

Notice to Act Submission

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Mineral and Other Legislation
Amendment Bill 2016

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Infrastructure, Planning and Natural Resources Committee
Parliament House
George Street
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Sent via email to: ipnrc@parliament.qld.gov.au

Dear Mr Chair and Committee Members

Notice to Act on Submission on Mineral and Other Legislation Amendment Bill 2016

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

I am a woman of Aboriginal descent. I instruct you to Act regarding the instruments of will issued to you via community consultation and submissions. ***I instruct you to abide by Traditional Owner – Australian Aboriginal Elders, custodians, Land Councils and tribes of the lands, sea and communities affected by projects this Bill includes.***

I live in the Whitsundays on a 200 acre cattle and cane farm. My daughter attends Proserpine High School. I am a member of WRAD *Whitsunday Residents Against Dumping. I have been in sales and marketing for most of my working life and currently am a volunteer director on a not for profit, private, non government, community organisation aimed at empowering youth and promoting community engagement. I also work for a local registered training organisation. I am also a Southern Cross University Law Student (first year). I'm busy aye ;)

I have a history of supporting proper way community consultations and advocating for Australian Aboriginal and Australian National (citizen) human, civil and political rights regarding protecting land, water and Aboriginal sacred sites. I have attended numerous in seam (coal/methane) gas & mining information sessions, blockades (Bentley, Doubtful Creek, Kerry, Gloucester, Glenugie), events, rallies, marches and countless community meetings. I have flyer dropped, petition signed and locked on to various machinery, buried concrete lock on devices and the like over the years. One time I even trucked my horse in from out at Tabulam NSW to #Bentley Blockade to support the community action there to prevent their rich farmland from being turned into an industrialised gasfield. In each case, the community voices united and in 2014 the Northern Rivers of New South Wales commenced Bentley Blockade which saw 10,000 people support the farmers and Aboriginal custodians. By 2015 this effort culminated in the NSW Government paying \$25million to Metgasco for a Petroleum Exploration License (PEL), in lieu of Gas exploration and Gasfields.

http://www.resourcesandenergy.nsw.gov.au/__data/assets/pdf_file/0010/587152/NSW-Government-acquires-Metgasco-licences.pdf

I would relish the opportunity to appear before the Committee in their hearing into this inquiry.

I 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, minerals, petroleum, Royal Mines, proposals; productions; exploratory actions both onshore and offshore and**
- **the full list of criteria for consideration for the grant of mining, minerals, petroleum, Royal Mines, proposals; productions; exploratory actions both onshore and offshore 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. These concerns are also expected to from valid instructions to Members of Parliament as required to instruct them to Act.

Mining, minerals, petroleum, Royal Mines, proposals; productions; exploratory actions both onshore and offshore leases / 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.
- Juru country, near Bowen in Central Queensland, Traditional Owner have cultural sites they deem 'significant Aboriginal areas.' These areas are the midden and burial sites at Abbot Point, and rock art and ochre grounds at nearby Mount Roundback. These sites are directly threatened by the proposed expansion of the Abbot Point coal terminal, and Adani's coal rail line.

<https://www.communityrun.org/petitions/save-our-cultural-heritage-from-adani>

Please consider;

Aboriginal Communities Act 1979 (WA), 'for example, there was provision made for the Act to apply to the defined communities of the Bidyadanga Aboriginal Community La Grange Incorporated and the Bardi Aborigines Association. Section 7 of the Act also provided that the Council of these communities could make by-laws for a range of purposes, including the prohibition and regulation of persons, vehicles and animals onto community lands, the protection of the grounds of the community lands'.

<http://www.austlii.edu.au/au/journals/CICrimJust/2004/10.pdf>

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. And more importantly, in the Federal Court Circuit of Australia.

I'm certain we all aim for the best environmental, economic and social outcomes from such projects affected by the Bill. 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, not simply the profiteering mining companies.

I peacefully Notice the Committee to recommend the reconsideration of the following elements of the Common Provisions Act and the MOLA Bill, which continue to curtail landholder rights as the following terms and conditions;

- **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.

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Yours sincerely

Juanita 'Wanda' Halden

Member of WRAD * Whitsundays Residents Against Dumping

Australian Aboriginal / Australian National (citizen)