

Mineral Resources and Other Legislation Amendment Bill 2026

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Environmental
Defenders Office

Submission to the Inquiry into Mineral Resources and Other Legislation Amendment Bill 2026

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About EDO

EDO is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. Our reputation is built on:

Successful environmental outcomes using the law. With over 40 years' experience in environmental law, EDO has a proven track record in achieving positive environmental outcomes for the community.

Broad environmental expertise. EDO is the acknowledged expert when it comes to the law and how it applies to the environment. We help the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws.

Independent and accessible services. As a non-government and not-for-profit legal centre, our services are provided without fear or favour. Anyone can contact us to get free initial legal advice about an environmental problem, with many of our services targeted at rural and regional communities.

www.edo.org.au

Submitted to:

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Acknowledgement of Country

The EDO recognises and pays respect to the First Nations peoples of the lands, seas and rivers of Australia. We pay our respects to the First Nations Elders past and present and aspire to learn from traditional knowledges and customs that exist from and within First Laws so that together, we can protect our environment and First Nations Cultural Heritage through both First and Western laws. We recognise that First Nations Countries were never ceded and express our remorse for the injustices and inequities that have been and continue to be endured by the First Nations of Australia and the Torres Strait Islands since the beginning of colonisation.

EDO recognises the right to self-determination of First Nations peoples, including their right to freely determine their own political status and freely pursue their economic, social and cultural development. This extends to recognising the many different First Nations within Australia and the Torres Strait Islands, as well as the multitude of languages, cultures, protocols and First Laws.

First Laws are the laws that existed prior to colonisation and continue to exist today within all First Nations. It refers to the learning and transmission of customs, traditions, kinship and heritage. First Laws are a way of living and interacting with Country that balances human needs and environmental needs to ensure the environment and ecosystems that nurture, support, and sustain human life are also nurtured, supported, and sustained. Country is sacred and spiritual, with culture, First Laws, spirituality, social obligations and kinship all stemming from relationships to and with the land.

A note on language

We acknowledge there is a legacy of writing about First Nations peoples without seeking guidance about terminology. We also acknowledge that where possible, specificity is more respectful. For the purpose of this submission, we have chosen to use the term First Nations. We acknowledge that not all First Nations peoples will identify with that term and that they may instead identify using other terms or with their immediate community or language group.

First Laws is a term used to describe the laws that exist within First Nations. It is not intended to diminish the importance or status of the customs, traditions, kinship and heritage of First Nations in Australia. The EDO respects all First Laws and values their inherent and immeasurable worth. EDO recognises there are many different terms used throughout First Nations for what is understood in the Western world as First Laws.

The role of EDO & First Nations Peoples

EDO is a non-Indigenous community legal centre specialising in public interest environmental law. EDO has been operating for 40 years. This submission is based on our expertise in planning and environmental Western law and experience in working on behalf of First Nations clients, including in relation to Cultural Heritage through Western law.

Out of respect for First Nations self-determination, EDO's recommendations for Western law reform in relation to First Nations matters are high-level, to support First Nations to protect their Countries and Cultural Heritage as they see fit. In making this submission, EDO cannot and does not speak on behalf of First Nations peoples or groups.

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Executive Summary

1. We are strongly concerned by the introduction of the *Mineral Resources and Other Legislation Amendment Bill 2026 (Bill)* and the degradation of Queensland's mining assessment and decisions it threatens through proposed major reductions to community participation rights, assessment integrity and accountability safeguards.
2. The Bill proposes to limit the rights of Queenslanders to object to the grant of a mining lease and associated environmental authority. The limitations are purported to be justified to prevent 'needless delays' in, and 'intentional frustration' of, approvals. This justification is completely contrary to the evidence that mining objectors are relatively few, are bona fide and that hearings consistently result in more informed decisions and better environmental and community outcomes.
3. The Queensland Law Reform Commission recently undertook a comprehensive review of the mining objections hearing process. While it was cancelled mere months before the final report was due, the review produced extensive resource material and included significant public consultation. However, there is no reference to that large body of work in the Bill's supporting documentation. Any reforms to Queensland's mining objections processes should involve a detailed consideration of the issues, materials and options identified in that work.
4. Queensland's community participation rights are highly valued by Queenslanders and are appropriate to the significant risks mining poses to our unique environmental values. Such broad rights should remain to safeguard Queensland's economic prosperity through a transitioning fossil fuel industry and to protect community wellbeing. Queensland should not jeopardise its environment and reliant industries by eroding community rights.
5. The amendments proposed in the Bill are contrary to human rights, particularly the right to recognition and equality before the law and the right to a fair hearing. They will impact disproportionately on the rights and interests of First Nations people.
6. While our overarching recommendation is that this Bill not be passed, any other recommendation is made in an effort to seek to maintain the core aspects of an effective mining objection process and to comply with human rights and fundamental legislative principles.

Summary of Recommendations

Primary Recommendation:

1. The Bill be withdrawn due to the incompatibility with human rights, disproportionate impact on First Nations people and lack of evidentiary basis for the significant curtailing of objection rights.

Subsequent Recommendations:

2. The Bill be amended to remove the discretion to decide the criteria in section 187(1)(b) of the EP Act are not necessary to consider.

Alternatively,

3. The Bill be amended to expressly limit the discretion provided in amended section 187(6) of the EP Act for when the application is being referred to the Land Court.
4. The Bill be amended to replace 'may' with 'must' in amended section 187(1)(c) of the EP Act to require DETSI to consider submissions made under amended section 184 of the EP Act.
5. The Bill be amended to remove the discretion to decide the criteria in section 271(1) are not necessary to consider.

Alternatively,

6. The Bill be amended to expressly limit the discretion provided in amended section 271(4) of the MR Act to when the application is being referred to the Land Court.
7. The Bill be amended to remove the exclusion of environmental harm considerations since these are relevant to determinations of appropriate land use.
8. The Bill be amended to expand the decision criteria in amended section 271(1) of the MR Act to include 'any other good reason' and 'impact on the rights and interests of Aboriginal and Torres Strait Islander people' to require consideration by the Minister and as potential grounds for an objection to the Land Court.
9. Existing objection rights for all mining-related EA applications, including standard and variation applications, be retained.
10. Alternatively, the commencement of Part 2 of the Bill not be proclaimed until the ERA standard for mining lease activities is updated to require, at minimum:
 - a. consistency with the management agreement if occurring within a private protected area; and
 - b. engagement with relevant First Nations people on the basis of Free, Prior and Informed Consent.
11. The existing right for any person to make an objection to a mining lease (**ML**) and associated environmental authority (**EA**) be maintained to ensure community participation rights are protected and allow for informed decision-making.

If open standing to make an objection to an ML and associated EA will not be retained, we make the following alternate recommendations:
12. The definition of 'eligible entity' in clause 21 of the Bill (amended section 180) be removed and all other instances of 'eligible entity' in clause 21 be replaced with 'any person', in recognition of the potential wide-spread environmental, social and economic impacts of mining that can extend beyond 125km.

13. The definition of 'eligible entity', be amended to include incorporated associations and other representative organisations representing the interests of members who would otherwise meet the definition of 'eligible entity.'
14. The definition of affected person in section 252A of the MR Act be expanded to include Aboriginal and Torres Strait Islander people whose rights and interests may be affected by the proposed Mining Lease.
15. The existing referral process be maintained to ensure the continuing benefits of the Land Court independent merits review hearing as an essential accountability safeguard.
16. The Bill be amended to allow public submissions on ML applications and require the Minister to consider the submissions when making a decision under amended section 271(2) of the MR Act.

Alternatively, at minimum -

17. The Bill be amended to include:
 - a. clear mandatory criteria for consideration for referral decisions; and
 - b. a requirement for a statement of reasons when an objection is not referred, or only referred in part.
18. The current separate notification process allowing submissions on the application and objections on the draft EA be maintained to allow for continued public participation and more informed, better decision-making.
19. A post-decision merits review process, which provides the Land Court with the power to make the final decision on the mining lease applications and associated environmental authority, be implemented.

Introduction

7. On 15 September 2026, the Hon. Dale Last, Queensland Minister for Natural Resources and Mines, introduced the *Mineral Resources and Other Legislation Amendment Bill 2026* (**the Bill**) into the Queensland Parliament. The Bill proposes extensive changes to the objections process to applications for a mining lease (**ML**) under the *Mineral Resources Act 1989* (Qld) (**MR Act**) and an associated environmental authority (**EA**) under the *Environmental Protection Act 1994* (Qld) (**EP Act**).
8. Environmental Defenders Office (**EDO**) welcomes the opportunity to comment on the Bill. We would welcome an opportunity to present at the public hearing to answer queries and/or provide further information.
9. EDO has been working within the mining objection process for decades, assisting many clients to understand, to self-represent and to participate with our representation in this process. We actively participate in all reforms on the mining objection hearing process, including the recent

inquiry by the Queensland Law Reform Commission (**QLRC**) into the mining objection hearing process in Queensland. We have also been a long-term member of the Land Court Resource User Group, which the Court regularly consults with on policies, practices and procedures.

10. We note that the QLRC undertook a comprehensive review of Queensland's mining objection hearing process from June 2023 to March 2025. The review involved extensive consultation over a 2 year period including multiple discussion papers and a proposal for a reformed mining objections hearing process – including four background papers, three consultation papers (with detailed supporting documents) and numerous working papers (including some five reform options papers).¹ The review was cancelled just 4 months before the final report was due. Despite the cancellation, the resource material prepared during the review and the results of public consultation are readily available on the QLRC's website.
11. The explanatory materials and Department written briefing make no reference to the QLRC's review or its resource material, or whether the material was considered at all during the development of the reforms proposed by the Bill. Any reforms to Queensland's mining objections processes must involve a detailed consideration of those materials, issues and proposed options.
12. Our submission is in two parts. Part 1 outlines our overarching concerns with the Bill and addresses the following issues:
 - a) failure to justify the significant constraints on community rights, including no consideration of alternative reform;
 - b) failure to adequately consult on the Bill;
 - c) the undermining of public participation rights;
 - d) the unreasonable limitation of human rights; and
 - e) adverse impact on First Nations people.
13. Part 2 of our submission contains detailed feedback on the Bill and our recommended amendments in the event the government continues to pursue amendments to the EP Act and MR Act, and addresses:
 - a) the changes to decision criteria, including the discretionary power of decision-makers to ignore submissions and restriction of grounds for objection;
 - b) the restriction on the types of applications that may be objected to;
 - c) the restriction on public rights to object;
 - d) the discretionary power of decision-makers to decide what, if any, any objection should be referred to the Land Court;
 - e) the removal of submission opportunities; and

¹ Queensland Law Reform Commission, Mining lease objections review < [Mining lease objections review | QLRC](#)>.

