

## Submission to the EAREC on the inquiry into the Strategic Cropping Land Bill 2011

<b>Name:</b>	Trevor and Di Berthelsen and Family	<b>Email:</b>	
<b>Organisation:</b>		<b>Telephone:</b>	
<b>Address:</b>			

It is our understanding that the objectives of the Strategic Cropping Land Bill 2011 are to protect quality cropping land by managing development impacts and preserving the productive capacity of the land.

In view of the fact that this Bill has been implemented out of the need to protect quality cropping land and preserve the productive capacity of the land, is it not reasonable to expect that the objective of this Bill is to protect **all** quality cropping land by managing **all** development impacts and preserving the productive capacity of **all** the land?

Unfortunately, this is not the case as evidenced in Clause 282 and Clause 283 of this Bill, which state:

**Clause 282 Future mining lease relating to EPC 891**

- (1) Any environmental authority application and any related resource application for a mining lease relating to EPC 891 is excluded.
- (2) However, the exclusion only applies for resource activities under an EIS resulting from the finalised EIS TOR relating to EPC 891, published on 2 June 2011.

**Further, the Explanatory Memorandum states:**

**Future mining lease relating to EPC 891** Clause 282 provides that the environmental authority application and related resource application for a mining lease relating to EPC 891, known as the Springsure Creek Coal Project, is excluded from the permanent impact restriction in clause 93. However, the exclusion only applies to resource activities that are addressed in the EIS resulting from the finalised EIS terms of reference for the project published on 2 June 2011.

**Clause 283 SCL protection conditions imposed**

- (1) This section applies for any environmental authority or mining lease granted because of an application mentioned in section 282(1).
- (2) It is a condition of the lease that no open cut mining can be carried out under the lease.

- (3) *It is a condition of the environmental authority that its holder must use all reasonable endeavours to rehabilitate all impacts on the land from underground coal mining carried out under the lease. Example – if the mining causes subsidence, contouring and laser levelling*
- (4) *The conditions are SCL protection conditions.*
- (5) *This section does not limit or otherwise affect the power, under chapter 3, part 4, to impose other SCL protection conditions for the authorities that are not inconsistent with the conditions.*

**Further, the Explanatory Memorandum states:**

***SCL protection conditions imposed** Clause 283 provides that the environmental authority or mining lease granted for the Springsure Creek Coal Project will be subject to the lease condition that no open cut mining can be carried out under the lease. The project will also be conditioned to use all reasonable endeavours to rehabilitate all of the impacts on the land from the resource activities carried out under the lease.*

*The conditions are SCL protection conditions imposed on any environmental and resource authority issued for the project. This clause does not limit or otherwise affect the powers of the chief executive, under Chapter 3, to impose other SCL protection conditions on the authorities. Any other conditions imposed on the project must not conflict or be inconsistent with the conditions outlined in this provision.*

*This clause provides more stringent transitional arrangements for the Springsure Creek Coal Project application than the arrangements provided for under Division 3 of this Chapter. The more rigorous conditions ensure that the purposes of this Act are met while recognising the special circumstances of this project.*

This submission questions the justification for, and strongly opposes, the exclusion of the Springsure Creek Coal Project EPC 891, in this Strategic Cropping Land Legislation. It seeks the deletion of Clause 282 and Clause 283 from this Bill.

Similarly, this submission questions the justification for the special transitional arrangements granted to Bandanna Energy for:

- (a) a project that is of no State or Public significance;
- (b) a project that, on 31 May 2011, did not have a final Terms of Reference; and,
- (c) a project that was not in the advanced stages of development.

Further, it is our understanding that on 17 October 2011, Bandanna Energy made an application to the Mining Registrar for a Mineral Development Licence, and that as of 3 November 2011, they had not received a Certificate of Application for a Mineral Development Licence under the Queensland *Mineral Resources Act* (1989).

The State Government introduced this Legislation without even having the courtesy to accept numerous invitations to visit the area to fully understand what is at risk. Rather, they put their credibility on the line by introducing Legislation that favours an individual company, which, under no circumstances, is acceptable.

Bandanna Energy:

- have not carried out any community consultation;
- has no basis for their claims of reclamation;
- have not rehabilitated exploration holes in a timely manner as required by existing Government Legislation; and,
- has made public statements regarding their change of plans from open cut mining to underground mining therefore seemingly demonstrating a show of commitment to the Strategic Cropping Land Policy, when this project was intended to be an underground mining project from the onset.

In our opinion, the Legislation in its current form and as introduced to Parliament does not demonstrate a true commitment to the protection and preservation of prime agricultural land throughout Queensland. This is clearly evidenced by the inclusion of Clause 282 and Clause 283 in this Legislation, which is a complete contradiction of the fundamental principles of the Legislation.

We strongly oppose the exclusion of the Springsure Creek Coal Project EPC 891 from the Strategic Cropping Land Legislation, and require that Clause 282 and Clause 283 be deleted from this Bill.