

8/7/2014

Lawson NSW 2783

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 would like to thank you for the opportunity to make a submission to the Committee.

I have many concerns for the effects for the upcoming proposal to change clauses 418, 420, 245, 423, 424 and 429. I am concerned that the altering of these clauses will affect far more people and properties than the individual mine companies and property owners that are directly involved with the mining process and to take away the communities' right to have a say in new mines' in their area. I am aware that these changes to the legislation may open the way to corruption in the way that mining and new mine proposals are dealt with. I am concerned that even small mines may last for decades and have serious impacts on our finances, ecology, environment and society and that 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 **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.
- 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 in Queensland. This 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
I object to Clauses 423 and 424 where matters of 'public interest' are removed from the Land Court and decided by the Minister for reasons of transparency. Considering and giving these powers, such as to consider the 'public interest', to the Minister decreases judicial oversight, increases ministerial powers and shuts out community participation. As we have witnessed at the ICAC hearings in NSW, a tangled tapestry of state water rights, mining interests and politicians have been compromised and corruption exposed. Removing judicial oversight and community participation creates an atmosphere for the development of such incidents to recur in Queensland.
- 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 think it is important to 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 pros and cons of a proposed mine. I request that you do not go through with 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

I plead 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 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,

Eleanor Barrett