- f) an alternative post-decision merits review process.

Part 1 – Overarching concerns with the Bill

No sufficient basis for the curtailment of public rights on public interest development decision-making

14. The Government has failed to provide a sufficient basis to justify the erosion of public participation rights in decisions under the MR Act and EP Act.
15. The Explanatory Notes and Explanatory Speech repeatedly refer to the current mining objection process as requiring unnecessary delays and open to the intentional frustration and delay of project approvals the justify the need for reform.²
16. The Bill proposes reforms to the mining objection process which would:
 - a) remove environmental impact considerations from mining lease assessment;
 - b) limit grounds of objection and providing decision-maker discretion on referrals to the Land Court;
 - c) limit objection rights to affected persons within 125km of the project; and
 - d) remove public notification processes and objection rights for standard and variation EA applications.
17. Minerals are the property of Queenslanders³ and should only be exploited if it is in the public interest and not the private interests of a few, and with the free, prior and informed consent of relevant First Nations peoples. Whether a proposal is in the public interest is informed by robust, unbiased consideration of all of the impacts and benefits posed by the project, public participation in the assessment and decision-making process and merits review through an independent court process. Public participation must be meaningful and not tokenistic to have these benefits. The public should have the opportunity to:
 - a) access all relevant information related to the project that is before the decision-maker, and/or that is required to understand the potential impacts of the project;
 - b) sufficient time to review, take advice and draft submissions on application materials; and
 - c) bring forward evidence and to cross-examine the evidence through a merits appeal of the final decision in an independent court.

18. We are particularly concerned with the erosion of public participation rights occurring in Queensland in the context of recent amendments to the *State Development and Public Works Organisation Act 1971* (Qld), which give the government wide and largely unconstrained powers

² Queensland, Parliamentary Debates, 15 September 2026, 2767-70 (Minister Last) and *Mineral Resources and Other Legislation Amendment Bill 2026*, (Explanatory Notes), p 1.

³ *Mineral Resources Act 1989* (Qld), ss 8, 9.

to all but override any development assessment laws and to compulsorily acquire land for any “State Strategic Project.”

19. These new powers introduced by the *State Development and Public Works Organisation (Critical Minerals) and Other Legislation Amendment Act 2026* (Qld) could make the Bill’s revised mining objection process entirely redundant if a mining project is declared to be a State Strategic Project and a modification order is made to amend how the MR Act or EP Act applies it. This could be, for example, by removing the notification requirement, removing any discretion to refer an objection to the Court, or changing the application/s decision-making criteria. Use of those powers also have greatly reduced public accountability because the amendments removed statutory judicial review from applying to relevant decisions.
20. As such, the core mining objection participation laws must remain broad, strong and robust given they are overshadowed by potential modification under those new state development powers.

Mining Objection Hearings result in better outcomes for Queensland’s economy, environment and communities

21. The Land Court process routinely leads to better understanding of the potential risks and benefits of a development through independent interrogation of the information put forward by applicants, including improvements made to that assessment material, and the adequacy of the assessment undertaken by the regulator. Therefore, more suitable and informed decisions are made, often including improved conditions for the development.
22. Nevertheless, in his explanatory speech, Minister Last identified mining objection hearings as one of the biggest hindrances on project timelines and that automatic referral to the Land Court resulted in needless delays. The Minister further stated that the Land Court is “...being used as an avenue to disrupt, delay and frustrate the mining lease approvals process”.⁴
23. However, these statements are not supported by the evidence. On the contrary, as part of its 2023-2025 review into the mining objection hearing process in Queensland, the QLRC stated that there is limited evidence to justify a more restrictive approach to objections.⁵ QLRC further noted that between July 2018 – June 2021, less than 25% of mining applications were objected to referred to the Land Court and between January 2018 to December 2023, community or environmental groups represented approximately 16% of objectors, while landholders accounted for around 60%.⁶
24. There have been many instances of Land Court hearings leading to better environmental and community outcomes as well as decisions being made on more accurate and robust understanding of the impacts and benefits posed by the mining application. The mere fact that the current referral process does not require an objector to actively participate in the hearing does not render the mining objection hearing needless or unnecessary.
25. The Department Briefing identifies *Re Sungela Pty Ltd & Anor* [2025] QLC 5 as an example of approval delays due to the ML objection process. The example is incomplete and lacks context for the case and decision. Rather than being an example of the limitations of the current

⁴ Queensland, Parliamentary Debates, 15 September 2026, 2767-70 (Minister Last).

⁵ Queensland Law Reform Commission, ‘Lawfare’ (Factsheet) p 2, <[link](#)>.

⁶ Ibid p 3.

framework, this matter demonstrates the role of third-party objector rights that are not limited to local landholders in improving environmental assessment and decision-making in the broad public interest.

26. In that case, President Stilgoe noted that despite there being no active objectors bringing evidence, that was not, of itself, justification for dismissing the potential impacts of the mine.⁷ The matter was heard on the papers after the objectors chose to discontinue active participation. This meant there was no wasted money in going to full hearing, yet the Court was still able to consider the relevant legal and factual matters raised in the objections in making its recommendatory decision. As a result of these objections, the Land Court recommended that the application not be approved unless and until the applicants show real and significant progress toward mitigating their GHG emissions⁸ - a matter that no landholder would likely have raised.

27. Minister Last also specifically singled out the New Acland coal mine stage 3 expansion with a nearly 15-year approval period. The following table outlines key steps in the approval timeline.

Timeline	Date	Stage
5 years	April 2007 – November 2012	Proponent undertakes EIS process.
2 years	November 2012 – December 2014	Proponent revised project and supporting EIS material following withdrawal of support by LNP Government
2 years	2015 objections made March 2016 first objection hearing May 2017 EA refusal recommendation decision	1 st objection hearing, where 12 active objectors and 27 inactive objectors objected on various grounds. Court recommended refusal of environmental authority application due to impacts to groundwater and other impacts.
1 year	June 2017 – May 2018	Proponent appeal to Supreme Court
1.5 years	May 2018 – November 2019	Proponent and objector cross appeals to Court of Appeal
	October 2018	First re-hearing following Supreme Court decision
1.5 years	November 2019 – February 2021	Objector appeal to High Court successful – reverted to Land Court for reconsideration
1 year	October 2021 – December 2021	Second Land Court rehearing

28. The Bill's proposed amendments would not have changed the general objection/assessment timeline in the Acland case at all, given:

- a) the environmental issues were heard in parallel with those for the mining lease;

⁷ *Re Sungela Pty Ltd & Anor* [2025] QLC 5 at [119].

⁸ *Ibid* at [106].

- b) many of the objectors would still be eligible to object as local landholders; and
 - c) it involved ‘complex matters’ such as technical groundwater, noise and air quality issues, which the Minister has said should be the focus of Land Court hearings.⁹
29. It should be noted that almost half of the approval timeframe was at the hands of the proponent developing an appropriate project and related assessment material. The major delay from legal appeals then subsequently occurred only due to legal errors in the hearing and appeals. That length of delay is a very rare occurrence.
1. The only way the timeline would be reduced under the proposed amendments would be if DETSI was to use its discretion to not refer the objections to the Land Court. However, considering that the Land Court recommended stronger conditions to provide more appropriate protections for the local community and environment, independent consideration by the Land Court was warranted.
31. Most recently, in *Bowen Basin Coal Pty Ltd v Queensland Conservation Council Inc* [2026] QLC 18, Land Court President Stilgoe outlined the inherent value of the objection process:
- “...the reports provided to the Court are more comprehensive than those in the EIS. The experts have all suggested changes to the draft EA which both BBC and DTESI have identified as practical and reasonable. Importantly, BBC embarked on an extensive and expensive analysis of its gas drainage system that has resulted in a proposal that will significantly reduce fugitive emissions. **None of these changes would have been made without the intervention of the Court process.**” (emphasis added)¹⁰
32. In addition to the cases detailed above, we provide the a table at **Annexure 1** summarising other instances of Land Court hearings leading to more informed decisions and better outcomes for Queensland’s environment, communities and economy.

Open standing for public submission and merits review rights have been found to be essential for better quality, better informed decision-making in the public interest

33. The role of public consultation and independent arbitration by a court in improving decision making is well accepted.¹¹
34. Merits review of decisions through an independent court improves the consistency, quality and accountability of decision-making in environmental matters. For example, the ability for the public to be involved in decision making and challenge a project in the courts:

⁹ *Mineral Resources and Other Legislation Amendment Bill 2026* Explanatory Speech.

¹⁰ *Bowen Basin Coal Pty Ltd v Queensland Conservation Council Inc* [2026] QLC 18, President Stilgoe OAM at [155].

¹¹ Brenton Holmes, ‘Citizens’ engagement in policymaking and the design of public services’ (Research Paper No 1, Parliamentary Library, Parliament of Australia, 2011-2012). <www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1112/12rp01>; Independent Commission Against Corruption NSW, Anti-corruption safeguards and the NSW planning system (Report, February 2012). 22; Productivity Commission, Major Project Development Assessment Processes (Research Report, November 2013) 223.

