



Oakey Coal Action Alliance Inc
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Research Director
Infrastructure, Planning and Natural Resources Committee
Parliament House
George Street
Brisbane Qld 4000
Sent via email to: ipnrc@parliament.qld.gov.au

Dear Mr Chair and Committee Members

Submission on Mineral and Other Legislation Amendment Bill 2016

We welcome the opportunity to make this submission on the Mineral and Other Legislation Amendment 2016 (**MOLA Bill**).

We congratulate the government for fulfilling their election commitments to restore objection rights to mines through introducing this Bill to parliament.

The Oakey Coal Action Alliance Inc (OCAA) is a not-for-profit community group formed in 2011. Our members come from far and wide; we are regional farmers, graziers, croppers, veterinarians, doctors and community members. We share a common goal - we all agree that any future coal mine expansion at Acland, to Oakey's north, is totally inappropriate land use on good quality agricultural land close to rural communities like ours.

Currently OCAA is legally contesting a proposed expansion by New Acland Coal in the Queensland Land Court. Personally, the writer and his wife are affected beef cattle stud operators being a short distance from the potential expansion. Many local, quality, viable enterprises are also in jeopardy of demise should this expansion proceed, based on groundwater loss and eventual economic failure. This current situation lends support to the bill which Dr Lynham has introduced, and is first hand reasons why the bill should be accommodated.

We wish to extend our thanks to the Committee for the invitation to have our evidence received on the 12th April 2016 at the Toowoomba inquiry.

We recommend that the Committee supports the passing of those clauses of the MOLA Bill which ensure that:

- *community objections rights are fully reinstated for all mining proposals; and*
- *the full list of criteria for consideration for the grant of mining leases are fully reinstated for the Land Court, as for the Minister, including the financial and technical capabilities of the proponent (for example clauses 92 and 93).*

Land Court hearings for the Alpha Coal Mine, Carmichael Coal Mine, and the current objections being heard by the Land Court with respect to the New Hope Stage 3 mine expansion, amongst others, have rested on there being an ability for all of those people concerned with the impacts

of mining being empowered to have their concerns heard by an independent court, free of political pressures.

Mining projects can have significant and wide ranging economic, social and environmental impacts on far more than just the neighbouring landholders, for example:

- those members of the local community of the New Hope Stage 3 may lose sectors of their local economy to employment by the mine;
- the question of the appropriate land use for our scarce high value agriculture land is relevant to all of Queensland; and
- the impact of climate change from the burning of coal produced from these mines is of global concern.

Community objection rights are crucially important in the public interest so the costs and benefits of projects with huge impacts can be debated and tested in the independent Land Court.

This ensures the best environmental, economic and social outcomes from such projects. We must remember that mining resources are the public property of all Queenslanders, so these projects should be assessed with regard to the concerns of all Queenslanders who wish to have their concerns heard.

We suggest that the Committee recommend the reconsideration of the following elements of the Common Provisions Act and the MOLA Bill, which continue to curtail landholder rights:

- *Remove coordination of public notification periods which limit opportunities to provide submissions – repeal section 260 Common Provisions Act:*

We do not support the efforts to coordinate public notification into one period for the mining lease, environmental authority and EIS. This means that submitters have only one specific timeframe in which to provide their comment – removing any back up that they might otherwise have had should they not be able to provide a submission in time during the public notification on either the application for the mining lease, the EIS or the draft environmental authority, as was previously available. Many community members are used to mining leases being notified after the EIS has been finalised.

- *Remove landholders' 'right to elect to opt out' of rights – repeal section 45 Common Provisions Act:*

Opt out agreements open up the possibility for landholders to be bullied into giving up their right to obtain a Conduct and Compensation Agreement. This in turn would mean the landholder has no recourse to the Land Court if there is a material change to the activity. There is little benefit provided to landholders through this provision, and substantial risk. This section should be repealed.

- *Prescribed distances for restricted land should be increased – amend clause 7 MOLA Bill:* While we support the insertion of prescribed distances within which certain resource related activities cannot occur, the proposed restricted distances are inadequate to truly protect landholders from the significant impacts of mining activities.

Yours sincerely

Frank Ashman,

President Oakey Coal Action Alliance Inc