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Committee Secretary
SDNRAID Committee
Parliament House
George Street
Brisbane QLD 4000

Date: 27th February 2020

Email: sdnraidc@parliament.qld.gov.au

Re: Submission to the Minerals and Energy Resources and Other Legislation Amendment (MEROLA) Bill 2020.

Dear Committee Secretary,

WWF-Australia welcomes the opportunity to provide this submission to the MEROLA Bill, which was introduced to the Queensland Parliament by the Hon Dr Anthony Lynham, Minister for Natural Resources, Mines and Energy and referred to the SDNRAID Committee on 4th February 2020.

1. Amendment of various resource legislation (Clause 79 of Bill)

As it will improve the State's ability to assess financial and other risks associated with granting resource authorities to applicants, WWF-Australia strongly supports the introduction of provisions into Queensland's various resource legislation that will enable the Minister to disqualify applicants from holding a resource authority based on them not meeting specified criteria.

To increase clarity of who it applies to, we recommend that Clause 79 of the Bill is amended to include Joint Venture (JVs) partnerships under the 'associates' heading in s196A of new Chapter 7 of the *Mineral and Energy (Common Provisions) Act 2014* given the predominance of JV arrangements for coal mining projects in Queensland.

2. Amendment of *Mineral and Energy (Financial Provisioning) Act 2018* (Part 9 of Bill)

As it will increase transparency and decrease the states exposure to financial and other risks, WWF-Australia strongly supports the implementation of the proposed amendments to the *Mineral and Energy Resources (Financial Provisioning) Act 2014* under Part 9 of the Bill, which will establish a process by which the Minister may assess an entity's financial and technical ability to comply with conditions attached to a resource authority that the entity is seeking to control.

To increase the effectiveness of the process, we strongly recommend that:

- Instead of being discretionary, the Minister *must* be required to assess an entity's financial and technical ability to comply with resource authority conditions when changed holder events occur,
- To inform the Minister's decision, the Minister *must* be required to undertake public consultation when a changed holder event occurs and,
- To increase transparency, all documents pertaining to changed holder events must be made freely available to the public

3. Amendments to *Mineral Resources Act 1989* (Part 10 of Bill)

3.1 Development plans for prescribed minerals (Clause 142 of Bill)

As it will provide the State with greater oversight of mineral mines, WWF-Australia supports the implementation of the proposed amendments to the Mineral Resources Act under Clause 142 of the Bill, which requires proponents of prescribed mineral mines to prepare development plans for their mining operations.

Other actions that we believe should be implemented to increase transparency and further improve the State's ability to ensure mineral (and other mines) are properly managed includes:

- Setting a limit on the length of time that mines are in care and maintenance,
- Establishing eligibility criteria for mines to enter into care and maintenance,
- Development Plans must include an assessment of potential risks associated with the mining operations and describe how the identified risks will be avoided,
- Identified risks must continue to be addressed when mines are in care and maintenance,
- Development Plans should be subject to third party submissions,

- When seeking to enter into care and maintenance, the mine operator must be required to provide information about the reasons why mining has ceased, the expected period of cessation and the conditions needed to recommence mining and,
- All development plans (including initial and later development plans) must be freely available to the public

3.2 Remediation and rehabilitation of mine sites (Clauses 146 and 147 of Bill)

As they will increase the State's ability to remediate abandoned mines and to ensure areas of mining lease and claims that are no longer in force are rehabilitated, WWF-Australia supports the implementation of the proposed amendments to the Mineral Resources Act under Clauses 146 and 147 of the Bill.

Other matters that need to be addressed to further improve remediation and rehabilitation of mine sites includes ensuring that:

- Historic and cultural values of abandoned mines are preserved where practicable,
- Remediated and rehabilitated mine sites are safe for birds and other wildlife and,
- Sufficient funds are provided to remediate abandoned mine sites across the state

3.3 Powers enabling Minister to exclude land (Clauses 104, 105, 116 and 121 of Bill)

Under Clauses 104, 105, 116 and 121 of the Bill, powers will be inserted into the Mineral Resources Act that enable the Minister to exclude land from prospecting permits, exploration permits and mineral development licences.

As there is no legislative mechanism that can be used to exclude other land with critically important economic, ecological and cultural values from mining activities, we strongly recommend that the powers which will be inserted into the Mineral Resources Act are broadened to enable the Minister to exclude mining activities from other important land such as:

- Priority Agricultural Areas, Priority Living Areas and Strategic Environmental Areas under the *Regional Planning Interest Act 2014*,
- Groundwater recharge areas,
- High value ecological and conservation areas,
- Essential habitat and biodiversity corridors and,
- Indigenous cultural values

4. Amendment of *New South Wales-Queensland Border Rivers Act 1946* (Part 14 of Bill)

As its purpose is to clarify existing arrangements under the *New South Wales-Queensland Border Rivers Act 1946* and Border Rivers Agreement to ensure the Border Rivers Commission functions properly, WWF-Australia supports the implementation of the proposed amendments to the Border Rivers Act under Part 14 of the Bill.

Other matters that we believe need to be addressed to further improve the function of the Border Rivers Act, Agreement and Commission are:

- As it predates other pieces of water management legislation that apply in the region, how well the Border Rivers Act complements and aligns with the Water Act 2000 (QLD) and the Murray Darling Basin Plan needs to be reviewed,
- Along with the above, the purpose and objectives of the Border Rivers Act should also be reviewed and,
- To increase transparency, membership of the Border Rivers Commission should be broadened to include community and stakeholder representatives

5. Amendment of *Water Supply (Safety and Reliability) Act 2008* (Part 18 of Bill)

As it will improve interactions between the *Water Supply (Safety and Reliability) Act 2008* and the *Water Act 2000* when water levels in dams must be temporarily reduced for safety purposes when flooding occurs and will correct a number of errors, WWF-Australia supports the implementation of the proposed amendments to the *Water Supply (Safety and Reliability) Act 2008* under part 18 of the Bill.

6. Conclusion

WWF-Australia would appreciate the opportunity to appear before the Committee to further discuss matters raised in this submission.

Yours sincerely,

Nigel Parratt
Water and Catchment Liaison Officer
WWF-Australia