- ‘facilitates the rigorous analysis that is fundamental to the making of sound decisions (whether by testing the evidence and material advanced by proponents by advancing evidence and material informed by particular and sometimes local knowledge)’;¹²
- ‘gives a level of confidence to members of the public that the decision has been reached through a process which has openly examined and scrutinised all of the available evidence - whether or not the result is universally accepted.’;¹³
- ensures the process of environmental planning and assessment is effective;¹⁴
- safeguards against corruption;¹⁵
- provides a forum that allows for and encourages greater public debate on development issues;
- improves, encourages and aids public participation in land-use decision making;
- allows multiple views and concerns to be expressed and ‘provide[s] a forum where collective rights and concerns can be weighed against the rights and concerns of the individual’;¹⁶
- recognises that third parties can bring detailed local or specialist knowledge, not necessarily held by the designated decision maker;¹⁷
- allows for the development of environmental jurisprudence, clarifying the meaning of legislation;¹⁸
- enhances the quality of decision-making, including the quality of reasons for decisions;¹⁹
- ensures adherence to legislative principles and objects by administrative decision makers;
- fosters the development of environmental jurisprudence;
- fosters natural justice and procedural fairness;
- focuses attention on the accuracy and quality of policy documents, guidelines and legislative instruments and highlight problems that should be addressed by law and policy reform;²⁰

¹² Adrian Finanzio, ‘Public Participation, Transparency and Accountability – Essential Ingredients of good Decision Making’ (2015) 2(1) *Australian Environmental Law Digest* 3, 3.

¹³ Ibid.

¹⁴ Brian Preston, ‘Third Party Appeals in Environmental Law Matters in New South Wales’ (1986) 60 *Australian Law Journal* 215, 221.

¹⁵ Independent Commission Against Corruption NSW, above n 1, 22.

¹⁶ Judge Christine Trenorden, ‘Third-Party Appeal Rights: Past and Future’ (Speech, Town Planning Law Conference, Western Australia, 16 November 2009) <www.sat.justice.wa.gov.au/files/10_Hon_Judge_Christine_Trenorden_Presentation.pdf>.

¹⁷ Ibid.

¹⁸ Brian Preston and J Smith, ‘Legislation needed for an effective Court’ in *Promises, Perception, Problems and Remedies: The Land and Environment Court and Environmental Law 1979-1999* (Nature Conservation Council of NSW, 1999) 107.

¹⁹ Ibid.

²⁰ Ibid.

- ensures greater transparency and accountability within the decision-making process; and²¹
- preserves the rule of law.²²

35. The NSW Independent Commission Against Corruption (**ICAC**) has identified third party merits appeals as of vital importance to a transparent and accountable planning system, and has recommended to the NSW government that the scope of merits appeals be extended as an anti-corruption measure. ICAC found,

‘[t]he limited availability of third party appeal rights under the Environmental Planning & Assessment Act 1979 (NSW) means that an important check on executive government is absent... The absence of third party appeals creates an opportunity for corrupt conduct to occur, as an important disincentive for corrupt decision-making is absent from the planning system.’²³

36. While the references cited above were focused on planning merits appeals, they are equally as relevant for third party review rights for resource project applications. Very similar concerns are brought up between planning and development applications and resource applications, with respect to environmental and community impacts, and equal benefits are provided through third party merits appeals for resource application decisions.

37. In essence, the mere existence of the right to challenge decisions before an independent arbiter gives the public confidence that the decision-making process has integrity rather than taking place behind closed doors. There is also an additional benefit that application material is likely to be of a higher quality due to the potential that it may be under scrutiny by objectors, experts and the Court.

38. These rights to access justice are fundamental to the rule of law, which underpins our stable democracy and is essential for investment and economic growth.²⁴

39. Under most legal frameworks in Australia, minerals are the property of the Crown, making them a public asset to be managed on behalf of the citizens of the jurisdiction.²⁵ It is therefore appropriate that there be broad public consultation as to whether, and if so, how, particular resources should be mined.

40. Researchers from Queensland University of Technology have shown that complex socio-economic issues follow mining activities and can have serious impacts on the provision of social services and recreational activities, housing, community safety, crime, lifestyle and overall

²¹ Judge Christine Trenorden, above n 41; Stephen Willey, ‘Planning Appeals: Are Third Party Rights Legitimate? The Case Study of Victoria, Australia’ (2006) 24(3) *Urban Policy and Research* 369–389; Brian Preston and J Smith, above n 43, 107.

²² Justice Rachel Pepper and Rachel Chick, ‘Ms Onus and Mr Neal: Agitators in an age of “green lawfare”’ (2017) 35(2) *Environmental and Planning Law Journal* 177.

²³ Independent Commission Against Corruption NSW, above n 1.

²⁴ Justice Rachel Pepper and Rachel Chick, ‘Ms Onus and Mr Neal: Agitators in an age of “green lawfare”’ (2017) 35(2) *Environmental and Planning Law Journal* 177

²⁵ See, for example, Mick Peel, Submission No 8 to Select Committee on Certain Aspects of Queensland Government Administration related to Commonwealth Government Affairs (14 November 2014) 3.

community wellbeing.²⁶ Further, impacts such as dust, noise, traffic and fugitive emissions can have impacts from a mine, along each of the often various and lengthy transportation routes to the final destination for the product. Greenhouse gases produced at every stage of production to combustion can also have impacts on climate change globally.

41. Resource projects can have broad-reaching impacts on the local area (such as through noise and dust), district (such as through groundwater) and the region and state (such as through economics and transport networks), as well as nationally and internationally (such as through economics and climatic impacts). It is only fair that all those who have an interest in those impacts are able to have those concerns heard by an independent arbiter.
42. Accordingly, regimes providing merits review, open to members of the public, are appropriate to the alienation of public owned resource assets and consideration of broad environmental impacts on the community.
43. These, and other benefits, in open standing participation and merits review have been recognised in a number of independent reviews that make recommendations supporting legal standing at least as broad as the current EPBC Act provisions. These include the Independent Review of the EPBC Act (2009) (**Hawke Review**), the NSW ICAC Report: Anti-Corruption Safeguards and the NSW Planning System (2012); the Administrative Review Council, Federal Judicial Review in Australia, (2012); and the Productivity Commission: Major Project Development Assessment Processes (2013).

Queensland's community participation rights are highly valued by Queenslanders

44. Community participation through an independent hearing process is a vital feature, and accountability safeguard of decision making around mining where minerals are a public resource owned by the State, that should only be exploited for public good. Further, the significant impact mining can cause to the environment, First Nations rights and interests, communities and local, regional and state economies means community participation is essential to ensure accountability of decision makers to fulsome consideration of these impacts in assessment.
45. Queensland is in a unique position compared to other jurisdictions as it is the most biologically diverse state or territory in Australia and contains the most (five) World Heritage properties, including the only place on Earth where two World Heritage places meet and the largest sand island in the world. Queensland's unique environment underpins significant Queensland's tourism and agricultural industries, which are both amongst the country's leading jurisdictions.
46. Queensland's environment is already under threat as the state most impacted by natural disasters (which will be exacerbated by climate change) and subject to other significant threatening process, such as having highest land clearing rates in Australia. Given the resource assets Queensland holds, and the impacts to Queensland's economy, environment and communities in exploiting these resources, robust assessment is needed to determine the best decision in the public interest on each mining application. The mere existence of resources for exploitation does not mean their exploitation is inherently in the public interest.
47. It is important that the broad public therefore has a voice in mining decisions. At minimum, it is vital that the current model is retained to ensure that meaningful community participation in the

²⁶ Kerry Carrington and Margaret Pereira, *Social Impact of Mining Survey: Aggregate Results Queensland Communities* (Final Report, 2011) <www.eprints.qut.edu.au/42056/>.

process is maintained. Queensland should not jeopardise its unique environment and reliant industries by eroding community rights in a race to the bottom.

Comparisons with other jurisdictions must be accurate and made with context of Queensland's unique context

48. Minister Last's first reading speech justifies the need for the Bill in 'sharpening Queensland's competitive advantage' and 'investment attractiveness'.²⁷ The Explanatory Notes acknowledged the Bill's amendments regarding public participation, and the objections are not complementary to the legislation of other States. However, the Explanatory Notes assert that the Bill is "broadly consistent with approaches adopted in other major Australian mining jurisdictions".²⁸ Below we outline and compare relevant jurisdictions to clarify the fact that this Bill is not in fact consistent with most jurisdictions (see also Annexure 2, a table comparing the proposed amendments with the processes of other jurisdictions). This helpful table from the QLRC's review outlines the difference in the authority names compared to Queensland's mining lease and environmental authority:²⁹

Table 1: 'Mining leases' and 'environmental authorisations'

Jurisdiction	'Mining leases'	'Environmental authorisations'
Western Australia	Mining lease	Mining proposal Environmental impact assessment Works approval and licence
New South Wales	Mining lease	Development consent
Northern Territory	Mineral lease	Environmental approval Mining authorisation

New South Wales

49. The Explanatory Notes' statement on the Bill's consistency with NSW is incomplete. Although NSW restricts statutory objections to mining leases under the *Mining Act 1992* (NSW), public participation in the assessment of mining developments is not correspondingly confined.³⁰ In NSW environmental impacts are primarily assessed through the development-approval process under the *Environmental Planning and Assessment Act 1979* (NSW) (**EP&A Act**).

50. Specified NSW mining (including coal and mineral sands mining, mining in environmentally sensitive areas of state significance, or mining exceeding \$30 million in developmental costs) are considered State Significant Development (**SSD**).³¹ Under the EP&A, SSD applications undergo environmental impact statement (**EIS**) assessment and public exhibition for generally 28 days, during which anyone may make a submission.³² If 100 or more public objections are received (a recent change), the NSW Independent Planning Commission (**IPC**) will determine the

²⁷ Queensland, Parliamentary Debates, 15 September 2026, 2767-70 (Minister Last).

²⁸ *Mineral Resources and Other Legislation Amendment Bill 2026 (Qld)*, Explanatory Notes, 8-9.

²⁹ Queensland Law Reform Commission, *Mining lease objections review Background Paper 3: Other jurisdictions*, Feb 2024, p 8, <<https://www qlrc.qld.gov.au/ data/assets/pdf file/0007/788992/mining-lease-objections-review-background-paper-3.pdf>>.

³⁰ *Mining Act 1992 No 29* (NSW).

³¹ *Environmental Planning and Assessment Act 1979 No 203* (NSW), ss 4.36 and 4.38; *State Environmental Planning Policy (Planning Systems) 2021*, cl 2.6, Schedule 1, Item 5 (Mining).

³² *Environmental Planning and Assessment Act 1979 No 203* (NSW), ss 2.22, 4.12(8) and s 9 of Schedule 1.

application.³³ The IPC may hold a public meeting, and the Minister may request it hold a public hearing.³⁴ Objectors may appeal an SSD determination on the merits to the NSW Land and Environment Court where development would otherwise be designated development, although this right is extinguished if the IPC holds a public hearing.³⁵

51. Overall, while NSW may not be said to provide a general objection right to the mining lease itself, its planning framework provides for public participation and independent review via an environmental assessment pathway.

