



Speech by


**Shane Knuth**

**MEMBER FOR DALRYMPLE**

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## **MINES LEGISLATION (STREAMLINING) AMENDMENT BILL**

 **Mr KNUTH** (Dalrymple—KAP) (6.19 pm): In rising to speak to the Mines Legislation (Streamlining) Bill 2012, I wish to thank my fellow committee members for their work on this bill. This bill seeks, among other things, to clarify the legislative framework relating to the compulsory acquisition of land as it relates to mining interests, to implement part of the Streamlining Approvals Project and to provide increased regulatory certainty for all parties involved in the state's emerging coal seam gas industry.

I wish to raise a number of issues that were identified during the committee process, but there are aspects of the bill that I welcome, such as the greater transparency through MyMinesOnline and greater negotiating powers for individual landowners affected by mining development. However, a number of issues were raised that I do not think were adequately addressed by the minister in his second reading speech. The most common objection raised in the submissions has been the short time frame that was allowed for public scrutiny of this bill. The result of this short time frame is evident in the lack of submissions that came from those who are most affected by mining development: landowners and the agricultural industry. That sector of the community has the most to lose from the fast-tracking of development applications. Individual landowners living in isolation and working vast tracts of land will find it nearly impossible to go through the material and make submissions before the deadline, which was four days. However, these are the people who are most likely to have mining developments on their land in the near future. The minister has now basically said that landowners will be informed of the passing of the bill, but that is too late. Landowners should have been given more opportunity to comment through the committee process on this bill that is before the House.

I would like to read and also table a submission from AgForce, as I think it sums up very well the thoughts and feelings of rural Queensland about this government's approach to community consultation.

*Tabled paper:* Submission, dated 10 August 2012, from AgForce Queensland Industrial Union of Employers to the Agriculture, Resources and Environment Committee regarding the Mines Legislation (Streamlining) Amendment Bill 2012 [791].

This is the submission of Mr Drew Wagner, General Manager, Stakeholder Relations, AgForce. It states—

Before we take this opportunity to provide feedback and comment to the committee on this legislative review submission, we would like to highlight the ridiculous timing of purported consultation with the community. To provide such a short timeframe is not conducive to appropriate consultation. To further not include the broader land use sector throughout the development of the legislative arrangement, but to include directly the industries that this review will favour, is tantamount to negligence. No landholder, agricultural, environmental or community group appears to have been consulted throughout this process only the mining and resources sector. This is cause of great concern to AgForce.

This precludes these groups not only from participation in the development of this new framework, it also does not provide an appropriate amount of time to fully unpack and interrogate the contents of the proposed framework, thus hindering organisations like ourselves from making in depth comment. To this end, the principles discussed within this submission will be heavy on questioning, light on preferred or deliverable outcomes, and at times from a position of lack of understanding due to the timeframes of consultation—a process that AgForce, on behalf of landholders across Queensland requests the Government to not undertake again.

Understanding that we are discussing legislative frameworks that will directly impact two of the Government's four pillar election campaign—one perhaps positively, the other potentially negatively—questions the ongoing role of consultation and negotiation leading into the future.

The following outline some of our concerns. Please do not consider this a complete or in depth list, as the timing has not allowed further development of appropriate positions.

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AgForce is disappointed to see the removal of the Urban Restricted areas component of development control within the proposed Bill. These frameworks are important for the longevity and continuance of many of the rural and regional areas that support our farming community—to see these developments go unchecked due to the removal of these restrictions would be derelict. AgForce is sure that many of the other submissions to this process will include issues pertaining to the exclusion of these details from the proposed Bill.

Further to this is then the way in which the environmental restricted and protected areas are managed under this proposal, or indeed, how they are not addressed. It is difficult to understand how a Government can work with a landholder to provide for an in perpetuity nature conservation covenant over a parcel of land, and provide for its protection in a manner commensurate with that of a National Park, yet legislation such as this does not recognise or include that protection. This legislation should recognise the legislative instruments that are used for the protected areas, and provide for their exclusion of these under this amendment. This should recognise not only the current activities exclusion on these protected areas, but also exclude any further development work under a resource tenure, or progression within, that will impact in any way the conservation values identified within the covenants ... AgForce does not support proposed amendment s290. As the committee is aware, this section gives sole approval for the granting and continuation/renewal of all mining leases to the Minister, and not the current process of the Governor in Council, ie the Cabinet acting on the advice of Ministers. Whilst this is in no way a misguided interpretation or indeed a questioning of the Ministers capacity, surely from a Governance perspective this is a process better undertaken by a greater number for the greater good, not just an individual? AgForce requests that this clause be deleted from the amendments.

These issues above highlight the most concerning that AgForce has developed due to the restricted timeframe for deliberation of this amendment, and should not be considered as an exhaustive list of concerns on behalf of the agricultural sector.

AgForce requests the Government, through this committee, to undertake an appropriate amount of consultation on these proposed amendments, and for the committee to take this proposal back to the community for further comment and opportunity of input.

The government has not done that. The focus of consulting with the developers while neglecting those impacted by development is not consistent with the view that agriculture and mining are to co-exist as the pillars of our economy. The implications of watertable or river system contamination from CSG, the potential impact of mining operations on agricultural industries and property values and the impact of land acquisition and development approvals for mining operations on landowners deserve far greater public scrutiny than the period allowed.

There were also many issues raised about the removal of the urban buffer zone of two kilometres, which was in the original legislation. The government has flagged regional planning changes that it intends to introduce that will vary according to the situation, but I think that that does not provide the certainty that rural communities need. Considering this government's already appalling track record of community consultation, it is interesting to note that the only stakeholders supporting the removal of the urban buffer zones is the mining industry.

The urban buffer zone is very important. I have a number of mining towns located in my electorate. At Moranbah, there was an approval for a coalmine to be constructed within seven kilometres of that township. The people who were the most outspoken opponents of that coalmine were the coalminers themselves who lived in that mining town, because they know what it is like to put up with the hazard of silicon dust and other dust, the lights, the noise and the hazards of mining. Isaac Plains Coal is located within seven kilometres of the township. Every afternoon the people who live in the southern end of that town have to clean their verandas or patios because of all the dust that accumulates there from that coalmine. So it is very important that a buffer zone is in place to mitigate the impacts on people's health that result from mining.

The only sector that is comfortable with the short time frame is the big end of town—the mining companies that stand to benefit from the streamlining approval process so that projects are fast-tracked by the minister without the scrutiny of Governor in Council. The lack of scrutiny allowed for in this bill and the removal of accountability is not consistent with the promises of transparency and community engagement by this government. In fact, it demonstrates the opposite.