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Jim Pearce MP  
Parliament Committee  
Infrastructure, Planning and Natural Resources  
George Street  
Brisbane, QLD 4000

Email: [IPNRC@parliament.qld.gov.au](mailto:IPNRC@parliament.qld.gov.au)

Dear Mr Pearce,

**RE: Inquiry into the Planning and Environment Court Bill 2015**

Thank you for the invitation to comment on the Planning and Environment Court Bill 2015.

### **GVK Hancock Coal**

The shareholders of the GVK Hancock Coal companies, comprising majority shareholder GVK from India, and Hancock Prospecting in Australia, have committed in excess of \$2 Billion to date to the development of our high quality thermal coal assets in the Galilee Basin in Central Queensland.

The underpinning factors driving global energy demands remain strong and our thermal coal assets are uniquely positioned to respond to those needs. Hancock Coal Pty Ltd and Hancock Galilee Pty Ltd are proponents for Alpha Coal Mine and Kevin's Corner Coal Mine, respectively.

The mines will have a combined annual capacity of 60 million tonnes and it is estimated the flow-on economic benefits for Australia will be in the order of \$44 billion over the life of the two mines.

### **Planning and Environment Court Bill 2015**

The government has said this Bill responds to concerns that the Sustainable Planning Act 2009 is too complex particularly in regards to dispute resolution. It therefore proposes those functions and the Planning and Environment Court be governed by this new Bill. This is part of wider reform in the Planning Bill 2015 and the Planning (Consequential) and Other Legislation Amendment Bill 2015.

The Bill continues a person's ability to start a proceeding seeking a declaration on the lawfulness of land use or development. The Bill changes the cost rules to a general position that each party pays its own costs, but with the court having discretion to make an order for costs where the court considers a party has brought a frivolous or vexatious proceeding, or a proceeding for an improper purpose.

### **Our Submission**

We support legislation that will promote Queensland's prosperity in a manner that balances economic growth and the wellbeing of the community and environment. It appears the situation with this Bill.

However, this Bill and similar reform proposals must not be used to change the balance between development and protection. Statutory reform must not be used to hinder economic development under the auspices of rubric such as "public right and interest".

We believe this a particularly important principle to put before the Committee because GVK Hancock is dealing with legal challenges to our coal mine developments in the Galilee Basin on the pretext that the mines cause environmental harm.

In the recent legal case around objections to the proposed Alpha Coal Mine, the Queensland Land Court, upheld by the Supreme Court under Judicial Review, gave consideration to the logically relevant matter that “climate change” will be the same or greater if such mines do not proceed.

This was in response to the uncontradicted evidence before the Land Court that there will be no effect on the amount of GHG’s emitted globally if the mine does not proceed, and indeed, GHG emissions may be higher because replacement coal may well be of lower quality.

Logic must ultimately prevail over rhetoric and ideology – the relevant finding of the Land Court is that if the Alpha Coal Mine did not proceed there is replacement coal which will lead to the same or greater emissions globally, and therefore, if global emissions are not increased then there is no impact that constitutes or causes environmental harm attributable to this mine.

The Land Court’s findings are the same in the recent case against the proposed Carmichael Coal Mine, and we expect similar outcomes from recent court hearings against the Kevin’s Corner Coal Mine.

### **Legal challenges**

GVK Hancock has invested many tens of millions of dollars on undertaking some of the most extensive and rigorous environmental assessments for our Galilee Basin projects and associated infrastructure. Key State and Commonwealth approvals have been obtained across our mine, rail and port projects.

Whilst the approvals are the subject of repetitive legal challenge by anti-coal activists, it is encouraging to see the courts are consistently finding that Queensland has a strong regulatory system, that the rights of all stakeholders are being considered, and that our mines can and will be developed in a manner that does not cause environmental harm.

### **Required Outcomes**

We have a policy framework in Australia, at both State and Commonwealth government levels, which supports and facilitates the resources sector, and coal is one of our top three export earners. The best way for this country to overcome its significant national debt problems is to increase exports.

The government must ensure legislative changes help, not hinder, mining projects. It must ensure avenues for repeated unmerited challenges are closed and not opened.

It has always been imperative that we secure certainty for our joint venture partners, shareholders, financiers and other stakeholders by having the ability to secure challenge-free regulatory approvals to develop and operate our Galilee Basin assets.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Paul Taylor', with a large, stylized flourish at the end.

**Paul Taylor**

Executive General Manager  
Infrastructure and Approvals