Western Australia

52. Similarly in WA, the Warden's Court must hear a mining-lease application, regardless of size, where a valid objection has been lodged, but the Warden has the discretion whether to give an objector the opportunity to be heard.³⁶

53. For environmental assessment applications that are considered significant proposals, applications are referred to the Western Australian Environmental Protection Authority (**EP Authority**) under the *Environmental Protection Act 1986* (WA).³⁷ Where the EP Authority assesses the proposal, it usually requires environmental assessment information to be made available for public review and consultation, and, following assessment, prepares a report and recommendations for the Minister. *Any person* can appeal the content or recommendations of the EP Authority's assessment report,³⁸ with the Office of the Appeals Convenor investigating the appeal on its merits and reporting to the Minister who is the final decision maker on the appeal. Following the decision on the appeals, the Minister makes a final decision on whether the proposal may be implemented or not.³⁹

Northern Territory

54. In the Northern Territory,⁴⁰ in relation to applications for mineral titles, there is a similar system to that proposed in the Bill, where a landowner may object to a mineral title, while any non-landowner may make a submission.⁴¹ However, the Minister must consider *both* objections and submissions in determining whether to grant the mineral title.⁴² The Minister also has discretion to refer the application to the Northern Territory Civil and Administrative Tribunal to make recommendations for the Minister to consider.⁴³ If referred, people objecting to a mineral title application are parties to the Tribunal hearing and have the right to attend and present their

³³ *State Environmental Planning Policy (Planning Systems) 2021*, cl 2.7(1)(d).

³⁴ NSW Planning, *Community, Community Participation in Assessment*, (26 September 2026), retrieved from: <[link](#)>.

³⁵ NSW Planning, *The SSD process, Reviews and Appeals* (9 April 2026), retrieved from: <[link](#)>.

³⁷ *Environmental Protection Act 1986* (WA), s 38.

³⁸ *Environmental Protection Act 1986* (WA) s 100(1).

³⁹ *Environmental Protection Act 1986* (WA), s 45.

⁴⁰ For an overview of the Northern Territory scheme, see Northern Territory Department of Lands, Planning and Environment, *How to apply for a mineral title and environmental (mining) licence* (v. 2), 2 October 2025, <https://nt.gov.au/_media/docs/business-and-industry/mining/environmental-mining-licence-applications/how-to-apply-for-MT-EML.pdf>.

⁴¹ *Mineral Titles Act 2010* (NT), s 71(3).

⁴² *Mineral Titles Act 2010* (NT), s 78(1)(b).

⁴³ *Mineral Titles Act 2010* (NT), ss 78(2)(d) and (3).

views.⁴⁴ The Tribunal may order that any other person be joined as a party, including a person who made submissions on the application.⁴⁵

55. In relation to environmental assessment and approval in the NT, if the proposed mining activity has the potential to have a significant impact on the environment, it must be referred for environmental impact assessment.⁴⁶ The referral must be made available for public review and submissions without limits on who can make comments.⁴⁷ The Northern Territory Environment Protection Authority (**NT EPA**) then determines the method of environmental assessment for the proposed activity. For example, the NT EPA may determine that an environmental impact statement is required, in which case there is generally one or more further opportunities for the unlimited public to make submissions.⁴⁸ The NT EPA then prepares an assessment report for the Minister, who ultimately determines whether to grant environmental approval.⁴⁹

56. In addition, most mining activity requires an environmental (mining) licence.⁵⁰ An environmental (mining) licence is required even if (a) the mining activity does not have the potential to have a significant impact on the environment; or (b) the mining activity has the potential to have a significant impact on the environment but has been granted environmental approval.⁵¹ The Northern Territory requires public notification and consultation for applications for modified and tailored environmental (mining) licenses (similar to variation and site-specific)⁵² and the Minister must consider any submissions received.⁵³ Public notification is not required for standard exploration and extractive license applications. There is no merits review process for environmental (mining) licenses.

57. Ultimately, under the proposed Queensland Bill, an eligible objector's only route to a court hearing is via a referral that the Minister or DETSI may summarily decline without being subject to any legislative criteria. DETSI can also choose to not consider any submissions. This is a substantially different proposition from the other jurisdictional regimes that the Explanatory Notes refers to. Even the Northern Territory still maintains submission rights for the equivalent of standard and variation applications with a requirement that these submissions be considered in the final decision.

Consultation on the Bill has been inadequate

58. The amendments proposed by the Bill have extensive implications for long-held public rights for Queenslanders. However, the Government's consultation process for the Bill prior to its

⁴⁴ *Mineral Titles Act 2010* (NT), s 78(6).

⁴⁵ *Northern Territory Civil and Administrative Tribunal Act 2014* (NT), s 128. The Tribunal can also grant leave for any person to intervene in the proceeding: *Northern Territory Civil and Administrative Tribunal Act 2014* (NT), s 129(2).

⁴⁶ *Environmental Protection Act 2019* (NT), s 48. For an overview of environmental impact assessment process, see NT EPA, *Environmental impact assessment and environmental approval under the Environment Protection Act 2019* (v 3), 17 March 2025 <<https://environment.nt.gov.au/media/docs/environment/documents/environmental-impact-assessment-and-approval-in-the-nt.pdf>>.

⁴⁷ *Environmental Protection Regulations 2020* (NT), r 52.

⁴⁸ *Environmental Protection Regulations 2020* (NT), rr 132, 133, 138, 139, 143 and 145.

⁴⁹ *Environmental Protection Act 2019* (NT), ss 64 and Part 5 Divisions 3 and 4.

⁵⁰ *Environmental Protection Act 2019* (NT), s 124L.

⁵¹ Though public consultation on the license application is not required if the mining activity already has environmental approval: *Environmental Protection Regulations 2020* (NT), r 233S(2).

⁵² *Environment Protection Regulations 2020* (NT), ss 233S and 233T.

⁵³ *Environmental Protection Regulations 2020* (NT), r 233U.

introduction into Parliament has been wholly inadequate. It has favoured industry interests that would likely benefit from the proposed changes to the prejudice of the general Queensland population who could be affected by relevant mining projects.

59. The mining industry, the local government sector, the Land Court and legal practitioners received prior consultation on key amendments in the Bill. The agriculture and farming sectors were briefed on the proposed amendments.⁵⁴ The conservation sector and First Nations bodies were not consulted.
60. Public submissions on the Bill closed less than four weeks after the Bill was introduced into Parliament, less than two weeks after the Department's Written Briefing was published and two days *before* a public briefing will be held. This is not an adequate period for the public to understand the Bill and prepare their submissions. We note, by comparison, that when similar reforms were proposed in 2014, a discussion paper was released for public consultation prior to the subsequent Bill;⁵⁵ the QLRC review of the mining objections hearings process also involved three consultation papers (and various supporting documents), before being cancelled.⁵⁶
61. Further, considering the limitations the Bill would place on First Nations people's ability to speak for and protect Country, the lack of specific consultation with First Nations people is both inadequate from a policy perspective and inconsistent with human rights under both Queensland and international law. These issues are detailed below at paragraphs [72]-[80].

The Bill undermines public participation rights at the risk of Queensland's environment, community wellbeing and economy

62. Public participation in planning decisions should not be seen as an obstacle to development. The EP Act expressly requires that it be administered as far as practicable, in consultation with, and having regard to the views and interests of, industry, Aboriginal peoples and Torres Strait Islander peoples under Aboriginal tradition and Island custom, interested groups and persons and the community generally.⁵⁷
63. Community participation should be recognised as an important mechanism through which the needs, views and expertise of the public can be incorporated to lead to better decision-making in the public interest. It is the role of government to protect and support the public interest in decision-making, yet the proposed amendments made in this Bill support instead the interests of mining proponents over the public.
64. Principle 10 of the Rio Declaration, which arose from the 1992 United Nations Conference on Environment and Development, outlines three fundamental community rights in relation to environmental decision-making, comprising the rights to:⁵⁸

- a) have appropriate access to information held by public authorities;

⁵⁴ *Mineral Resources and Other Legislation Amendment Bill 2026*, (Explanatory Notes) pg 8.

⁵⁵ 2014, Media Release 'Greater certainty delivered for industry and landholders' <[link](#)>.

⁵⁶ Available at: [Review Publications | QLRC](#)

⁵⁷ EP Act s 6.

⁵⁸ Report of the United Nations Conference on Environment and Development, June 1992, (Report). <[https://docs.un.org/en/A/CONF.151/26/Rev.1\(vol.I\)](https://docs.un.org/en/A/CONF.151/26/Rev.1(vol.I))>. Australia is a signatory to the Rio Declaration. See also Wilderness Society, *Who holds the power? Community rights in environment decision-making* (2022) 2 <<https://wilderness.org.au/images/resources/WhoHoldsThePowerReport.pdf>>.

- b) genuinely participate in decision-making processes; and
- c) have access to review or challenge decisions.

65. Community engagement, including public consultation and appeal rights, should be a high priority for the Government in all aspects of its operation. This is particularly so with respect to decision-making processes relating to projects raising matters of public interest, such as the environment. Consultation and review and/or appeal rights should be retained as a matter of course.

66. The Bill proposes to limit objection rights to ‘eligible entities’ meaning:

- a) affected persons under section 252A (owners of land in, adjoining, or necessary for access to land within the proposed mining lease, the relevant local government, and relevant infrastructure entities);
- b) occupiers of land within the proposed mining lease area; and
- c) owners and occupiers of land within 125km of the proposed mining lease.⁵⁹

67. The 125km limit has no apparent basis – in science, culture or economics. The 125km limit instead is said to reflect the existing legislative approach under the *Strong and Sustainable Resources Communities Act 2017* (Qld), which uses the 125km radius to identify nearby regional communities in relation to large resource projects.⁶⁰ However, this distance is applied in that context to prioritise a local workforce where available in place of 100% fly-in, fly-out, and has no bearing on the environmental, economic or social impacts of the mining activities themselves.

