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Infrastructure, Planning and Natural Resources Committee
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8.04.16

Mineral and Other Legislation Amendment Bill 2016

Dear Chair and Committee members,

On behalf of the Darling Downs Environment Council thanks you for the opportunity to comment on the Mineral and Other Legislation Amendment 2016 (**MOLA Bill**).

The Darling Downs Environment Council inc (DDEC) is pleased to make a submission to this inquiry.

DDEC is an incorporated body and is a peak organisation for environmental groups in the Lockyer, Downs and Maranoa regions.

We have members and affiliates who have been affected by the activities of mining including the Oakey Coal Action Alliance and Hopeland Community Sustainability Group at Chinchilla. We have taken and continue to take an active interest in the issues that our members face in relation to mining and gas extraction.

DDEC supports the policy objective of the amendments in relation to delivering the government's commitment to reinstate public notification and community objection rights by repealing yet to commence changes to the *Environmental Protection Act 1994* (EP Act) and the *Mineral Resources Act 1989* (MRA) contained in the MERC Act.

Submission

We recognise the restoration of rights in these amendments builds on amendments to the *State Development and Public Works Organisation Act 1971* passed in 2015 repealing s47D. We congratulate the Parliament for this and believe it contributes to better and more just planning and development decisions in the interests of the all Queenslanders.

Because of these changes we have been able to support Oakey Coal Action Alliance in their challenge to the New Acland Stage 3 coal mine expansion on the Darling Downs and have been able to make our own submissions on the value of agricultural land. We thank you for this.

DDEC understands the repeal of proclaimed and unproclaimed sections of the MERC Act will result in changes to the EP Act and the MRA that will reinstate existing public notification and objection rights for applications for environmental authorities relating to mining leases under the EP Act. In principle we support these objects.

Of particular interest and relevance to us is the reinstatement of objector rights. Our member Oakey Coal Action Alliance and DDEC have taken advantage of objector rights in relation to issues surrounding the proposed expansion of the Acland 3 mine on the Darling Downs.

We support this change as in the interest of good decision making. We submit that scrutiny of applications for mining allows proper testing of claims made by applicants. In recent times incorrect and exaggerated claims by applicants have been identified as a result of Court hearings, including important economic and

ecological data. This can only assist the State in making suitable and sustainable development decisions, with a resulting benefit to the citizens.

Changes that will allow the broadest number of interested parties to object in the public interest by giving them standing before the Court is welcomed. We note that the Court system has powers to deal with vexatious or frivolous applications. This should ensure that there is a sound basis for taking matters in the Public interest and that there will not be misuse of this privilege.

DDEC supports the amendments requiring mining lease applications under the MRA to be publicly notified via a newspaper notice but do not support consolidating public notification into one period for the mining lease, environmental authority and EIS. We believe this does not recognise that objections are often lodged in the first instance by community members with no previous exposure to the planning, environment and mining legal regimes.

Such community objectors and regional Environment groups do need time to formulate and frame objections that are properly made. They usually need to source advice and discuss the merits, prospects of success and formal requirements to lodge a properly made objection. It will be difficult if not impossible, in our experience for such individuals and legitimately interested organisations to simultaneously research, collate and properly make ML and EA applications. It will disadvantage all parties and the State if all issues are not properly explored.

We agree with the Oakey Coal Action Alliance that 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.

Such issues are of State, regional, local and individual significance and are examples of what the amendments will allow to be considered and we strongly support that outcome in the public interest.

We broadly support the introduction of prescribed distances from mining activity for bores and other points we do not believe it is sufficient to ultimately protect landholder interests or agricultural values.

DDEC has no opinion on co-existence of coal and gas as this is a matter for industry. We do however have a very strong view that further consideration needs to be given to legislation that protects farmland from mining. We do not accept the proposition that in the majority of instances mining can co-exist with farming. We submit that strong consideration should be given to legislatively excise farmland from mining in Queensland as it appears we have adequate reserves of minerals across the state but extremely limited supplies of good quality agricultural land.

Thank you for the opportunity to comment on this bill.



Lee Mason
Secretary
Darling Downs Environment Council Inc