



## QMDC's comments on the Mining lease notification and objection initiative discussion paper

28 March 2014

### Submission to:

MQRA Project Team  
Business and Stakeholder Solutions  
Department of Natural Resources and Mines  
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These comments are presented by the Chief Executive Officer, Geoff Penton, on behalf of the Queensland Murray-Darling Committee Inc. (QMDC). QMDC is a regional natural resource management (NRM) group that supports communities in the Queensland Murray-Darling Basin (QMDB) to sustainably manage their natural resources.

### 1.0 General comments

QMDC supports policy reform and environmental regulation that provides a high level of protection for the QMDB consistent with the aspirations of the Regional NRM Plan. QMDC asserts the inquiry into mining lease notification and objection must take into consideration not only the individual impacts of each development or business mining licence application but also the cumulative impacts of both a whole industry and the total number of businesses or industries impacting on the ecologically sustainable development of a region.

There is a community expectation amongst QMDC member organisations and the landholders we work with that mining legislation, policy and planning instruments have an environmental bottom line that provides a high level of protection for a set of minimum environmental management standards.

QMDC posits that mineral and energy resource exploitation should not solely be viewed as what is needed to maintain a strong economy in Queensland or Australia. Particularly given the economic reliance that tourism, agriculture sectors have on the state of our natural resource assets. Economic theory underlying this paper must address the importance of ecosystem services, their current status and predicted future threshold limits.

ML notification & objection

Comments



QMDC considers that if the key aim of this inquiry is to reduce costs and remove environmental safeguards and public interest rights to make it easier for the mining industry to explore and extract mineral resources, this is contrary to public expectations of the mining and energy industries.

QMDC agrees that legislation and policy should be reviewed periodically to ensure they remain on par and support best practices. However QMDC asserts the starting point for reform must be ensuring environmental protection and sustainability objectives are furthered by reform and not watered down because industry is having issues with the costs or the requirements of compliance, public notification and objection processes.

A comprehensive understanding of the projected impacts of removing community and public interests notification and objection rights in the QMDB should be explored in relation to the environmental, social and economic impacts on the region's natural resources and communities as outlined in the Regional NRM Plan.

Overall QMDC is concerned that the drive to reduce regulation for the mining and energy industries and all the associated legislative change is swimming against the tide of community expectations of government. In our opinion the community expectations of government are to improve transparency of decision making, improve governance and safeguard environmental values and assets in balance with economic and social development. These expectations have been clearly articulated to both the government and the mining industry and illustrates that community have swung from development at almost any cost to genuinely seeking a balance of protecting natural and social environments within their regions whilst developing a sustainable economic platform for the region.

The environmental and social performance of the mining and resources sector has come under increased scrutiny from community organisations. There is also a growing worldwide push for the corporate sector to embrace the principles of 'corporate social responsibility' and 'sustainable development'. <http://www.iisd.org/business/issues/sr.aspx>

In QMDC's opinion, the paper's rationale and preferred options need to be informed by:

- a close examination of the mining and resource industry's compliance records;
- an analysis of all social and environmental damage costs;
- identifying and assessing any gaps in the identification and management of risk arising from mining and resources exploration, assessment, production and rehabilitation, particularly as they relate to human health, the environment, soil and land condition; and water catchments;
- identifying best practice in relation to the management of mining developments in close proximity to agricultural enterprises, residential properties and rural townships, and consider appropriate ways to address such interfaces;
- examining how the characteristics of the mining and resources industry in Queensland compare to the industry nationally and internationally;
- examining real costs of regulation to the industry;
- examining profits gained through the exploitation of the State's natural resource assets; and
- making it mandatory for the industry to report on sustainability indicators.

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Many environmental, economic and health challenges created by mining developments could effectively be managed through improved planning. QMDC believes improving Queensland's current planning regime requires a commitment to significant ongoing research into the long-term and cumulative environmental and social impacts and how they are best regulated. This type of research is not apparent in the recommended changes proposed by the paper.

