

Submission to the Parliamentary Committee on the Strategic Cropping Land Bill of 2011.

From: Haystack Road Coal Committee (coal4breakfast)

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The Haystack Road Coal Committee (HRCC) was instigated three years ago in response to Tarong Energy's plans to mine the prime cropping land on Haystack Road (MDL383).

HRCC appreciates the opportunity to comment on the Bill, and makes the following observations.

In Australia, Strategic Cropping Land has been an undervalued resource, but recent world events, including predictions that we will have to double food production with less water, less land, less nutrients, and a changing climate have made us re-evaluate our former dismissal of the importance of food production security.

HRCC has been under significant pressure since the MDL was announced, and are currently extremely time constrained with harvest and planting. We constantly feel we are out of our depth commenting on legal and regulatory issues, and the myriad of EA's, EMP's, TOR's, etc that we are required to comment on to maintain our right to continue to reliably and economically produce clean, safe and plentiful food.

HRCC applauds the intent of the Bill and trusts that this intent is translated to actions on the ground.

Of particular concern to us is that Sec **281 Existing mining lease and EP or MDL forming a contiguous area** is rigorously applied, and no exclusions are allowed. Mining companies who have made acquisitions after the announcement date should not have any applications for mining approved under any circumstances. This is particularly relevant to Haystack Road, with the MDL383 now appearing to be contiguous with Kogan Creek mine since the recent sale to CS Energy.

It would be against all SCL principles if a loophole allowed this to escape

Projects to be approved in exceptional circumstances — where a project is likely to have permanent impacts on SCL in a Protection Area, the project cannot proceed unless it demonstrates exceptional circumstances.

Again, we urge that this section be rigorously defended, any diminution of this section would lead to untenable interference by any government of the day, and would be expressly the opposite of what the community and society expects from the Bill.

- *Mitigation* — mitigation must not be allowed to become a rubber stamp for miners to access SCL, and the requirements must be enforced.
- *Developments that are exempt from the Bill* — HRCC accepts the requirement for some exemptions, but there must be an avenue whereby cumulative impacts of the exempted areas can be addressed.

Re: Condition empowering financial assurance changes

Clause 104 provides for the chief...

HRCC believes that financial conditions have been extremely low, and that with the passage of time have become irrelevant on some mine sites. We believe they should be lifted significantly, and the auditing comprehensively increased to ensure compliance. They should automatically increase with CPI increases to ensure relevance.

Verification

We believe that a resource tenure holder should not be able to have SCL verification without first giving the land owner the right to have his own verification done. The landholder should have, if he wishes, control of the verification process. However, the resource company is the one who wishes the verification, so they should pay.

There should be a reasonable time allowed for the landholder to gain the verification, and, if not done, then the resource holder should have the right.

Given the massive disparity in financial resources and potential immediate profits, an unintended outcome could occur if the landholder is not involved from the outset.

Clause 127 also provides a number of factors that are to be disregarded by the decision-maker. Primary among these is the ownership of the alternative site and whether or not the applicant would be able to obtain tenure or a resource authority for the proposed alternative site—for example, where an alternative site has been identified for a coal seam gas project, but that site is already subject to a permit, whether held by the applicant or another person. As the resource could legally be obtained from this site, it will remain a viable alternative for the no alternative site criteria and, consequently exceptional circumstances would not be given for the development.

We trust that this section precludes the construction of compressor stations and salt dams on SCL.

We thank you for the opportunity to comment on this landmark legislation. We believe it is legislation that will be recorded in Australia's history as the precursor to a new, mature way of viewing our natural assets, and our responsibility to future generations.

Sincerely,

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