



SGAP Qld Inc
Society for
Growing Australian Plants

9 July 2014

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

I am the president of the Society for Growing Australian Plants (Qld). I write on behalf of our organisation and I thank the Committee for the opportunity to make a submission to the Committee.

The Society for Growing Australian Plants (Qld) has for over fifty years been developing a knowledge base of Queensland native plants to encourage their protection and horticultural use. The risk of this Bill being passed is that it will severely limit the capacity of those with local expert flora knowledge to have input into development decisions that may adversely affect already greatly reduced stocks of native flora, to the long term detriment of all Queenslanders. For any mining development to proceed without a robust public notification process is unacceptable to our members.

Our organisation has no objection, in principle, to mining development. However, even small mines may last for decades and have significant long-term impacts on our ecology, environment and society. Public objection rights to proposed mines are, in our view, fundamental to ensuring that those whose rights may be adversely affected by mine development have an independent forum, free of vested interests, in which those rights can be asserted and, where relevant, protected in accordance with law. In our organisation's view, the existing legal rights of Queenslanders to object to mine developments should be maintained and there is no justification for the watering down of these rights.

Specifically, we 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. Allowing mining on land, in place of existing or alternative land uses, can affect a broad section of the public. Whether such changes in land use are appropriate depends, of course, on the circumstances. However, it must be recognised, that mining developments do have significant long-term implications and it is therefore appropriate that all relevant stakeholders have the opportunity to both consider, and the legal capacity to seek to protect, existing and legitimate rights that may be affected by mining. The Bill proposes a narrow definition of an 'affected person' which would deprive a broad section of the community who may be adversely affected by a mine, of the right to object in the Queensland Land Court. Land use decision making processes for other industries provide

for community submission and appeal rights, and there is no good reason why mining tenure should be exempt from this basic standard. The Government must govern for all, not for a small section of the business community.

- Clause 245: Limiting community notification and formal objection rights to the Land Court to “site specific” environmental authorities will we understand, in conjunction with the above clauses, remove existing public rights to lodge formal objections to the Land Court in relation to a large percentage of proposed mining projects. This approach fails to recognise the positive and lasting impact of community objection rights and, more broadly, the benefit of public scrutiny of administrative decisions.
- Clause 423 and 424: It is inappropriate to restrict matters that the Land Court can consider and give these powers, such as to ability to determine what is the ‘public interest’, to the Minister. Decreasing judicial oversight, increasing ministerial powers and shutting out community participation has worrying implications for the proper governance of our State.
- Clause 429: Removal of restricted land status when a miner is granted exclusive surface rights to access land removes one of the few rights of vulnerable landholders. We do not consider this to be appropriate or justified.

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 about the benefits and detriments of a proposed mine scrutinised. 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.

Yours sincerely,

Trevor Bacon
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