Kelvin Sypher
[redacted]

8 July 2014

The Research Director
Agriculture, Resources and Environment Committee
Parliament House
George Street
BRISBANE QLD 4000

via email: AREC@parliament.qld.gov.au

Dear Sir/Madam,

Mineral and Energy Resources (Common Provisions) Bill 2014

Thank you for the opportunity to provide submissions on the abovementioned Bill (**the Bill**).

My family owns the property "KiaOra" (Lot 1 on BF72) 30km NW of Alpha and have exploration tenement EPC 1040 and MLA 70454 over our property. Exploration started in May 2007 and has been ongoing ever since, with very little regulation, numerous non-compliances by the tenement holder and no discussion from the tenement holder about buying our property over this entire time or about our future.

As an overall statement I would firstly like to say that the amendments proposed concern me greatly as they seek to substantially alter long held principles and rights of landholders in Queensland with virtually no benefits flowing back to us from the proposal. The Government has made and continues to make promises that the idea of the reforms is to harmonise the various pieces of legislation and that no landholders will be worse off unless they agreed to be. I very much like that idea but unfortunately I consider the proposals almost entirely make landholders worse off.

- Limitations of the right to object to an MLA to landowners and local government.

The amendments to section 260 of the *Mineral Resources Act 1989* (Qld) (**MRA**) are among the most concerning to me. I emphasise that, under the MRA, minerals are the property of the Crown and they therefore **cannot** be held privately by companies. By removing public objection rights regarding the granting of tenure to extract a Crown held resource, I will be denied an opportunity to participate in decisions which will influence a "common resource". All persons and groups should, as they are currently entitled to, be afforded the opportunity to object to a proposed mining lease.

I therefore oppose this proposal as there can be quite legitimate issues or concerns that are not environmentally related raised by other landowners and local government that do not fall within the definition of an "*affected person*". In fact the influx of strangers coming to look around causes big intrusion issues for neighboring landowners to mining leases, and this leads to increased security requirements and increased theft and safety risks to families. The traffic flows past neighboring homesteads could increase dramatically day and night. In addition, a person who lives next door to a proposed open cut coal mine and is likely to

suffer impacts such as dust, light and noise disturbance, as well an increase in air traffic which disturbs stock. The list can go on but as previously stated I disagree with limitations to objections as this has the potential to negatively impact on landowners and diminish rights.

I urge the committee to appropriately consider this proposal – how can a person who suffers the impacts of the mining lease (i.e. a neighbor) not be an "*affected person*"? Why will community groups not be able to have a say about what happens in their community? This proposal is simply unfair, unjust and denies the rights of all Queenslanders to "have a say" about what happens to their lifestyle, community and the "common resource".

Given the above, the proposed amendments to section 260 of the MRA should not be accepted. If they are, the rights of all Queenslanders will be substantially reduced without appropriate justification.

Further, I do not like the idea that many issues that the Land Court now considers in hearing an objection to a mining lease and environmental authority will no longer be considered by the Land Court (an independent body), but rather the Minister. This particularly concerns me when objections are not being considered by an independent body.

- The removal of public notification of a proposed ML.

I oppose any reduction to the notification process. Affected landowners or parties must be given sufficient notification to lodge objection if they are in close proximity and have a genuine concern or issue, or potential impacts are likely to be caused to their business. Public notification is their best chance of becoming aware of issues like these so must be maintained.

- Ensuring the land court applies the most appropriate jurisdiction and considers only matters which an average person could be expected to have reasonable expertise of.

I oppose this as the topic alone creates confusion and argument, average person? Reasonable expertise? This entire proposal to me, and I consider myself an average person, seem very confusing. There seems to be topics that are proposed to not be heard by the land court, but no indication of who will hear or determine the issues. If the land court cannot hear all landowner's objections then I suspect additional costs and, further time delays. Any affected landowner must surely have the right to an objection on any issues be it technical or simple if it affects their property or business. Again it seems to be a big reduction in landowner rights and bargaining power.

- The removal of restricted land provisions when an ML is granted with whole of surface rights.

I am deeply concerned with the proposal regarding restricted land. Leading up to this reform, government continually committed to not reduce the rights of landholders in the course of carrying out these reforms, however, the proposed amendments, when compared to the existing regime under the MRA, severely reduce rights.

The areas which are proposed to attract the protection of the restricted land provisions are substantially less than those currently contained in the MRA. In particular, Category B Restricted Land Areas (which include principal stockyards; bores or artesian wells; dams; or other artificial water storages connected to water supplies) appear to have been completely removed from the definition. All of these areas are essential to the operation of a farming/grazing business and to "do away" with them will place landowners and others at a significant disadvantage in what is already an imbalanced negotiation. This is simply not appropriate as it degrades my rights and places them behind the interests of industry.

I do not want the restricted land regime under the MRA to be altered except to extend it to land within the area of petroleum and gas tenures. Why not extend the current MRA restricted land regime to petroleum and gas matters? That would harmonise the different regimes and not dilute landholder rights.

I am also very concerned with the proposal to amend the restricted land regime so far as it relates to mining leases. The proposal hands far too much power to the Minister to decide my fate. I am very concerned that the Minister will be able to decide whether or not the mining lease can cover what would otherwise be restricted land. It is virtually turning the situation into one of compulsory acquisition by mining companies of private land. I feel like the Minister will have all the say and this concerns me particularly when I hear what has been occurring recently in New South Wales. I believe landholders should be able to decide whether or not a mining lease is over their restricted land particularly when our rights to object to the granting of that mining lease have, in most circumstances, been removed. The current MRA restricted land regime allows only a modest amount of land to be restricted and I don't believe those modest amounts should be curtailed – to have that happen will place landholders at the mercy of resource authority holders and definitely reduce landowner rights.

