



EDO Qld.

Environmental Defenders Office

*Using the law to protect
our environment.*

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A non-profit community legal centre

8 August, 2012

Submission to the Agricultural, Resources and Environment Committee

Mines Legislation (Streamlining Amendment) Bill 2012 (“Bill”)

Chair Mr Ian Rickuss, MP for Lockyer

	Bill	Recommended Change to Bill	Reason
<i>Timing of Bills</i>	Delay this Bill until after consideration of public submissions on regulation of the Agricultural and Resources Sector.		<p>This Bill is putting the cart before the horse. The AREC has called earlier for submissions on regulation of the Agricultural and Resources Sector, due 17 August 2012.</p> <p>So this rushed Bill about streamlining ought to wait until those broader submissions about reform and what priority to accord particular reform, may be considered.</p> <p>Note that no community groups, or local governments or environmental groups or catchment groups are mentioned in the Explanatory Memorandum to the Bill, (p12) as being consulted over the Streamlining reforms. EDO Qld was not consulted over those reforms but did make a submission that addressed Urban Restricted Areas.</p> <p>Please note that just because we do not address an issue does not mean we agree with it, as we have not had time to examine the Bill in any detail.</p>
<i>Urban Restricted Areas-general</i>	Not addressed	Add in provisions on Urban Restricted Areas.	<p>The Bill has many provisions that are the same as the Resources (Balance, Certainty and Efficiency) Bill 2011 (“Lapsed Bill”), but the new Bill leaves out provisions to establish Urban Restricted Areas.</p> <p>This omission is of the gravest concern to the community.</p> <p>After a gazette notice dealt with the issue last year, the changes to legislation in the Lapsed Bill were to provide a more permanent solution.</p> <p>The gazette notice issued on 16 August 2011 stops grant and application for mining tenures in the SE Qld regional area and within 2km of those areas. Outside SE Qld, it stops applications for some mining tenures in town areas with populations over 1000 people and within 2km of those areas.</p>

<p>Urban Restricted Areas Detail</p>	<p>Not addressed</p>	<p>Add in section on Urban Restricted Areas. no new resources exploration or upgrades to production tenures or renewal of tenure within specified km of the boundary of a locality or urban centre</p>	<p>The problem with the gazette notice and the proposed urban restricted areas are that they:</p> <ul style="list-style-type: none"> • only apply to mining for some minerals, such as coal not to other mining and resource extraction; • do not apply to renewals or upgrades of tenures; • do not protect localities of 200 people or more or towns with less than 1000 people outside SEQ region. <p>The community, potentially seriously affected by lights, dust and noise often for 24 hours urgently needs certainty that there will be no resources exploration or production tenures in an urban centre or locality or within a minimum of specified km of the boundary of an urban centre or locality. How many “specified” kilometres are we talking of? We do not know why 2 km was proposed. But</p> <ul style="list-style-type: none"> • In Oakey residents feel the tremors from explosions at the Acland Mine 15 km away according to Oakey Coal Action Group Vice President Peter Faulkner. • On September 5, 2011 a cloud of oxides of nitrogen came from a blast at the New Hope Acland mine near Oakey, suspected of breaching the exclusion zone (the Australian October 8, 2011). Coalmine blasting halt widens over southern Queensland • Dr David Shearman, of Doctors for the Environment, detailed the serious health impacts of inhaling the finest particles from coal mining gave an opinion that, “Taking all factors into account an absolute buffer of 10km from open cast mining would be a reasonable initial decision followed by detailed and sustained air monitoring. Doctors for the Environment Submission ion 09-11.pdf http://dea.org.au/images/uploads/submissions/Queensland_Mining_Submission_09-11.pdf <p>A later public objection/submission process to a proposed mining lease or petroleum activity, or regional planning process can take topography and extent of mining and more detailed impacts etc into account and add to the protection, making for a larger buffer zone. But a minimum separation distance is needed for certainty here in the Bill. It must apply to any new applications for tenure whatsoever including upgrades from exploration to higher tenements. It must apply to renewals .</p> <p>According to the Queensland government’s own data¹, the following communities – and this is an illustrative list only – are facing large scale coal and coal seam gas operations in their immediate area and the gazette notice provides no protection for them whatsoever:</p> <ul style="list-style-type: none"> - Springsure (population 908); - Tara (population 807)
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¹ State of Queensland (2011) *Queensland Regional Profiles*, Office of Economic and Statistical Research, Queensland Treasury. Available www.oesr.qld.gov.au

			<ul style="list-style-type: none"> - Taroom (population 606); - Alpha (population 433); - Felton (population 279²); - Cecil Plains (population 241); - Jondaryan (population 516); and <p>We need a specified number of km is a minimum buffer area due to impacts of noise, dust, blasting.</p>
<i>Environmental Restricted Areas</i>	Not addressed	Add in section No new exploration or upgrades to production tenures or renewal of tenure within a nature refuge or within specified km of the boundary of a nature refuge	<p>For certainty to private landholders who have established nature refuges over their land, to assist biodiversity and thus to promote tourism, provisions are needed that there will be no exploration or resources production tenures including upgrades from exploration to higher tenures within a nature refuge or within a minimum of specified km of the boundary of a nature refuge.</p> <p>For example Bimblebox Nature Refuge, under threat from the China First mine.</p>
<i>New Ministerial power to Grant and renew mining and petroleum leases</i>	Proposes new Ministerial Power to grant and renew mining leases and petroleum leases.	Delete clause 290	<p>Mining and petroleum leases are very valuable entitlements with impacts on communities the natural environment and on other parts of the economy such as agriculture and tourism.</p> <p>So it makes sense to continue that the Governor in Council, i.e. Cabinet acting on the advice of Ministers decides whether or not to grant those tenures as this allows scrutiny of the proposal by Ministers concerned about those areas.</p> <p>It is also a safeguard against corruption.</p>
<i>Public access to information</i>	Not addressed		Not enough time for us to address this important issue.

Jo-Anne Bragg.

Jo-Anne Bragg

Principal Solicitor, EDO Qld

² Australian Bureau of Statistics (2006) Census Data. Available www.abs.gov.au/websitedbs/censushome.nsf/home/Census