68. In particular, environmental impacts of a mine can extend further than the arbitrary distance. This includes for downstream water catchment impacts and greenhouse gas impacts from the activities and the burning of fossil fuels – which are relevant to all Queenslanders. For example, the Great Barrier Reef catchment and river basins Map⁶¹ identifies Great Barrier Reef catchment boundaries which extend much further than 125km from the coastline of the Great Barrier Reef Marine Park. The extent of the catchment areas recognise the scientific fact that water quality of inland waters has a direct impact on the Great Barrier Reef.

69. Further, the 125km limit ignores the reality of First Nations connection to and relationships with Country. The boundaries of Traditional Ownership and connection to Country do not stop at an arbitrary radius around a mining lease. Any First Nations group whose Country is impacted by an application for a ML or EA should be able to engage with decisions about whether the ML or related EA should be granted. This should extend to, at a minimum:

- a) First Nations groups who may not yet, or may never, hold native title in the mine operation area, yet who are concerned to protect sites of cultural value in the area, and
- b) Traditional Owners whose Country beyond the 125km eligibility zone may be impacted: where songlines, dreaming tracks and cultural responsibilities are not defined by such

⁵⁹ *Mineral Resources and Other Legislation Amendment Bill 2026*, Division 3, Part 3, clause 41.

⁶⁰ Primary Industries and Resources Committee, *Mineral Resources and Other Legislation Amendment Bill 2026*, (Written Briefing), pg 3.

⁶¹ Queensland Government 2018, *Great Barrier Reef Catchment and River Basins Regions Map* <[link](#)>.

arbitrary geographic limits, and where ground and surface water flows, for example, do not stop at a line on a map.

70. The potential exclusion of First Nations peoples' right to object to MLs and related EAs impacting their Country is incompatible with their rights under domestic and international law. We expand on these issues below at paragraphs [72]-[80].

71. The economic impacts, both costs and benefits, also extend beyond the 125km limit. For example, fly-in-fly-out workers will almost certainly be based outside the radius. If skilled workers are being sourced from other communities, there is a resulting opportunity cost for those communities, particularly in regional Queensland where skilled labour is in demand. Further, the justification for mines is often based on the number of jobs provided and the benefit of these jobs to Queensland's broader economy. In EDO's experience the job figures put forward in application materials are frequently overstated, which is flushed out only via closer inspection of the application through Land Court merits review such that accurate jobs figures are determined for the decision. Further, with the global transition away from fossil fuels towards a cleaner economy, the question of whether mines may become stranded assets that divert economic resources away from transitioning our economy is inherently a broad consideration for all of Queensland.

The Bill is contrary to human rights and would adversely impact First Nations

72. The Bill would limit, without reasonable justification, fundamental human rights that are recognised and protected in the *Human Rights Act 2019* (Qld) (**HR Act**) and under international law.

73. If passed, the Bill would significantly affect the following the human rights of individuals and the community:

- a) HR Act Section 15 – **the right to recognition and equality before the law**: by denying objection rights based on an arbitrary geographical limit;
- b) HR Act Section 15 (4) – **the right of First Nations people to equal and effective protection against discrimination**: by failing to expressly recognise First Nations as affected persons or eligible entities with a right to object to a mining lease application, including on human rights grounds.
- c) HR Act Sections 21(2) and 23 – **the right to freedom of expression, right to take part in public life and the right to a fair hearing**: by removing public consultation and objection opportunities for standard and variation EA applications, limiting objection rights to 'eligible entities', removing the mandatory requirement to consider submissions, and blocking referral to the Land Court for an independent hearing behind decision-maker discretion; and
- d) **Rights associated with climate change** (including right to life (section 16), right to privacy (section 25), children and families (section 26) and cultural rights of Aboriginal peoples and Torres Strait Islander peoples (section 28)).

We do not agree with the Minister's opinion that the proposed amendments will "not result in any change of substance to the matters that might contribute to climate change" (SOC, p8). The more relevant question here is whether the impact of a proposed mining lease on climate change, and the resulting impact on the above

human rights, will be able to be considered by an independent arbiter. As a result of the Bill, this right has been removed.

- e) HR Act Section 28 – **the cultural rights of First Nations people:** by failing to recognise First Nations as affected persons or eligible entities with a right to object to a mining lease application, including on human rights grounds.

74. The Bill undermines the rights of First Nations people outlined in the United Nations Declaration on the Rights of Indigenous Peoples (**UNDRIP**) including fundamental legal rights of First Nations, including that of Free, Prior and Informed Consent (**FPIC**). UNDRIP was endorsed by the Australian Government in 2009 and has been described by the Chief Justice of the Federal Court of Australia as ‘solemn objectives that Australia has committed to in international forums’.⁶² FPIC involves the inherent collective right of First Nations to participate in decision-making about issues and laws that affect their lives, lands, waters, skies, and resources, and to grant or withhold consent as they see fit.

The process in developing the Bill is contrary to First Nations rights

75. The Bill has been developed without consultation with relevant First Nations people, contrary to their rights to:

- a) FPIC, to participate in decision-making in matters that affect their rights,⁶³ and to be consulted on laws that affect them,⁶⁴
- b) self-determination, as reflected in the Preamble to the HR Act
- c) control, protect and develop their cultural heritage and their relationship with the land, territories and resources with which they have a connection under Aboriginal tradition or Island custom,⁶⁵ and
- d) conserve and protect the environment and productive capacity of their land, territories, waters, coastal seas and other resources.⁶⁶

76. EDO considers that the Statement of Compatibility significantly understates the potential limitation of cultural rights resulting from the Bill and fails to provide a reasonable justification for the limitation.⁶⁷ Minister Last has stated that:

‘Any impacts on cultural rights will continue to be assessed and considered by decision-makers as part of the approval processes for MLA and associated EA applications. The

⁶² *United Nations Declaration on the Rights of Indigenous Peoples*, GA Res 61/295, UN GAOR, 61st sess, 107th plen mtg, Agenda Item 68, Supp No 49 (2 October 2007, adopted 13 September 2007) (UNDRIP). Regarding the importance of this endorsement for Australia’s domestic jurisdiction, see *Sampi v State of Western Australia* (No 5) [2026] FCA 517, [45]-[48] where Mortimer CJ refers to these rights as “solemn objectives that Australia has committed to”.

⁶³ *United Nations Declaration on the Rights of Indigenous Peoples* (September 2007), Article 18.

⁶⁴ *United Nations Declaration on the Rights of Indigenous Peoples* (September 2007), Article 19.

⁶⁵ HR Act s 28(2)(a) and (d).

⁶⁶ HR Act 28(2)(e).

⁶⁷ *Mineral Resources and Other Legislation Amendment Bill 2026* (Statement of Compatibility), pp 2, 3, 5, 6, 8, 9.

*amendments therefore limit access to one avenue of participation, rather than limiting consideration of cultural rights themselves*⁶⁸

77. However, for First Nations, denying access to objection rights is not merely limiting an avenue of participation. It directly limits and denies their cultural rights, including to ‘conserve and protect’ their land and resources, and to ‘control, protect and develop’ their cultural heritage and their relationship with the land, territories and resources.⁶⁹ This is because the Minister or DETSI can simply refuse to refer an objection brought on a ground relating to the HRA to the Land Court.

The substance of the Bill is contrary to First Nations rights

78. Section 28 of the HR Act expressly provides that First Nations people must not be denied the right to:

- a) enjoy, maintain, control, protect and develop their identity and cultural heritage;
- b) maintain and strengthen their distinctive spiritual, material and economic relationship with the land, territories and other resources which they have a connection under Aboriginal tradition and Island custom, and
- c) conserve and protect the environment and productive capacity of their land, territories, waters, coastal seas and other resources.⁷⁰

79. This Bill is also incompatible with these substantive rights. The Minister’s Statement of Compatibility fails to adequately address whether there are any less restrictive and reasonably available ways to achieve the purpose of the reforms. This is particularly concerning in light of the extensive consultation and consideration of other reform approaches undertaken by the Queensland Law Reform Commission’s Mining Lease Objections Review.

80. Further, we do not accept the Minister’s conclusion that that Bill is not racially discriminatory, based on a narrow characterisation of the *Racial Discrimination Act 1975* (Cth) as applying only in the context of exclusive native title.⁷¹

Recommendation 1: The Bill be withdrawn due to the incompatibility with human rights, disproportionate impact on First Nations people and lack of evidentiary basis for the significant curtailing of objection rights.

⁶⁸ *Mineral Resources and Other Legislation Amendment Bill 2026* (Statement of Compatibility), pg 10.

⁶⁹ These rights are explicitly protected by HR Act s 28(a)(a), (d) and (e).

⁷⁰ See HR Act s 28(2)(a), (d) and (e).

⁷¹ See *Mineral Resources and Other Legislation Amendment Bill 2026* (Statement of Compatibility), pg 3. Cf the observations of the High Court as to the scope of s10(1), RDA in *WA v Cth (NT Act Case)* (1995) 183 CLR 373 at [37]–[43] and *WA v Ward* [2002] 213 CLR 1 at [310] – [311].

Part 2 – Detailed feedback on the Bill and proposed amendments

Decision criteria and grounds for objection

Environmental Authority applications

81. Clause 21 of the Bill would amend section 187 of the EP Act to establish new criteria for deciding a site-specific EA application relating to an ML.
82. Of major concern is the amended section 187(6) which would provide DETSI with the discretion to consider the decision criteria in section 187(1)(b) only to the extent it considers necessary. The explanatory notes provide an example of the use of subsection (6) “if the administering authority’s decision is to refer the matter to the Land Court, a full assessment of the regulatory requirements and possible changes to the draft EA or draft PRCP schedule is not necessary”.
83. The amended section 187(6) appears to provide a broad discretion to unilaterally decide that any or all the criteria in section 187(1)(b) are not necessary to consider, including the standard criteria. Section 187(1)(b) is otherwise drafted as stating mandatory considerations by the words ‘must have regard to’. Diminishing the mandatory nature of the criteria undermines the integrity of the decision-making process.
84. If the legislative intention of amended section 187(6) is to not require a full consideration of the criteria because a full consideration will be undertaken by the Land Court on referral, that restriction must be clearly and strictly legislated – consistent with the fundamental legislative principle that legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review.
85. Further – and notably – amended section 187(1)(c) would provide DETSI with the discretion on whether to have regard to any submission made under amended section 184. Submissions under the amended section 184 are the only opportunity for Queenslanders to have their say on the draft EA.
86. In effect, not only would the Bill remove the rights of Queenslanders who live outside the arbitrary 125km limitation from objecting to the EA, but it would also allow DETSI to completely disregard their views of anyone who makes a submission – including those from people within the 125km radius.

