8th July, 2014,
Tom Crothers,
[redacted], *Redland Bay. 4165,*
[redacted]
[redacted]

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

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

Prior to my retirement from the Queensland Public Service in 2011, I had a 35 year career in delivering sustainable natural resource management programs to landholders and communities across Queensland. A large part of this career was involved in the delivery of stakeholder/community engagement and consultation activities to provide affected stakeholders and members of the public, the opportunity to have their input into plans and management actions that potentially impacted on the allocation, use and management of Queensland's natural resources. An underpinning principle of this work was that the natural resources (including State lands, water, native vegetation on State lands, minerals & petroleum/gas resources) of Queensland were vested in the State on behalf of the people of Queensland, and that the Queensland Government was the custodian of these resources on behalf of the people of Queensland. A cornerstone of this engagement process was that stakeholders and members of the public/community were legally entitled to have their say and to formally object in a court, to the provisions that the government of the day was progressing.

The provisions of the Mineral and Energy Resources Bill to remove the existing community objection rights, are in my view a significant removal of the democratic rights of the people who legitimately own Queensland's mineral and energy resources. **Accordingly - I say, do not change those existing rights under Queensland law.**

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 that has been exposed in New South Wales.

So 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, 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. 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 exercise their rights very

[1] Discussion paper, p 7.

responsibly. 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 of the proposed mine. Public spirited objectors went to Court and saved Ellison Reef (1967) from limestone mining and helped show the importance of protecting Fraser Island, now a World Heritage Listed area (1971).

- 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 potential 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, and 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 retain the existing provisions that a) require public notification of all proposed mining projects and b) that allow any person or incorporated group to object to all mining leases and environmental authorities on all of the existing grounds.

Consultation Process prior to the Bill reaching Parliament

Please request Minister Cripps to provide the exact data 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 pages 47-48 of the explanatory notes.

Yours sincerely,

[redacted]

Tom Crothers.