QMDC believe the Queensland Government should be increasingly concerned with sustainable development, increasing transparency, and building social licence and trust within regional communities.

The policy objectives and the proposed model for reform clearly give the mining industry legal advantage but do not benefit the mining industry because they ignore other key stakeholder and regional interests. If coal and CSG companies seek a secure social licence to operate as stated in their annual reports and social impact management plans and policies this legislative change will severely undermine their attempts to secure their standing in the community and a social licence.

QMDC advocates for a notification and objection process that ensures:

- A strong sense of community engagement is achieved;
- It meets a wide range of community expectations;
- There is ample opportunity to participate for a wide range of interests;
- It is able to be integrated and aligned to community aspirations, local and regional knowledge and with regional, state and national NRM programs to optimise cost benefits; and
- Land use planning reform is better managed as a total package through an improved coordinated delivery of science, policy, planning and legislation.

## 2.0 Specific comments:

QMDC, oppose the proposal in the paper to limit mining lease objection rights to 'directly affected' landholders and to effectively restrict objection rights to environmental authority applications to only 10% of mining projects in Queensland.

The paper's reasons for removing community rights to object to mining lease applications are unwarranted and without any proper basis. They will lead to the reduction in public interest rights and fundamental democratic rights to partake in government decisions that affect the wider public interest.

Removing the public notification process for mining lease applications will mean that the vast majority of mining lease applications in Queensland will have no public notification at all. If this is legislated, communities and local businesses may make social and economic investments that will become unfeasible because mining activities could occur in their neighbourhood and they were not privy to the details of the proposed development because they were not deemed 'directly affected' landholders.

Limiting community objection rights to "site-specific" environmental authority applications will totally remove existing community participation rights in up to 90% of mining projects in Qld.

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QMDC works with a wide range of natural resource managers, including farmers and graziers, Traditional Owners, school students, regional councils, government agencies, agricultural industry bodies, and the corporate business sector to improve the management of the region's natural resources.

QMDC's governance structure reflects the community it represents and its membership comprises representatives of Catchment Management Associations; Landcare groups, local government associations falling in the Queensland Murray Darling Basin, industry groups, environment and conservation groups, and Traditional Owner groups.

The primary role of delegates of the member organisations is to provide strategic direction for the delivery of natural resource management in the QMDB, based on their area of interest. The delegates are expected to canvas their particular constituents for comment on a range of issues as well as providing the means by which actions relating to regional issues can be reported back to the constituents. A majority of the members have large rural and non-rural enterprises and consequently bring particularly well developed practical business management and corporate governance skills to the Committee.

Comments QMDC submits on mining policy and legislation are formulated after consultation with our members and are therefore informed by local and regional knowledge and skills. Our comments are not based on purely ideological grounds but are also based on our obligation to implement the regional NRM Plan targets which have been endorsed by both the Australian and Queensland Governments. This requires QMDC to seek legislative action and reform that helps to achieve those targets and minimise risks to the region's social fabric and natural resources.

The paper also undermines current safeguards relevant to restricted lands. Open cut mines restricted land status should not be removed so that those mines can come closer to schools, residences and community facilities without the owner's consent.

Open cut mines, are recognised as having the capacity to cause very serious impacts on the public and local communities e.g. noise disturbance, dust nuisance and health impacts, road traffic hazards, water contamination etc so they require substantial buffer zones or restricted areas/land between landholders or community facilities and the mines to minimise some of those impacts.

The public and community groups need some certainty that health and amenity will be given protection through buffer zones. The proposed option, to take such matters up, in the Land Court, are unreasonable, because of the demands such legal processes have on the time and resources of individuals and charities and NFP community groups.

For all proposed mines, restricted land distances must be increased from mines and mine infrastructure to residences, schools, communities and businesses.

The Queensland Government has an obligation to take a precautionary approach to the health and viability of regional communities, and ensure these concerns are considered above those of industry and large corporate companies.

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