights are powerful rights, enabling us to go to court if necessary, rather than merely be involved in a consultation. The right of the public to object to proposed mines is essential to enable the costs and benefits to be debated openly in Court, and to deter the type of corruption that has already been 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 and unfair. 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, and have no interest in the rights and needs of local communities. This is not a good or just outcome for those who are most closely and personally affected by the proposals.

suggestions by State Government Ministers that objectors lodge frivolous or vexatious cases is rarely, if ever, true. Rather the opposite is true: there are no examples of such cases and objectors have generally proved to be 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 - an important consideration in the case. Public spirited objectors went to Court and saved Ellison Reef (1967) from limestone mining and helped show the importance of protecting Fraser Island, which is 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.

For these reasons, I call on the Committee to approach the proposed legislation with a view to empower, rather than disempower, our communities to take responsibility for their State. In Queensland, for decades, any person or group has been entitled to object to any mining proposal in open court, and to have the evidence scrutinised regarding 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 on all the existing grounds.

Consultation Process prior to the Bill reaching Parliament

I request that you ask Minister Cripps to provide exact figures on how many of the 176 submitters to the discussion paper opposed changes to existing objection rights, as well as 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,

Margaret Hilder

^[1] Discussion paper, p 7.