

Agriculture, Resources and Environment Committee
Email: arec@parliament.qld.gov.au

Dear Committee

Mines Legislation (Streamlining) Amendment Bill 2012

This Bill was introduced into Parliament on Thursday 2 August 2012. The Bill itself is 439 pages long, with an additional 153 pages of Explanatory Notes. Submissions are accepted until 5 pm 8 August 2012, giving only four working days to read and analyse the Bill, Notes and proposed amended legislation.

Truncated submission time inadequate

This time frame is inadequate to fully read the documents, although the Explanatory Notes mention considerable consultation with internal stakeholders including petroleum and mining tenure officers. It appears community groups, scientific bodies and conservation advocates have been omitted in pre-Bill consultations, and these are the stakeholders given four working days for submissions. I note that the first four pages of Google search of the Bill presents the majority of items by resources companies and large legal firms specialising in resources projects (50%), followed closely by Queensland parliament announcements (44% of items). Not a single entry queries the Bill, due likely to lack of time to fully analyse the Bill rather than public apathy. From the plethora of entries and statements in the Explanatory Notes, it appears one sector of stakeholders – industry – has had a fair amount of pre-Bill consultation while non-industry stakeholders have been left with minimum time, part of which was interrupted by the weekend. This factor needs to be addressed for accountable and transparent government for all Queenslanders.

Omission of Urban Restricted Areas

The now lapsed *Resource Legislation (Balance, Certainty and Efficiency) Bill 2011* contained provisions to stop grant and applications for mining and gas tenures within 2 km of urban areas and communities with over 1000 people if the applications did not have the consent of the local government. Open cut mines were also to have been prohibited under this Urban Restricted Areas plan. This provision has been omitted from the present Bill. The provision sought to empower rural people in small towns to choose to maintain their way of life, while not preventing mining and gas activities in nearby areas that had consent of the local

government. Local government in rural areas is very attune to local community values, given councillors share common social bonds with their constituents in small towns.

Movement of Produced Water

Amendments to the Petroleum Act provide for produced water to be moved off-site. While this may be beneficial to landholders, additional provisions for registering easements to facilitate this water movement (through roads or pipelines) may further degrade rural properties and values due to reduction in total farm area available to be transferred to third parties. On the face of it, the Bill appears to again privilege the resources sector over rural communities and landholders. The Bill is silent as to where the produced water would be located or to how it would be stored.

Explanatory Notes to the CSG/LNG industry note substantial consultation with the Queensland Resources Council, the Australian Petroleum Production and Exploration Association and the Department of Environment and Heritage Protection about the transport and treatment of produced water and brine. No community groups, scientific bodies or non-politicised expert opinion appears to have been engaged. The omission of non-politicized expert opinion in consultation is a flaw in the process that should be addressed. Four working days is inadequate to seek information on what proposals have been mooted with respect to produced water movement, and totally inadequate for scientific modelling to be conducted on such proposals.

Streamlining

The Explanatory Notes state previous consultation with resources sector stakeholders has found broad support for the streamlining provisions of the Bill. The Bill mentions ‘unnecessary red tape’ without defining what ‘redtape’ means. Is ‘redtape’ the same as ‘greentape’? I refer to the Premier’s reaction to the Federal Government’s listing of the iconic and much loved koala as ‘vulnerable’ under the EPBC Act as “unnecessary green tape”. If measures to save koalas is ‘greentape’ and analogous to the red tape the government wants removed, one has some cause for alarm. Phrases such as ‘red tape’ should be defined, and if not, one has to query the reason for this.

The time frame of less than a week to read and analyse nearly 600 pages of amending legislation and notes is totally inadequate. While the Bill provides certainty for an industry with a life span of approximately 30 years, it provides less protection for communities and landholders. Where produced water will be piped off-site, landholders’ properties will be truncated through registered easements, which may serve to make it more difficult for landholders to transfer properties to non-resource sector third parties.

Yours faithfully

Rebecca Smith

Email: [REDACTED]