

8 July 2014

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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](mailto:AREC@parliament.qld.gov.au)

Dear Sir/Madam,

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

**As a student of Griffith University and active citizen, I am currently concerned about the proposed changes to the Mineral and Energy Resources (Common Provision) Bill 2014.**

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.

I therefore **oppose the changes** proposed in the following clauses.

- Clauses 418 and 420  
Realistically, the only parties to benefit from Clauses 418 and 420 are the coal and unconventional gas mining industries, that is, the fossil fuel industry. This comes at a time when the ability of the earth's atmosphere to absorb gases emitted from fossil fuels has reached its limit. The effects have been rising seas and damage from more extreme weather including more frequent occurrences of extreme heat. These are measurable impacts on national assets and ongoing economic activity and therefore very much in the broader public interest. Communities deserve to be aware of and object to damaging activities that impact their health, income, social well-being and citizenship of a democracy.
- 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 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).

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<sup>1</sup> 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  
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,

Sarah de Wit