Mining Lease applications

87. Clause 43 of the Bill would amend section 271 of the MR Act to establish new criteria which makes three notable changes.
88. Firstly, amended section 271(4) of the MR Act would provide the Minister with the same discretion as amended section 187(6) of the EP Act provides DETSI. We hold the same serious concerns for amended 271(4) of the MR Act as we hold for amended section 187(6) of the EP detailed in paragraphs [81]-[84] above.
89. Secondly, the amended section 271(3) of the MR Act would expressly prevent the Minister from considering the criteria in subsection (1) to the extent the criteria relates to environmental harm.

90. The exclusion of considering environmental harm is counter-intuitive in practice, particularly in the context of the criteria in section 271(1)(k) of the MR Act regarding the current and prospective uses of the land. Environmental harm is fundamentally relevant to many potential land uses including agriculture, conservation, and legally secured offsets. Without consideration to environmental harm, the Minister cannot feasibly give proper consideration to current and prospective land use and make an informed decision. Difficulties also arise in the consideration of past performance under section 271(1)(g) if the past performance of the applicant involved environmental harm offences. Environmental issues also be relevant to the imposition of conditions under section 276, for example regarding improvement restoration for the lease.
91. Thirdly, the amended section 271(1) of the MR Act would remove a broad consideration for the Court of ‘any good reason for rejecting the application’. The consideration remains in amended section 271(2) for the Minister. This separation of ‘any good reason’ from the other decision criteria removes the consideration as a potential ground of objection as detailed below.

Grounds for objection

92. Clause 41 of the Bill would amend section 260 of the MR Act to limit the grounds of objection that the Minister may consider to the criteria in amended section 271(1). This means that objections cannot be made on the grounds of environmental harm and any other good reason for the refusal.
93. Plenty of other ‘good reasons’ may sit outside of the criteria in the amended section 271(1). As minerals are owned by the state for the benefit of all Queenslanders, all Queenslanders must be able to make objections on broad grounds. For example, the impact on cultural rights of First Nations people is not included in the criteria but could be the basis of ‘good reason to refuse’. If an objection was made on the grounds of impact to cultural rights, the Court would be precluded from considering that aspect of the objection, even though it is relevant to the consideration of ‘any good reason to refuse’. Given the Court is well-placed by being the most apprised of all the evidence, and that its role is limited to making a non-binding recommendation in any event, such a change is unnecessary and would only be unhelpful to best informing the Minister’s final decision.

Recommendations:

2. The Bill be amended to remove the discretion to decide the criteria in section 187(1)(b) of the EP Act are not necessary to consider.

Alternatively,

3. The Bill be amended to expressly limit the discretion provided in amended section 187(6) of the EP Act for when the application is being referred to the Land Court.
4. The Bill be amended to replace ‘may’ with ‘must’ in amended section 187(1)(c) of the EP Act to require DETSI to consider submissions made under amended section 184 of the EP Act.
5. The Bill be amended to remove the discretion to decide the criteria in section 271(1) are not necessary to consider.

Alternatively,

6. The Bill be amended to expressly limit the discretion provided in amended section 271(4) of the MR Act to when the application is being referred to the Land Court.
7. The Bill be amended to remove the exclusion of environmental harm considerations since these are relevant to determinations of appropriate land use.
8. The Bill be amended to expand the decision criteria in amended section 271(1) of the MR Act to include 'any other good reason' and 'impact on the rights and interests of Aboriginal and Torres Strait Islander people' to require consideration by the Minister and as potential grounds for an objection to the Land Court.

Objection rights for standard and variation EA applications should be maintained

94. The Bill proposes to entirely remove the notification and objection process for standard or variation EA applications, with the objection process only retained for site-specific and major amendment EA applications.⁷²
95. The government says this is for consistency with how the EP Act deals with standard and variation EA applications not related to a ML.⁷³ However, the context for EA applications for non-ML matters is different.
96. Where a proposed mining project can meet the standard criteria, the EA will be automatically granted. The removal of objection rights for standard and variable EA applications combined with the exclusion of environmental harm considerations from ML decision criteria and objection grounds would create the perverse outcome of a landholder having no voice or recourse for legitimate concerns regarding environmental harm to their land or local area.
97. The availability of objection rights to standard and variation EA applications relating to ML applications is important because, unlike non-ML related EAs, mining activities can occur without the consent of the landholder. There is no need for a landholder to object to a non-ML related standard or variation EA application because they could simply veto it by withholding their consent.
98. As outlined in paragraphs [87]-[91] above, environment harm is important aspect to the consideration of current and prospective land use in clause 43, amended section 271(1)(k).
99. The current public consultation and merits review rights are essential for standard and variation applications because:
- a) landholders, leaseholders and others with particular interest or information relevant to a site can be notified early on of the mining proposal to have their concerns and further information heard and taken into account in decision making;

⁷² Mineral Resources and Other Legislation Amendment Bill 2026, Division 3, Part 3, Clause 6, amended s 149.

⁷³ Primary Industries and Resources Committee, *Mineral Resources and Other Legislation Amendment Bill 2026* (Written Briefing, 2026) pp 6-7

- b) notification and objection rights give interested people a platform to engage with an applicant about practical changes that can reduce impacts, and for landholders and leaseholders to commence negotiating a mutually beneficial outcome should mining be compatible with the conservation efforts or other factors relevant to the site;
- c) incorrect information in an application can be corrected before it is relied upon in the decision, and also incorrect assumptions by a proponent can be corrected to inform their decision-making on their mining plans;
- d) the Land Court provides an important mechanism for testing evidence, identifying disputed facts and considering competing interests independently of the applicant and the decision-maker.

Case study: Risks to private protected areas from rights to be heard on mining applications

Nature refuges are a private protected area created under the *Nature Conservation Act 1992* (Qld) (**NC Act**) by voluntary agreement between a landholder and the Government. They are classed as a protected area under the NC Act, but are not afforded protection from the granting of a mining lease.

Private protected areas like nature refuges are typically subject to state and federal government investment, along with the investment of not-for-profit organisations with objects of nature conservation and rehabilitation in the public interest. Like their public equivalent, private protected areas contain high conservation values, including threatened species habitat, remnant vegetation, wetlands, ecological corridors and other conservation values that are poorly represented elsewhere in the protected-area system. Private protected areas play a significant role in providing for protection and rehabilitation of sensitive and threatened environmental values, reconnecting wildlife corridors, and other public conservation goods.

Under the proposed framework, if a standard or variation EA application was proposed, landholders and leaseholders who have dedicated their resources to preserving and rehabilitating these sites in the public interest would not have the opportunity to be notified and put in submissions for consideration as part of the assessment, nor have their concerns heard in the independent Land Court. This has impacts on private protected areas where landholders and leaseholders rely on these rights to be notified of applications and to ensure the unique attributes of the areas and intimate knowledge of the site are properly considered in decision-making and mine planning. As outlined above, these rights can lead to the ability to negotiate better outcomes for both miners and the conservation of the site through more informed decision-making and collaborative planning to ensure all issues are taken into account. These concerns apply to all landholders also, as outlined above.

- 100. The proposed removal of standard and variation application objection rights, and discretionary referral mechanism for objectors to site specific applications, creates a risk that a landholder may have a legitimate and evidence-based concern, but no legally robust and practical avenue to have that concern independently tested.
- 101. The Bill's proposal to remove the notification and objection process for standard or variation EA applications also undermines the rights and interests of First Nations, including in relation to the protection of Country, Cultural Heritage and water impacted by a proposed EA.

⁷⁴ It is not just large resource projects (which may still require a site-specific EA under the Bill) that impact on such rights and interests: any resource projects can have significant impacts on First Nations Country and Cultural Heritage. This can only be determined through engagement with the relevant First Nations. If First Nations are not notified of projects and engaged prior to activities taking place, significant risks can arise for proponents, government and First Nations, particularly in the context of Queensland's inadequate cultural heritage laws.⁷⁵ The Commonwealth native title process cannot be relied on to substitute existing First Nations participation rights through the current notification and objection process for standard or variation EA applications, where many First Nations across Queensland may not be able to establish native title as a result of colonisation and dispossession.⁷⁶

102. The Department Briefing notes that of 90 standard and variation applications associated with MLs between January 2021 and 1 September 2026, only one objection progressed to the Land Court for an objections hearing.⁷⁷ Considering only a single standard or variation EA application progressed to a hearing, it cannot be said that the objection process is delaying approvals or making a material burden on court resources.

Recommendations:

9. Existing objection rights for all mineral resource activity related EA applications, including standard and variation applications, be retained.
10. Alternatively, the commencement of Part 2 of the Bill not be proclaimed until the ERA standard for mining lease activities is updated to require, at minimum:
 - a. consistency with the management agreement if occurring within a private protected area; and
 - b. engagement with relevant First Nations people on the basis of Free, Prior and Informed Consent.

Open objection rights to ML applications and associated EAs should be maintained

103. Minerals are the property of Queenslanders⁷⁸ and should only be exploited if it is in the public interest and not the private interests of a few, and then only with the Free, Prior and Informed Consent of affected First Nations. As all Queenslanders have an interest in

⁷⁴ Mineral Resources and Other Legislation Amendment Bill 2026, Division 3, Part 3, Clause 6, amendment to s 149.

⁷⁵ This includes the narrow construction of cultural heritage in the *Aboriginal Cultural Heritage Act 2003* (Qld) and the *Torres Strait Islander Cultural Heritage Act 2003* (Qld) (Cultural Heritage Acts) that fail to consider broader cultural connection to Country. For more information about Queensland's ongoing review of the Cultural Heritage Acts, see [EDO Submission on the Options Paper: Finalising the review of Queensland's Cultural Heritage Act - Environmental Defenders Office](#).

⁷⁶ As well as the length of native title land claims.

⁷⁸ *Mineral Resources Act 1989*, Chapter 1, Part 5, ss (8)-(9).

Queensland's minerals, access to the objection process should not be limited by geographic proximity to a proposed mining lease.

