From: [redacted]
To: EGC
Subject: Mineral and Energy Resources (Financial Provisioning) Bill 2018.
Date: Friday, 9 March 2018 10:47:14 AM

Committee Secretary
Economics and Governance Committee

I refer to the Committee's invitation for the public to make submissions on this Bill.

I congratulate the Committee for bringing forward this Bill which is an improvement on what went before. In this submission I provide **a few additional suggestions** for the Committee's consideration.

Many Australians have had ancestors and family members who worked in mining. For example, a great-grandfather of mine George Gorrie emigrated from Scotland to the goldfields of central Victoria in the mid-1850s. George worked in mining in Victoria and Queensland until his death in 1901.

Mine rehabilitation in those days could be rough and ready – as evidenced by thousands of abandoned mine sites in Queensland. However, the huge increases in human population in Queensland since then (and even within my lifetime) mean that nowadays mine rehabilitation must be state of the art.

About 50 or 100 years ago when Queensland's population was far less than nowadays, miners could perhaps believe that rehabilitation of mined land was not their problem. Nowadays, "everything connects with everything else" far more than it used to. An abandoned mine site can now have all sorts of impacts on people and the environment, and some impacts can be destructive and even dangerous.

For example, some abandoned mine sites now require ongoing Queensland Government funding of measures to prevent poisoning of fresh waters within the affected catchment. In other words, the Queensland Government (ultimately the taxpayer) has been left to pick up the tab.

Another factor is the technology. I was born in 1937 and within my lifetime

huge changes have taken place in earthmoving equipment. I remember my friends and I playing at horse-excavated farm dams in the 1940s. These horse-dug dams were typically about 10 m across. World War II in the Pacific ended in 1945 and much ex-military earthmoving equipment was sold off as “war surplus”. Much of this equipment was top quality state-of-the-art American earthmoving machinery, and farmers and others could buy this cheaply at public auctions.

I recall a nearby farmer in about 1946 buying one item of “war surplus” American earth-moving equipment. This item had been hit and marked by three bullets probably fired from rifles or light machine guns. One round had hit the 6 mm steel and skidded off. Another had hit and skated across the surface for about 60 cm. The third bullet had punctured the steel and probably lodged inside the equipment.

Despite its battle scars, there was no comparing this sort of top American technology with horse-drawn excavating equipment. The American military in World War II had probably used such equipment to construct features like roads and airstrips, but the sheer power of this sort of technology could also transform agriculture and mining.

For example, in the 1960s farm dams in this district became much larger. I re-visited this district in January 1967 after not seeing it for some years and I was astonished at the sheer size of some new farm dam. I remembered the horse-excavated farm dams of my childhood that were 10 m across, but by the mid-1960s there were farm dam 200 m across and larger. The technology now had the ability to dramatically and quickly change landscapes.

The implications for mining seem obvious – given how quickly and widely the technology can now disturb a mine site, much greater attention now has to be paid to rehabilitation of the site. Site rehabilitation is now an essential part of mining.

Nowadays, I believe that when people buy an item of equipment such as a domestic washing machine, the cost of recycling or disposing of that item should be built into the initial purchase price. Nowadays, shops should not sell items at prices which cover costs only up to the point of sale – leaving

local and regional governments (the rate payers and tax payers) to pick up the tab for disposal costs through providing recycling and waste disposal facilities.

Mining should be no different – the processes (and costs) of site rehabilitation are just part of the mining processes (and costs). If a mine can't afford to pay for its own site rehabilitation, that mine is not financially viable and should not proceed. Leaving government (the taxpayers) to pick up the tab is not on.

Site rehabilitation can itself provide jobs.

MY MORE SPECIFIC COMMENTS ON THIS BILL

a) The Bill should prohibit a mining enterprise from mining a site and then walking away leaving **a hole in the ground** (a "void"). The Bill should require "best practice" site rehabilitation methods, and not just "best practice" set by Queensland and Australian mining lobbies.

Best practice can be defined by international standards. In the mid-1960s I visited a gold mine in South East Asia that would **not** qualify as "best practice" by international standards. In my mind's eye I can still see some features.

b) The Bill should prohibit the **cost** of rehabilitation from being used as a valid excuse to **not do** rehabilitation works. Many organisations use cost as an excuse for not doing anything or for opposing something. This is the, "We haven't got the money" reasoning. For example, the attached photograph shows flash-flooding building up behind a road near my house – in heavy or prolonged rain, the raised road acts as a dam that can flood part of my land.

To deal with this, I engaged a consultant hydrological engineer who recommended to Regional Council that the capacity of the culvert under the road is "grossly inadequate" by local government engineering standards. This allows the road to act as a dam. The engineer recommended to Regional Council that it increase culvert capacity there to comply with road engineering standards.

Regional Council told me that increasing the culvert capacity would be

"too expensive".

Use of "We don't have the money" reasoning is common, and the Bill should **prohibit** mining companies from using the "**too expensive**" argument to justify a lack of mine site rehabilitation.

c) The Bill should **prohibit** a mining company from:
   i. rehabilitating (or planning to rehabilitate) environmental impacts **within** the mine boundary, and then
   ii. using this as a valid excuse to justify **not doing** rehabilitation works needed to protect areas **outside** the mine boundary.

