

18 January 2012

The Research Director
Industry, Education, Training & Industrial Relations Committee
Parliament House
George Street
Brisbane, Qld 4000

**Submission to the Resource Legislation (balance / certainty / efficiency / etc)
Amendment Bill 2011**

Submitted by the Friends of Felton

Queensland is being torn apart by the duplicity between its government and large scale mining. The impression pervading regional Queensland – which suffers all the negative consequences of mining – is that the government neither understands nor cares what is happening to the resident population. The citizens of regional Queensland want to know:

- Why are huge foreign owned companies being granted exploration permits over farming land and rural residential areas throughout the length and breadth of the state? (see attachment)
- Why is 80% of the state covered by exploration permits? (inferring Armageddon if only a fraction of these turn into mines)
- Why can't landholders refuse entry to miners wanting to invade their space?

Rural Queensland feels as if it is fighting a government-mining industry partnership. Below we provide some examples of the spin that has effectively hijacked the impartiality of the debate and proper governance of the interface between mining and existing communities.

Queensland's mining lobby has a habit of uttering half-finished statements it imagines will unlock some great truth that becomes self-evident to all people. When subject to even the most casual scrutiny, these statements are revealed as self-serving, banal and meaningless. Three examples will be enough to demonstrate the accuracy of our observation.

First example: '*mining and agriculture coexist*'. This utterance is meant to fool ordinary people into thinking that miners and farmers get along like a house on fire. The truth is, it is impossible to conduct mining and agriculture in the same place at the same time. In this sense mining and agriculture are mutually exclusive. Once this is understood, the morality of superimposing mining over the top of long-established, densely settled and productive farming precincts becomes indefensible. It is disingenuous to refer to the simultaneous existence of mining and agriculture, somewhere within the vastness of Queensland, as proof of coexistence. The scope for real physical separation makes any notion of cheek-by-jowl existence null and void. The Queensland coat of arms shows symbols of both mining and agriculture. Sadly, some people have construed this depiction as 'proof of coexistence'. In any event, close inspection of the coat of arms reveals that agriculture and mining are not shown in the same space – they are in fact separated. Thus demonstrative separation from mining is what farming precincts want. Since mining is the interloper, and it is not critically dependent on anything sitting on top of the ground, it should be shunted into areas where it will create secondary benefits as judged by the locals. The indicator for acceptable entry of mining should not be some vague notion of a positive net social gain; it should be 'negligible negative impacts on the local community' as judged by the resident population. This way, locals would be given greater sovereignty over their destiny.

Second example: '*let the science decide*'. Miners make this utterance in relation to assessing the social acceptability of particular mining proposals. They are saying that the fate of all mining proposals should be decided by an Environmental Impact Study. The

trouble is, the environmental impact studies applied to mining projects in Queensland are not scientific. They are performed by consultants hired by the proponent and the terms of reference rarely include the very issues considered by affected stakeholders as important. Accordingly the basic principles of 'good science' are violated. The situation is worst in the case of coal seam gas extraction. This industry is proceeding at break-neck speed without any attempt to quantify and critically assess the long term consequences for local soil and water resources. Environmental impact studies are initiated by a development application and once the project gets to the EIS stage it has close to a 100% chance of being approved. For the EIS system to have any credibility, it must start from the premise that any given project can fail the assessment. The terms of reference must make it clear that the project will fail to proceed if and when it is found by the EIS to be sub-standard.

Third example: '*mineral resources belong to everyone*'. This little throw-away is meant to justify miners having the right to access land wherever and against the express wish of the affected landholder or indeed the whole community surrounding that land. So it has now become common place to see police arresting law-abiding citizens trying to do no more than protect agricultural land and communities from the risks of permanent damage and degradation. There are lots of things that belong to 'everyone' that are far more important to a civil society than digging up minerals. It is simply unconscionable that Queensland landholders cannot refuse entry by miners whose only motivation is personal gain. Miners are not the agent of the government or society; they are business people seeking to make profits for themselves. Why miners should have the backing of 'police presence' to undertake a standard commercial activity, can only be explained in terms of paranoia. Everyone needs to understand that mining is not an essential public service. Mining is a standard commercial activity with the exception of two rather nasty characteristics. First, the mining industry is dominated by filthy rich corporates with a penchant for garnering influence in all the right places. Secondly, actual mining activity generates huge externalities that cannot be controlled and continue to go unpriced. These characteristics should be used as the rationale for fortifying communities against invasion by mining – not the opposite. Thus ordinary citizens must have the right to stand in the way of mining activities that they believe will harm both them and future generations.

Recommendations

1. Absolute protection must not be confined to urban centres with more than a 1000 people. Densely settled and highly productive rural communities, wherever they occur, must also be made off-limits to large scale mining projects. Mining and high-value agriculture must be materially separated – not by sharp lines on a map – but by meaningful, absolute buffers.
2. Exploration permits should be used as the mechanism for determining the potential location of mining activities. Permits should not be issued over No-Go areas. Existing permits that cover towns and communities opposed to mining should be withdrawn. Permits covering densely settled and highly productive farming areas should also be withdrawn. Ultimately, heavy impact mining should be channelled into areas where its externalities will not harm individuals and households that cannot be compensated.
3. Landholders and affected communities must have the right to refuse entry by miners. We understand this is already the situation in WA. The right to say NO is the only way to recognise the sovereign rights of the individual and put both parties on an equal footing for the purposes of negotiations. If the miner has a legitimate reason for entering a property they should negotiate in the same manner as would any other commercial business. The government should not put itself in the position of favouring one party over another – this can only lead to accusations of bias and corruption.

4. The EIS system must be recast to make it a STOP / GO decision-making tool. The terms of reference of every EIS should begin by making clear the performance standards applying to a socially acceptable project and the circumstances under which a given project will fail the EIS test.

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MEDIA RELEASE

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FRIENDS OF FELTON

www.fof.org.au

Oakey Coal Action Alliance

Toowoomba Coal Mine Action Group

<http://twmbacmag.wordpress.com/>

Toowoomba is no place for coal mining

Three community groups in the Toowoomba Region have warned a junior mining company that any plans to develop new coal mines in the area will be met with determined opposition.

Cuesta Coal, which formed in September 2011 to take over Blackwood Coal, has announced a capital injection of \$20 million from the Chinese Beijing Guoli Energy Investment Co. Ltd.

Cuesta Coal holds a number of coal exploration permits, including EPC 1979 that covers Kingsthorpe and Gowrie Junction. The company refers to this as its 'East Acland' project. Cuesta has also applied for EPC 2613 that covers Aubigny and EPC 2356, which covers Pittsworth and Southbrook.

Friends of Felton spokesman Ian Whan said today 'The Toowoomba region is no place for coal mining. It is a vital food-producing area with great environmental importance. It is also home to large numbers of people who don't wish to suffer mine-related externalities. The existing Acland mine is an environmental and social disaster and we are determined not to allow that experience to be repeated elsewhere in the region'.

'Investors should think carefully before putting their hard earned money into mining ventures that have as little chance of success as this one' he added.

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