104. Clause 41 of the Bill would amend section 260(4) of the MR Act to limit objection rights to 'eligible entities'. Eligible entities are defined to mean:

- a) affected persons under section 252A(7) - owners of land in, adjoining, or requiring access to land within the proposed mining lease, the relevant local government, and relevant infrastructure entities;
- b) occupiers of land within the proposed mining lease; and
- c) owners or occupiers of land within 125km of the proposed mining lease.⁷⁹

105. 'Occupier' of a place is defined in Sch 2 of the MR Act to mean a person who has a right to occupy the place, or a person to whom the owner of the place or another occupier has given the right to occupy the place.

106. It is unclear whether the definition of 'occupier' of land is to be interpreted consistently with the existing definition of 'occupier' of a place.

107. The definition of eligible entity would make it difficult for landholders to form or join an incorporated association or other representative organisation to object to an ML or EA, as such organisations are rarely landholders or occupiers in their own right, despite often representing large geographical regions extending beyond 125km from an 'occupied' premises.

108. Incorporated associations are an important vehicle for community rights as they allow like-minded members of the community to protect their collective interests through a shared unified voice, pooled resources and, in the event of legal action, insulate members from personal costs risks. Without such an organisation, landholders must directly shoulder the significant burdens of a court objection themselves – including substantial investments of time, money, energy and emotion.

109. In the context of objecting to the applications of mining corporations whose owners and shareholders benefit from pooled resources and limited liability, it is important that incorporated associations and other forms of representative organisations do not face barriers in representing the interests of their members. It provides but a minor consolation for objectors when facing the regularly formidable resources and might of a mining corporation.

110. The geographical limitation fails to achieve the intended purpose of limiting objections to 'people who are directly affected'.⁸⁰ As identified in paragraphs [66]-[71], the impacts of a mine can extend beyond the arbitrary 125km radius.

111. In addition to failing to achieve the policy objectives, and as noted above, the 125km limitation is an unreasonable limitation on the human rights of:

⁷⁹ *Mineral Resources and Other Legislation Amendment Bill 2026*, Division 3, Part 3, Clause 41 amendment.

⁸⁰ *Mineral Resources and Other Legislation Amendment Bill 2026*, (Explanatory Notes) p 3;

Primary Industries and Resources Committee, *Mineral Resources and Other Legislation Amendment Bill 2026* (Written Briefing) p 1.

- a) recognition and equality before the law;⁸¹
- b) freedom of expression;⁸²
- c) right to take part in public life;⁸³
- d) the right to a fair hearing;⁸⁴ and
- e) cultural rights of First Nations peoples.⁸⁵

112. In particular, the failure of the Bill to provide objection rights to First Nations people whose interests may be impacted by the granting of a mining lease is particularly egregious as the compatibility statement, explanatory notes and departmental briefing all identify this issue without addressing the option to expressly provide objection rights to First Nations people.

113. Section 252A of the MR Act requires applicants for a proposed mining lease directly notify 'affected persons'. Affected person is defined to mean:

- a) an owner of the subject land;
- b) and owner of land necessary for access to the subject land;
- c) an owner of adjoining land;
- d) the relevant local government; or
- e) an entity that provides infrastructure wholly or partially on the subject land.

114. To address these concerns, the definition of eligible entity in clause 21 of the Bill or the definition of 'affected person' in section 252A of the MR Act should be expanded to include any First Nations people whose rights or interests may be impacted by the granting of a mining lease.

Recommendations:

11. The existing right for any person to make an objection to an ML and associated EA be maintained to ensure community participation rights are protected and allow for informed decision-making.

If open standing to make an objection to an ML and associated EA will not be retained, we make the following alternate recommendations:

12. The definition of 'eligible entity' in clause 21 of the Bill (amended section 180) be removed and all other instances of 'eligible entity' in clause 21 be replaced with 'any

⁸¹ *Human Rights Act 2019*, s 15.

⁸² *Human Rights Act 2019*, s 21(2).

⁸³ *Human Rights Act 2019*, s 23.

⁸⁴ *Human Rights Act 2019*, s 31.

⁸⁵ *Human Rights Act 2019*, section 28.

person', in recognition of the potential wide-spread environmental, social and economic impacts of mining that can extend beyond 125km.

13. The definition of 'eligible entity', is legislated to include incorporated associations and other representative organisations representing the interests of members who would otherwise meet the definition of 'eligible entity.'

14. The definition of affected person in section 252A of the MR Act be expanded to include Aboriginal and Torres Strait Islander people whose rights and interests may be affected by the proposed Mining Lease.

The existing referral process should be maintained

115. The Bill proposes unconstrained discretionary power to the Minister (for a ML)⁸⁶ and DETSI (for an EA)⁸⁷ to refer an application, or a specific matter on the application, to the Land Court for a MOH. This allows the decision maker to determine what matters, if any, the Land Court should consider.

116. However, the Bill contains no criteria for when the decision maker must or should refer an objection or specific matters. The Departmental written briefing notes apparent concerns about automatic referral occurring "...whether or not the substance of the objection is significant, relevant or meritorious".⁸⁸ And the Minister has simply indicated in his speech to parliament that the discretion "...will enable Land Court hearings to focus on complex matters where independent judicial consideration is warranted".⁸⁹ Further, there are no review rights to this decision unless it was not made in accordance with the law, nor is there an obligation to publish reasons.

117. As outlined earlier in this submission, the access to a merits appeal process consistently results in positive outcomes for Queenslanders, demonstrating the inherent value of the objection process. The Land Court already has existing powers to strike out objections which are outside the jurisdiction of the court (not relevant), frivolous or vexatious or otherwise an abuse of process,⁹⁰ and can order costs against parties.⁹¹

118. The current process for mining approvals does not provide an option for the public to express their concerns about a mining lease application, except for through an objection which must be heard by the Land Court. An alternative submission pathway for the public to express their concerns without committing to a Land Court hearing should be available. However, unlike the proposed submissions to a draft EA in clause 21 amended section 187(1)(c) of the EP Act, the Minister must be required to consider a submission, not merely 'may have regard to.

⁸⁶ *Mineral Resources and Other Legislation Amendment Bill 2026*, Clause 44, Division 3, Subdivision 3, amended s 1271A).

⁸⁷ *Mineral Resources and Other Legislation Amendment Bill 2026*, Clause 21, Division 3, Subdivision 3, amended s 186(1)(c).

⁸⁸ Primary Industries and Resources Committee, *Mineral Resources and Other Legislation Amendment Bill 2026* (Written Briefing, 2026) p 3.

⁸⁹ Queensland, Parliamentary Debates, 15 September 2026, 2767-70 (Minister Last).

⁹⁰ MR Act s 267A.

⁹¹ MR Act s 52C.

119. As outlined in the Explanatory Notes, the discretionary power to decide whether to refer an objection departs from the fundamental legislative principle that power should be sufficiently defined where rights are dependent on that power.⁹²

120. If the decision on whether to refer an objection to the Land Court is to remain, the referral decision must be subject to clear statutory criteria. Further, the Minister/DETSI must be required to provide a statement outlining the reasons for any decision to not refer an objection, or to refer only part of an objection. These requirements will improve consistency with the fundamental legislative principles.

Recommendation:

15. The existing referral process be maintained to ensure the continuing benefits of the Land Court independent merits review hearing as an essential accountability safeguard.

16. The Bill be amended to allow public submissions on ML applications and require the Minister to consider the submissions when making a decision under amended section 271(2) of the MR Act.

Alternatively, at minimum -

17. The Bill be amended to include:

- a. clear mandatory criteria for consideration for referral decisions; and
- b. a requirement for a statement of reasons when an objection is not referred, or only referred in part.

Public submissions should be available both early in the application and at draft decision

121. The EP Act currently provides for separate submission and objection stages for EA applications. Submissions may be made when during the public notification stage⁹³ and objections after a draft EA is notified.⁹⁴ Clause 6 of the Bill would amend section 149 of the EP Act to remove the notification stage for site-specific EA applications related to an ML. Clause 21 would replace the existing sections 181 and 182 with new sections 183 and 184 of the EP Act to allow for objections and submissions about the draft EA or draft PRCP schedule.

122. The proposed amendments would remove the opportunity for the public to be heard prior to a draft EA decision at the notification stage (subject to any notification requirements via the EIS process).

⁹² *Mineral Resources and Other Legislation Amendment Bill 2026* (Explanatory Notes), p 4.

⁹³ EP Act ss 149(a) & s160.

⁹⁴ EP Act ss 181 & 182.

123. Due to the extent of the impacts associated with mining, the supporting material for ML related EA applications is often voluminous, technically complex and involves a wide breadth of subjects. It takes substantive time and resources for the community to review and respond to an application. Early public participation provides for early identification of community concerns, allowing the decision maker to seek additional information prior to making a decision. Further, the more notice the community has, the greater opportunity there is for them to readily engage in the process and inform decision-making. Such involvement can help with any ‘social licence’ of a proponent to proceed with a project.

Recommendation:

18. The separate notification process allowing submissions on the application and objections on the draft EA should be maintained to allow for continued public participation and informed, better decision-making.

Post-decision review process should be implemented

124. As stated above, public participation and objection rights are vital in achieving the best outcomes for Queenslanders. The amendments proposed in the Bill unreasonably curtail public participation rights in pursuit of procedural efficiency. There are alternative approaches to improve decision efficiency while maintaining an effective merits appeal process.

125. The QLRC discussion paper ‘Reimagining decision-making processes for Queensland Mining’ on the review of the mining objections process proposed post-decision review process for mining objections.⁹⁵ In our submission on the discussion paper, EDO broadly supported the proposal.⁹⁶ We note neither the explanatory notes or Department written briefing paper raise or consider this alternative. This is despite it also being raised as part of the 2014 MOH reforms.

126. The Land Court merits assessment process is most appropriately positioned after the government decisions on the environmental authority and mining lease. Amending the nature of the Land Court’s role and bestowing on the Court the powers to make the final decision on the mining lease applications and associated environmental authority is appropriate and justified because it:

- a) Improves development assessment timelines and simplifies the process by removing unnecessary additional steps after the mining objection hearing, including further decisions by the Minister and DETSI.
- b) Achieves consistency with other development approval processes in the Land Court and Planning and Environment Court’s jurisdictions. For example, petroleum and gas applications under the EP Act and water licence appeals under the *Water Act 2000* (Qld) are both conducted via merits review post-approval. In addition, development

⁹⁵ Queensland Law Reform Commission, *Review of mining lease objections processes* (Consultation Paper, July 2024) p 12 <[link](#)>.

