

9th July 2014

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Yalangur, 4352
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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

Dear Sir/Madam,

Mineral and Energy Resources (Common Provisions) Bill 2014

Aileen Harrison ██████████ Yalangur 4352 .

I am a committee member of the Oakey Coal Action Alliance group which I joined after having lived at Highland Plains before the New Hope Acland Coal mine commenced in 2002. Stage 1 caused us a lot of discomfort from dust and noise but was only just liveable. That was promised to be only a short time mine but soon after the commencement; New Hope started applying for Stage 2. New Hope then started buying the houses of the residents and businesses of Acland saying the dust and noise would affect them. They also wanted to move the War memorial from Acland park to an area that had no meaning to Acland district returned soldiers. With the support of many family relative's on the memorial (who been moved away by New Hope) – we have now saved it from removal. The mine also promised to move the rail line and the Jondaryan coal dump when they started Stage 2. It has never been done. Since then the area surrounded by the mine have had excessive dust, blasting, lights and unliveable conditions for humans and animals and the water bores level have dropped significantly. Some bores have gone dry, and the beautiful grazing and cropping land of the Acland district has been destroyed. In other areas of Queensland CSG is causing the similar problems.

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 do not change those existing rights under Queensland law.

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 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).

- 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.

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, 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.

My family’s experiences at Acland have shown that community opinion and involvement is necessary to improve living conditions for the neighbours of mines and to protect the natural resources of an area, such as surface and underground water and the best agricultural land. These rights should not be removed.

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.

Yours sincerely,

Mrs Aileen Harrison

Signature



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