

7th JULY 2014,
Oakey Coal Action Alliance,
ocaacontact@gmail.com

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

The Oakey Coal Action Alliance (OCAA) is an incorporated community group whose members are opposed to the Stage 3 expansion of the New Acland Coal mine (NAC) on Oakey's doorstep, Darling Downs, Queensland. This proposed expansion will involve mining a total 5000 ha (with Stages 1 and 2) of good quality agricultural land. The mine output is currently 4.8 mtpa and will increase to 7.5mtpa if Stage 3 is approved. There are existing serious social, environmental and health impacts as a result of mining in such a densely settled agricultural area, which will be made considerably worse if mine expansion occurs.

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

Large and small mines should be subject to objection. We have witnessed the impact of mining first hand on our community and know that even small mines may last for decades and have serious impacts on our local economy, ecology, environment and society. Public objection rights are powerful rights to go to court, unlike mere consultation. We believe that mine proponents exert undue influence on Governments despite risks of serious environmental and social impacts.

OCAA is a group that has consistently used research and established facts, rather than emotional arguments, in stating our community viewpoint, as is our right. Our concerns and actions are not vexatious. We understand our local environment and economic position from a firsthand perspective as farmers and long term residents. We have witnessed what the closure of 70 family farms and more than 30 downstream businesses have meant for our local economy. We have employed consultants to research alternative plans for Acland, which will offer more long term jobs, power for 70,000 homes and food energy for 70,000 people. We continually advocate for better liaison and environmental management by New Hope Coal on behalf of our members. These experiences make us well qualified to comment on this Bill.

Public objection rights to proposed mines are essential to enable the costs and ben

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Nicki Laws

efits to be debated openly in Court and to deter the type of corruption

OCAA **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 undemocratic. The ecosystems we are defending (the Great Artesian basin and Murray Darling Basin) and some of Australia’s finest agricultural land, belongs to all citizens, not just those company’s seeking to exploit their mineral wealth, nor the Governments seeking to gain royalties from them. 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. This Bill clearly favours resource companies and not landholders and communities.

- 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 projects¹** 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). Likewise OCAA is seeking to protect good quality agricultural land and ground water of the inner Darling Downs for future generations of Queenslanders.

- 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**. We have already witnessed this possible collusion between proponent and Governments at Acland, with continued expansion despite valid community opposition and concerns over many years regarding loss of agricultural land, serious social impacts, deleterious local economic impacts and mental health and health impacts. Rural communities feel disempowered and unfairly disadvantaged under these conditions.

- 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 is especially relevant at Acland where residents are to be ringed by three simultaneously operating mine pits, or be forced to locate if Stage 3 is approved. Air and noise emissions will be greater than WHO and Australian Health standards if mining is approved, with no protection to residents. Risks to health and mental health will be high. This removal of restricted land erodes fundamental human rights, and we believe could represent an infringement of International Human Rights Treaties, to which Australia is signatory to. The restricted land provisions currently contained in the MRA are the only protection that the Landholder has against the

¹ Discussion paper, p 7.



activities occurring in areas of high importance to their lifestyle and business operations – such as the homestead or watering points.

It concerns us greatly that many clauses in this Bill (besides Clause 429) do not have sufficient regard to the rights and liberties of individuals. Sub # 169

We call on the Committee to approach the proposed legislation with a view to empower, rather than disempower, our communities to share responsibility for our natural resources and our rural communities. 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.

We remind the Minister that upon election, and many times since, this Government promised to enact reforms that ensured certainty of land tenure, harmonised legislation and equity for landholders. This Bill does not allow this to happen, but almost certainly makes landholders worse off.

OCAA is happy to provide more information if required. We ask that our personal details are not published.

Yours sincerely,

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