⁹⁶ Environmental Defender’s Office, *Submission to the Queensland Law Reform Commission Consultation Paper on the Review of Mining Lease Objection Process* (30 September 2024) <[33.-edo.pdf](#)>.

permits for impact assessable development are also subject to a post-government decision merits appeal process under the *Planning Act 2016* (Qld).

- c) Holding a hearing de novo on an original decision of government is the usual and proper role of merits review. Limiting the Land Court to undertaking a full merits review that only leads to the Court making recommendations to the final decision makers is an historical anomaly that has come out of the evolution of the former Mining Warden's role in assessment.⁹⁷ It complicates the process and allows for multiple review points, increasing the time, uncertainty, costs and resources for all parties involved.

Recommendation:

19. A post-decision merits review process which provides the Land Court with the power to make the final decision on the mining lease applications and associated environmental authority is legislated.

*Thank you for the opportunity to make this submission.
Please do not hesitate to contact our office should you have further enquiries.*

⁹⁷ Essentially, the Department of Mines does not itself directly consider any 'submissions' or objections to mining leases – instead, it has historically had the Land Court (and its predecessors – the Mining Warden's Court, and Land and Resources Tribunal) undertake that administrative role. See, for example, the history set out in "Hearing Objections to Mining Projects: an Enigma Wrapped in Obscurity?" (2017), a presentation by former Land Court President Kingham to the Queensland Environmental Law Association. Available at <https://www4.austlii.edu.au/au/journals/QldJSchol/2017/23.pdf>.

Annexure 1 – Selected Land Court objection hearings resulting in improved outcomes

#	Case name	Summary
1.	<i>QCoal Sonoma Pty Ltd & Ors, Re</i> [2026] QLC 3	As a result of a mining inactive objection, the Court recommended that a mining lease provided the relevant environmental authority be amended to require the Applicants to produce a GHG emission reduction plan with specific and measurable goals, which would have otherwise not been required.
2.	<i>Re Sungela Pty Ltd & Anor</i> [2025] QLC 5	An inactive objection resulted in the Court recommending that the mining lease not be approved unless and until the applicants showed real and significant progress towards mitigating their GHG emissions. The Land Court objection ensured that harms from GHG emissions to Queensland were, to some extent, required to be mitigated.
3.	<i>Rolleston Coal Holdings Pty Ltd v Department of Environment, Tourism, Science and Innovation</i> [2025] QLC 22	Objections relating to air quality led to updated modelling and as a result conditions requiring continuous monitoring of PM10 in the vicinity of a homestead and a new location for the monitoring station have been included in the draft EA. ⁹⁸ The Court also recommended that the EA require a GHG abatement plan, contain greater details of groundwater dependent ecosystems (GDEs) and a GDE Management and Monitoring Plan, and include a Seepage Monitoring and Management Plan. ⁹⁹
4.	<i>Environmental Advocacy in Central Queensland Inc v Department of Environment, Tourism, Science and Innovation & Ors</i> [2025] QLC 7	Although an appeal of an EA, rather than a mining objection, scrutiny by the Court resulted in the correction of a significant underestimation of the volume of petroleum to be produced and the consequent GHG emissions from a CSG project. The appeal also resulted in the project area being significantly reduced particularly for areas where impacts to biodiversity had not been ground truthed. The Land Court further required greater assessment and monitoring of biodiversity and groundwater impacts.
5.	<i>Pickering v Pedersen</i> [2023] QLC 12	Scrutiny by the Court through a landholder objection, resulted in a number of conditions being recommended to be imposed tailored to minimising impacts the landholder through land access requirements.
6.	<i>Waratah Coal Pty Ltd v Youth Verdict (No. 6)</i> [2022] QLC 21	A mining objection made by Youth Verdict regarding Clive Palmer's proposed Galilee resulted in a recommendation of refusal from the Court following extensive consideration of contribution of the mine to climate change, and consequent impacts on human rights and cultural heritage, as well as local direct and indirect impacts to a protected nature reserve where the mine was proposed to be sited.
7.	<i>New Acland Coal Pty Ltd v Oakey Coal Action Alliance Inc & Ors (No. 2)</i> [2021] QLC 44	An objection by a community group resulted in the Court recommending improved conditions include requiring appropriate mapping of the spatial extent of the proposed activities, conditions relating to maximum extraction rate to preserve air quality standards and improving air quality, odour and noise

⁹⁸ *Rolleston Coal Holdings Pty Ltd v Department of Environment, Tourism, Science and Innovation* [2025] QLC 22, per Member McNamara at [59], [215] and [280].

⁹⁹ *Ibid*, [283].

		monitoring and compliance, and improved record keeping of monitoring data and general transparency through making monitoring data publicly available.
8.	<i>Deane v Burnett</i> [2015] QLC 24	Court consideration of landholder objections resulted in a recommendation that a mining lease be approved subject to improved protections with respect to weeds, crop, pests and other matters of aimed at preserving bio-security.
9.	<i>Adani Mining Pty Ltd v Land Services of Coast and Country Inc & Ors</i> [2015] QLC 48	As a result of objections from two community groups, the Court recommended that the mining lease and EA be granted subject to improved monitoring of water bodies, a detailed botanical assessment be undertaken (with particular attention to the endangered black-throated finch), that the proponent establish a research management plan to determine correlation between water sources, woody habitat and <i>Poaceae</i> food resources and investigate the significance of Ten Mile Bore for maintaining the black-throated finch population.
10.	<i>Hancock Coal Pty Ltd v Kelly & Ors and Department of Environment and Heritage Protection (No 4)</i> [2014] QLC 12 (2014) 35 QLCR 56	Objections made by landholders and community groups resulted in a recommendation from the Land Court that either the mining lease and EA be refused or granted, subject to improved conditions regarding monitoring requirements for groundwater levels, ensuring landholders are duly compensated for impacts to bores and also a requirement that the proponent obtaining a water licence to take, use or interfere with water.
11.	<i>Xstrata Coal Queensland Pty Ltd & Ors v. Friends of the Earth - Brisbane Co-Op Ltd & Ors, and Department of Environment and Resource Management</i> [2012] QLC 13	Objections brought by community organisations and land holders resulted in the Court recommending improved conditions reducing impacts to landholders, improved monitoring of groundwater aquifer systems to better understand impacts to bores and ensuring landholders are appropriately compensated for impacts.
12.	<i>De Lacey & Anor v Kagara Pty Ltd</i> [2009] QLC 77	An objection resulted in the Court recommending the mining leases be granted with additional conditions targeted at ensuring baseline studies for threatened bat and plant species which were likely to occur in the locality for the mining leases.
13.	<i>Re Gregory John Brown v Dean Lindsay Armstrong and Lisa Maree Armstrong and Environmental Protection Agency</i> [2003] QLRT 55	Landholder objections resulted in the Court recommending improved conditions targeted at preventing harm to landholders' stock, better rehabilitation outcomes for pits and revegetation obligations for disturbed areas.

14.	<i>Re Titanium and Zirconium Industries Pty Ltd</i> [1984] QMW 1	This matter involved over 500 objections to proposed sand mining for rutile and zircon on Minjerribah (North Stradbroke Island). The Warden's Court of Queensland (a precursor of the Land Court) recommended that mining lease applications be rejected following scrutiny of the purported economic benefits of the proposed project, and consideration of whether the public interest would be prejudicially affected.
15.	<i>Sinclair v Maryborough Mining Warden</i> [1975] HCA 17; (1975) 132 CLR 473 (28 May 1975)	Objection rights exercised regarding sand mining on K'gari (Fraser Island) resulted in a significant win in the High Court regarding the definition of 'the public interest'.
16.	Ellison Reef Mining Application	The Innisfail Mining Warden considered an objection to proposed coral mining for limestone for fertiliser on the Ellison Reef. The Mining Warden was ultimately persuaded that the environmental impacts would not be confined to the area where the dredging would take place. ¹⁰⁰ The area was subsequently listed as a World Heritage Area.

¹⁰⁰ [Iain McCalman](https://theconversation.com/great-barrier-reef-decision-is-a-u-turn-to-an-inglorious-past-21427) 'Great Barrier Reef decision is a U-turn to an inglorious past', *the Conversation* (13 December 2013) available <<https://theconversation.com/great-barrier-reef-decision-is-a-u-turn-to-an-inglorious-past-21427>>.

Annexure 2 – summary jurisdictional comparison of relevant laws

	QLD current	QLD proposed	NSW	WA	NT
Environmental authority equivalent: submission/objection rights	Anyone can make a submission to an EA which must be considered.	<i>Affected persons and occupiers within 125km may object.</i> <i>Anyone can make a submission to an EA however it does not need to be considered.</i>	Anyone can make a submission on State Significant Development	Anyone can make a submission on the referral and appeal the content or recommendations in assessment report	Anyone can make a submission on a referred action and on applications for modified or tailored environmental (mining) licences.
Environmental authority equivalent: merits review rights	Open standing for merits review for submitters to any environmental authority application for mining.	<i>Decision-maker has discretion as to whether objectors may be heard in the Land Court and if so, which objections can be heard.</i>	Open standing for merits review for submitters to State significant development or application and submissions can be subject to public hearing.	Open standing for merits review on certain decisions and recommendations of the EPA if an environmental impact assessment is conducted.	No merits appeal for environmental licences.
Mining lease equivalent: submission/objection rights	Anyone can object to a mining lease application	<i>Affected persons and occupiers within 125km may object.</i>	Landowners within the boundaries of the mining area may object.	Any person may object to a mining lease.	Landowners within the boundaries of the mining area may object. Anyone may make a submission.
Mining lease equivalent: merits review rights	Objections are automatically referred for merits review	<i>Decision maker has discretion on whether to refer an objection for merits review and what aspects to refer</i>	No merits review of mining lease.	Where an objection is lodged, the Warden's Court must hear the mining lease application. The Warden has the discretion to refuse to give an objector the opportunity to be heard.	Decision maker may refer the application to the Tribunal for recommendation on the grant of a mineral title.