I oppose this proposal as it severely limits the bargaining position of the landowner. This would negatively impact the negotiation in good faith and the mining company would be more likely to refer the matter for determination thinking they would get a better outcome. The power with this would shift from neutral to way too far in favor of the mining company, who would then try to dictate terms to suit themselves. With the large size of mining leases the mining company could use this against other landowners within a ML who may not be affected by surface rights, but because the whole ML has surface rights they just do as they please. Keep in mind we are talking about peoples places of residence (family homes) here as well as most other critical and expensive assets that keep their business and livelihood going. This proposal gives mining companies too many loop holes to eventually get their own way without being fair and reasonable in compensation negotiations with affected landowners. This refinement of restricted areas proposal severely affects the bargaining ability of all landowners, but the ML areas exclusion of restricted areas for whole of surface operations reduces the bargaining power of those landowners affected most even further.

It goes without saying that activity conducted pursuant to a mining lease is, by its very nature, extremely intensive. The restricted land provisions currently contained in the MRA are one of the very few protections landholders have against mining lease activities occurring in areas of high importance to their lifestyle and business operation – such as their homes, sheds, stockyards, bores, dams and watering points. By not requiring the resource authority holder to obtain a landholder's consent to enter the restricted land under a mining lease, they will most likely be forced to agree and simply have the issue fall to compensation.

The proposal curtails landholder's rights to object to many mining leases and environmental authorities and substantially reduces the restricted land regime. It also removes an independent person from the decision making process and this is a triple blow. Once again, it is a clear degradation of landholder rights and should be removed.

- Granting of an ML before a compensation agreement has been agreed to.

I oppose this proposal as again it drastically reducer's landowner bargaining outcomes. This really affects the rights of the landowner and then they are given 3 months to reach agreement on what is probably their life's work, and their family home. There is no benefit to

the mining company as they can only conduct preliminary activities during this time, until agreement is reached, but the landowner has to deal with the despair.

- Legislation by Regulation

Many of the provisions contained in the Bill propose to move numerous aspects of the existing resource acts into regulations. Given this proposal, I ask the following of the Committee:

- How are we to know what rights I will lose or what rights will be amended if the regulations are not made publicly available until after they are passed?
- How can I be asked to make valuable and considered submissions when numerous crucial definitions and details, which have the potential to interfere with our rights, have been left to be prescribed by regulations?
- How will I have a say in the content of the Regulations?

I am especially concerned with the following matters which have been left for the regulations to prescribe:

- Clause 39 – requirements for an entry notice;
- Clause 40 – entry which will be of a particular "type" and will not require an entry notice;
- Clause 43 – entry of a particular type to carry out an advanced activity which will not require any form of notification or agreement;
- Clause 45 – requirements of an opt-out agreement;
- Clause 54 – the period within which a notice after entry to the land must be provided to each owner and occupier;
- Clause 67 – activities which will be exempt from the definition of "prescribed activity" and the definition of "prescribed distance";
- Clause 68 – areas which the restricted land provisions will not apply to;
- Clause 81 – requirements of a Conduct and Compensation Agreement; and
- Clause 81 – requirements of a Notice of Intention to Negotiate.

The above is by no means an exhaustive list of matters which have been left to be prescribed by regulations; they are simply matters which I consider to be of concern as they have the potential to affect my rights without any scrutiny or objection.

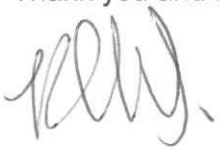
Good outcomes for both landowners and resource companies can only be achieved if there is some form of equality in the bargaining process and the resource holder needs to be receptive to what is important to the landowners operations. If landowners bargaining positions are reduced, as I believe to be the case under the current proposed amendments, then I can see further disputes leading to more land court determinations which are opposite to the outcome trying to be achieved. I could also not conclude how the transitional

implementation of the proposals is to work if they are progressed? Without the protection offered to landowners over their restricted land areas they will have no ability to see activity on their land conducted in a manner that they approve of with regard to their business operations.

Most landowners are progressive and understand the need for mining/exploration within our country, but feel if they are unfortunate enough to have their landholding affected by resource development then they should have a right to share in the financial reward. It is difficult to understand why if someone wants or requires something that is not for sale, that a premium should not apply. Supply and demand have been a basic business driver dictating price for some time. It seems that everyone will make money from the development of projects but the landowner is expected to have their life turned upside down and be removed from their land for no or very limited gain. Remembering that this in many cases is their life's work.

In conclusion I oppose these proposed changes to the notification and objection discussion paper for the mentioned reasons and find it very unfortunate that society still promotes the wealthy being rewarded and the small isolated risk takers getting silenced irrespective of the issue. If there was some sharing of profits or an attractive premium offered for the intrusion or asset the whole process would work more collectively with more harmony. I feel that this issue should be shelved until all affected parties are fully informed of the potential impacts and my issues are considered in some way. If trying to avoid upfront costs then let the relevant companies pay some form of premium over market value to the affected parties once they are profitable or have a revenue stream.
If any further clarification is required or more detail I am happy to help.
Having been the recipient of 7 years of exploration intrusion and a potential mine development I have suffered most of the issues, but the uncertainty still remains of will it happen or won't it. Where will we be going forward and will the property I have spent 20 years getting nearly right still be here for my family to enjoy the benefits of or will I be forced off with little compensation , and then buy another landholding hoping this won't all happen to me again .

Thank you and Regards



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