Friends of Stradbroke Island Association Inc.
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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

cc edoqld@edo.org.au; thepremier@premiers.qld.gov.au

Dear Sir/Madam,

Mineral and Energy Resources (Common Provisions) Bill 2014

Thank you for the opportunity to make a submission.

We also refer to our submission dated 28 March this year, before the introduction of this Bill, against the proposed removal of community rights to object and appeal government decisions relating to mines.

Mines have such massive impacts on our environment and communities that it is important that any person or group can stand up and raise public interest issues, including in a court which currently has the power to rule in favour of objectors. The government's move to remove community rights to have a court of law examine all the relevant issues (not just short term economic considerations) and decide whether proposed mines are against the community's interests must also be viewed against the recent background of an unprecedented attack by the government on our justice system, undermining community confidence in it and the rule of law. The extent of this undermining has been apparent to all citizens. The community's disapproval is no doubt reflected in the opinion polls.

We know from bitter experience this Bill, if passed, will tip the balance too far in favour of the destruction of the environment by mining companies and cause greater community division. It would be a backward step for the State government to change the law that provides public interest safeguards for the community.

From our own recent experience on North Stradbroke Island, where special legislation has been used to extinguish pre-existing community rights to object to and challenge the renewal of expired sand mining leases in open court, it is fair to ask – are foreign owned mining companies behind this anti-democratic proposal to stop groups and citizens from having a fair say?

It is apparent that the vast majority of mining profits go overseas. It is also well known that, apart from other long term environmental consequences, mining companies do not rehabilitate mined land in accordance with their lease obligations. This is leaving an enormous cost burden for the Queensland community now and into the future, and ugly scars on the landscape in the meantime.

The only stakeholder which would derive long term benefits from the proposed changes is the mining industry. Perhaps a few politicians and public servants will also benefit?

We absolutely oppose the proposals to limit objection rights to a mining lease to 'directly affected' landholders and to effectively restrict objection rights to environmental authority applications to only 10% of mining projects in Queensland. We specifically oppose 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 proposed narrow definition of an 'affected person', 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. 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. There are many examples of community based objections being upheld. For example, 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). Our group has also successfully exposed flaws in mining company applications and procedures.

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.

Conclusion

Existing provisions that allow any person or incorporated group to object to all mining leases and environmental authorities should be retained, in the public interest. The North Stradbroke legislation's extinguishment of community rights to object to and appeal against expired mining lease renewals set a bad precedent and has caused on-going community division on and off the island. There are often legitimate and soundly based objections to mines, particularly in sensitive environments. The conventional and fair process to follow in a democracy, is for the courts to

ultimately resolve conflicts between the rights of the mining industry and community rights to protect and conserve the natural and/or social environments.

Yours sincerely

Sue Ellen Carew

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President
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