

4 November 2011

The Research Director
Environment, Agriculture, Resources and Energy Committee
Parliament House
George Street
BRISBANE QLD 4000
Emailed to: earec@parliament.qld.gov.au

Dear Sir/Madam

Submission on the draft *Strategic Cropping Land Act 2011* - relating to the Springsure Creek Coal Project

1. Bandanna Energy has concerns regarding the drafting of the transitional provisions relating to EPC 891, specifically ss 282(2) and 283(3), 283(4) and 283(5) of the Strategic Cropping Land Bill 2011 (**Bill**).
2. The drafting proposes the imposition of additional conditions and restrictions on the Springsure Creek coal project that were not contemplated in the letter from the Queensland Government dated 6 June 2011 signed by the Honourable Andrew Fraser MP, Treasurer of Queensland and that are not consistent with the position taken in the Bill in respect of other excluded projects (particularly under s 279 of the Bill).

S 282(2)

3. S 282(2) applies the exclusion to *resources activities* that are addressed in the EIS resulting from the terms of reference (**TOR**) published on 2 June 2011. Though the intention of the inclusion of the exemption in 282(1) appears to be to place the Springsure Creek coal project in the same position as if the EIS TOR was finalised before 31 May 2011, as presently drafted it does not do that as s 282(2) applies the exclusion to *resources activities*, not environmental authority application and related mining lease applications (as in s 279). Accordingly we request amendments below.

S 283(3)

4. S 283(3) imposes a condition relating to rehabilitation that is different from the recommendation letter from the Queensland Government dated 6 June 2011 and is too broad. This condition should be limited to the rehabilitation of the effect underground coal mining has on *strategic cropping land*, not all land. Accordingly we request amendments below.

S 283(4) and (5)

5. Ss 283(4) and (5) are of particular concern to Bandanna Energy as they allow additional conditions to be imposed on the Springsure Creek Coal Project that undermine the intention of the s 282(1) exemption.
6. It is noted in the explanatory notes supporting the proposed Act that the clause 'provides more stringent transitional arrangements for the Springsure Creek Coal Project application than the arrangements provided for under Division 3 of the Chapter...'. Again this was not contemplated in the recommendation made by the Honourable Andrew Fraser MP in the letter dated 6 June 2011.

Requested amendments

7. Replace s 282(1) and (2):

"Future mining lease relating to EPC 891

Any environmental authority application and any related resource application for a mining lease relating to EPC 891 resulting from the finalised EIS TOR published on 2 June 2011 is excluded."


8. Amend s 283 (3) to read:

(3) *It is a condition of the environmental authority that its holder must use all reasonable endeavours to rehabilitate the effects of the impact on SCL from underground coal mining carried out under the lease.*

9. Bandanna Energy requests the removal of ss 283(4) and (5).

Yours faithfully,

Dr Raymond D Shaw



Managing Director

Bandanna Energy Limited

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