Unfortunately, a view can develop in mining and agriculture that once environmental impacts cross the property boundary they become somebody else's problem – "It's their land, it's their problem".

d) The bill should ensure that **public scrutiny** of these three factors remains available:
   i. risk assessment undertaken by companies,
   ii. financial assurance contributions and their adequacy, and
   iii. form(s) and formats required for and used in these processes.

Public scrutiny helps ensure that the whole process is transparent and that the mine is accountable ultimately to the public. This in turn increases the quality of the process and community trust in the process – process credibility is enhanced.

e) For transparency, the Bill should provide for extended standing so the public can seek reasons or review or judicial review of any decision around:
   i. financial assurance, or
   ii. transfer of environmental authorities.

Poor management of financial assurance and transfer of authorities are potential risks facing the State, and this is a public interest matter. Potentially, the State and society could incur economic and social costs.

f) The Bill seems to assume or ignore compliance and enforcement, but **compliance** and **enforcement** are fundamental in this sort of environmental work. Governments enforcing environmental law in such fields as mining and agriculture can face **compliance obstacles**

over huge areas of rural and regional Queensland. Possibly-illegal clearing of native vegetation can provide some examples.

At its worst, environmental legislation can become irrelevant because it can't be enforced and compliance rates can't be measured. This may **not** be accidental.

Asking police to investigate a "standard" crime such as "break and enter" is usually OK and if somebody gets hit by a bus, police can be there like a rocket and be efficient and effective. However, police can be "out of their depth" when asked to investigate something "different" such as rehabilitation of a mine site or clearing of conserved vegetation.

Bear in mind too, that in 2014 in NSW a government compliance officer standing on a road taking photos of possibly-illegal clearing on privately owned land was shot dead by a farmer.

g) Given what goes on, Queensland Government needs a small enforcement and compliance unit with staff trained to investigate environmental matters. The unit needs to combine an "intelligence" capability with a "boots on the ground" one. Most staff could be recruited or "borrowed" from the police and from specialist counter-insurgency units and then trained to investigate allegations regarding breaches of environmental law. This is a specialist field that isn't just ecology or policing but a **combination** of both.

What needs to be avoided is handing some compliance situations over to a young government officer fresh out of university with a degree in ecology or similar. In many environmental fields, compliance can be a specialised form of policing.

h) Behaviour Modification Techniques (BMTs)

Behaviour Modification Techniques (BMTs) are reward or punishment for actions. Not all BMTs are destructive but some are. The surge in popularity of these BMTs nowadays can be a cause for real concern.

How best to get people to **change or modify their behaviour** (what they do and don't do) is a common issue faced routinely by parents, families, governments and other groups and organisations. For example, when a mother says to her young child, "Don't play on the road dear because of the cars" she is using behaviour modification, but she is doing so (or should be) with love and genuine concern for her child. She is (or should be) **avoiding** use of **destructive** Behaviour Modification Techniques.

Other examples of BMTs involving behaviour change are: "How can a government have motorists drive at least 1.5 m clear from any cyclist on a road?" and "How can a government have miners rehabilitate minded lands appropriately?"

Destructive BMTs are typically reward and punishment for actions used from within a win-lose perspective (without any genuine concern, love and caring) to get and to use power and control over individuals, groups of people and even entire communities. Once we understand this, the whole world-view and its components falls into place.

Destructive use of BMTs has no genuine concern, care, love or "loving kindness" attached, and so recognising when these are and are not attached is basic and very important. A sign that genuine concern is missing is when a manipulator (indifferent to any bad effects this has on the receiver) uses BMTs just as one way to reach the manipulator's own goals and purposes.

Such **manipulative coercion** with **indifference** to any ill effects on and damage done to the receiver does not show genuine concern, love and care, but something else – perhaps indifference, scorn, arrogance, dishonesty or lack of candour.

"Thought reform" and "mind control" programs based on destructive BMTs can reduce the differences between the receivers' individual personalities and can produce a more standard type of personality rather like a replica or clone. Leaders can more

easily control these "cloned" personalities or "replicas" who tend to all behave the same way in response to some external stimulus or "trigger". Traditionally and historically, this is why these techniques have usually been used and taught.

Traditionally, use of **destructive BMTs** has been evident in cults and in some other systems such as the Chinese "people's liberation warfare" that Chinese Communism used in Malaya 1948-1960 and flared up again 1962-1965.

Some use of destructive BMTs can seriously damage the victims' ability to make individual decisions and choices. The BMTs can affect and change both **how** the receivers choose and make decisions, and the sorts of choices and decisions they make. Because of who they can become, victims can typically have difficulty making some types of decisions and choices. They often make bad decisions and choices, and their own decisions and choices can be destructive for them.

Teaching receivers such as cult victims how to make their own individual decisions then becomes a big part of their recovery and healing. Nowadays, people into environmental conservation, sustainable agriculture and sustainable mining can benefit from knowing how to recognise destructive BMTs being used.

People living in today's society (including people protecting the environment) can benefit from knowing more about how to deal with destructive BMTs. It's part of "life matters" nowadays.

Finally, I wish the Committee all the best in its discussions

Ian Gorrie