

July 9, 2014

The Research Director  
Agriculture, Resources and Environment Committee  
Parliament House  
George Street  
BRISBANE QLD 4000  
By email to: [AREC@parliament.qld.gov.au](mailto:AREC@parliament.qld.gov.au)

Dear Sir/Madam,

**Re: Mineral and Energy Resources (Common Provisions) Bill 2014**

Also: *I wonder whether you would please bring this to the particular attention of the committee member who is my local representative - Ms Jackie Trad MP.* Thank you for the opportunity to make a submission to the Committee.

I am writing this comment on the proposed bill as a city person, a long term resident of the South Brisbane electorate, who also spends some time each year in and around the town of Alpha, Central Queensland, visiting friends and working on pastoral stations.

In sum, I oppose the changes this bill proposes to existing public objection rights under Queensland law.

One thing I would like to say to the committee is that in my knowledge of rural people in Central Queensland, events experienced on one property are felt by many others. From a business perspective, the flow of water across the landscape and the reality of shared fencelines etc means that graziers are impacted by the land management decisions of their neighbours. But also from a social perspective, people work together when needed, employ each other's kids, and rely on each other in emergencies, so losses experienced on one property really are felt by others. In this context, it just makes no sense to me to not allow a landholder to object to developments on their neighbour's land. It seems to go against... something very basic about how station life works.

Also, I understand the bill is being introduced nominally to reduce the negative impact of "vexatious litigants" on the mining development approvals process. I understand and even commend a concern with the impact of vexatious litigants, thinking for example of their impact in Family Law cases. However, I am not at all convinced that vexatious litigation against proposed mining developments has ever been a problem in Queensland. I would ask you to please obtain from Minister Cripps detailed examples of alleged cases of such vexatious objections.

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<sup>1</sup>** 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

---

<sup>1</sup> Discussion paper, p 7.

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.

Please 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.

Yours sincerely,

[#Insert your name and signature]