

**From:** [Hillel Weintraub](#)  
**To:** [Agriculture Resources and Environment Committee](#)  
**Subject:** letter regarding Mineral and Energy Resources (Common Provisions) Bill 2014  
**Date:** Tuesday, 8 July 2014 11:56:28 PM

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7/07/14

  
 Tamborine Mountain, QLD 4272

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)

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Dear Sir/Madam,

I am a new Australian citizen (2 years ago), having moved here from a long professional life in Japan (over 20 years) and 30 years of living, studying and working in the United States. I am presently running an art gallery as a home business and helping my partner raise our young son. Naturally, I have great affection for Australia, its, environment and its people.

I am very concerned about the following bill, as I believe it threatens the democracy of Australia, one of the most important characteristics of which is our human right to free speech: ***Mineral and Energy Resources (Common Provisions) 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 we must not make any change to the laws regarding having an open society in which all members of the public will be given all information that concerns them, their future, and their environment. At the same time, it is vital to our democracy that members of society shall always have the right to protest and object to ANY action of the government. So I **oppose the changes** proposed in the following clauses.

<!--[if !supportLists]-->• <!--[endif]--> 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.

<!--[if !supportLists]-->• <!--[endif]--> 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**[<!--\[if !supportFootnotes\]-->\[1\]<!--\[endif\]-->](#) 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).

<!--[if !supportLists]-->• <!--[endif]-->[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**.

<!--[if !supportLists]-->• <!--[endif]-->[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.

This committee must have as their highest priority the empowerment of our communities so they can take responsibility for their own environment, for their own future. Specifically, 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.

Yours sincerely,  
*Hillel Weintraub*

**Hillel Weintraub**

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[<!--\[if !supportFootnotes\]-->\[1\]<!--\[endif\]-->](#) Discussion paper, p 7.