



Friends of the Earth Brisbane
20 Burke St, Woolloongabba
QLD 4102

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

Please take the following as the Friends of the Earth Brisbane submission to the above bill.

Friends of the Earth Brisbane has a long history of working to protect our irreplaceable landscapes, our agricultural areas and natural places as well as our communities from the negative environmental, economic, health and social impacts of mining. In 2011 we undertook a Land Court objection to the Wandoan Coal Project on the basis of its downstream impacts.

The proposed changes would remove the option for such valid, public interest concerns to be heard by the impartial arbitrators, our Courts. Land Court President Carmel MacDonald said in her judgement that “FoE [Friends of the Earth] adopted a public interest stance in bringing the objections...the group had no personal or financial interest in the outcome and their only interest was in the protection of the environment and the community generally.”

In the case of uranium mining, which makes highly radioactive material bioavailable for thousands of years, and other mines with tailings containing toxic slurry that can affect groundwater and soil, the impacts of mining go well beyond the boundary of the Mining Lease and the local environment. Narrowing the definition of “affected people” to those who *own* the land within the Mining Lease area, as Clauses 418 and 420 do, is inappropriate. It disregards the wider community affected by development in the present, it diminishes the rights of first people’s dispossessed of their land in the past, and destroys any capacity for intergenerational equity – respect for communities of the future. The long-term and far-reaching hazards posed by mining operations warrant assessment processes that make proponents answerable to the broadest spectrum of those potentially impacted by their development.

It baffles us that the Government would be interested in removing groups and individual's ability to act in the broader public interest and the ability to question complex and technical issues with the use of experts.

Our recommendations are:

1. No changes are made to who is able to object to Mining Lease and Environmental Authority applications. Community groups and individuals outside the Mining Lease area should retain their existing rights to participate in decisions that impact on them.
2. The public notification system for Mining Lease and Environmental Authority applications is improved by requiring online publishing of the notices on the departmental and company websites within 24 hours of lodging the applications. The existing system is antiquated and the solution is not to remove almost all notification requirements but put in place a simple, electronic, widely accessible solution.
3. Allow the Land Court to continue to arbitrate on technical, complex and specific questions. These mining projects are, by their very nature complex and technical and have very specific impacts. We believe the Land Court is more than capable of understanding and assessing expert evidence of this nature. The removal of powers from the Land Court to the Minister in Clauses 423 and 424 is not necessary and has worrying implications for corruption.

The Bill as it stands serves nobody. It is not in the interests of local communities who are facing mining projects on the edge of their towns and have their rights to object removed. It is not in the interest of the mining industry to remove scrutiny from their

projects which benefit from community input. It is not in the interests of open and transparent government to remove public rights and access to information. It is not in the interests of the environment to prevent groups concerned with the cumulative and bigger picture impacts of mines from bringing experts and evidence to the Courts. We hope you act in the best interests of all by not progressing these ideas any further.

Shani Tager

On behalf of

Friends of the Earth Brisbane