Comments on the Mineral and Energy Resources (Common Provisions) Bill 2014

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The concept of having common provisions for the various resources Acts is highly commendable as the existing variations between Acts on key aspects such as access to land is confusing to the resource companies and even more so to the landowners. The proposed changes do go far enough as there will remain significant differences between the common provisions for most resource activities and the provisions for mining activities under mining leases, mining claims and, in some cases, mineral development licences.

My major concern with the Bill is the serious reduction in the rights of people to be made aware of mining proposals and the reduction in the objection rights regarding both environmental and resource issues. Relevant amendments to the *Environmental Protection Act 1994* occur in Chapter 9 Part 3 Division 4 (from s244) and to the Mineral Resources Act 1989 occur in Chapter 9 Part 7 Division 9 (from s398 and from s418). The Greentape Reduction legislation has already seriously reduced the public notification process where an EIS was undertaken apparent under the assumption that making an EIS available is sufficient public notice for major projects. This misunderstands the role of an EIS in identifying potential issues and management options for various alternatives of project design. It is then used to develop conditions and it is meaningless trying to make submissions on the options in an EIS until the proposed conditions are developed. At the other extreme, for small projects, the belief that all standard application will not have impacts misunderstands the way the criteria for standard activities are developed by government departments. Department make these general conditions on the basis of incomplete information. There is no way that all local knowledge is captured by the Departments when developing standard conditions and it is quite possible that mining will have impacts outside the area of the mining tenement, hence the desirability of continuing the existing process of advertising all mining lease applications. The current Bill further reduces the notification of mining applications to very narrowly defined 'affected person'. This is not justified as there have been very few trivial or vexatious objections received since this process began in 1969. People only object when they have genuine concerns.

Some comments on wording of the Act follow:

s35 This section gives the authority holder a unilateral right to have an associated agreement removed from the register. This would appear to apply to a compensation agreement. That is not an appropriate outcome.

s37 It should not have been difficult to include prospecting permits, mining claims and mining leases in this provision, despite the existing entry arrangements for these authorities under the *Mineral Resources Act 1989*.

s46 Why aren't access agreement applied to mineral development licences under the *Mineral Resources Act 1989*.

s56 As s37.

s69 Subsections (1)(a)(iv) and (1)(b) appear to be contradictory

s71 Having a compensation agreement and complying with it may not be relevant to accessing a restricted area (like the landholder's house). This needs rewording to ensure the access is covered by the agreement.

s73 If this provision does not apply to prospecting permits, mining claims and mining leases, what process applies when they are the first resource authority?

s119 18 months notice seems unnecessarily prescriptive and rather excessive.

s145 The requirement for the Column 2 activity to have commenced could delay the Column 1 activity.

s149 Subsection (6) requires the provision of operating or development plans to the Column 1 holder which could provide a significant commercial gain, just for taking out an overlapping tenement.

s476 The proposed new Agreement for Mount Isa Mines appears to adequately remove superfluous provisions in the previous Agreement.