



114 Boundary Street
Railway Estate, Townsville
PO Box 364, Townsville
Qld, 4810
Ph: 61 07 47716226
Mob: 0428 987 535
office@nqcc.org.au
www.nqcc.org.au
ABN: 55 903 033 286

**Comments for address to State Committee Hearing into the Mineral and Energy
Resources (Common Provisions) Bill 2014**

Townsville, 20 August 2014

Some basic questions about the Bill

'... Members of the community who regularly deal with resource companies and resource authority holders will also benefit from these reforms...' How many of these are likely to be landholders?

What is the definition of 'Public interest' and 'public right' referred to twice in the Bill but nowhere defined?

The Bill proposes a risk-based approach to regulation. What risk assessment framework will be used? What standards applied?

The purpose of the Bill includes : '...to facilitate faster and more efficient delivery of services for industry...' and '...faster processing times and lower associated costs for industry...'. It is also intended to give effect to one of the well-known three word slogans that Australian governments are becoming known, but not necessarily respected for: Reducing red tape.

The human face

Charlie Morton – as of today, missing for 6 days.

More haste less speed

What is the evidence that speed is necessarily desirable?

In the Productivity Commission's report into Major Project Development Assessment Processes, it was noted that major projects in Australia were becoming more common, larger and more complex. The response to this was not to increase the resources available to assess these projects, but to decrease the rigour with which they were assessed. At no point was the question asked: Do we need to increase the supply of assessment resources in line with the increased demand for them.

Much was made of the cost to industry of 'delays'; at no point was the cost to the environment as thoroughly investigated. Nor the cost to society and the community.

A similar desire to speed things up and makes things easier for industry is reflected in the new Queensland Government Environmental Offsets Policy. Unfortunately, in the attempt to achieve this, science was lost – or, rather, intentionally sacrificed. For example, the ratio of damage to offsets was set at a maximum of 1 to 4 despite the department being fully aware that in some cases the ratio necessary to ensure species survival was 1 to 12. Such losses are also a risk in the proposed changes to the Bill in question today, with expert scientific knowledge unlikely to get a look in.

*Table: NQCC's comments on the Major Project Development Assessment Process
Table: NQCC's comments on the Queensland Government Environmental Offsets Framework Discussion Paper*

Sterilisation

The Bill will also ensure the responsible management of the State's resources by preventing resource sterilisation, which occurs where an economically viable resource deposit is prevented from being developed. To what extent will non-financial returns be considered? And how? And by whom? Where is the vital cost benefit analysis? Where is the assurance that short-term private gain will not be sought at the expense of long-term community benefit?

Unrealistic timeframes

The bill contains unrealistic timelines for landholders/owners – 10 days, 20 days etc. These are busy people, often running small but vital businesses. They do have the luxury of research staff, legal teams, dedicated number crunchers, editors and scientists'. To impose unrealistic timetables is to place further stress on landholders to the benefit of large companies.

The unrealistic time frames are part of a wider process of disenfranchising the community, as evident in time frames for public comment on legislation. Describing as public consultation private negotiations within industry sectors etc (including the 'consultation' with the conservation movement on, for example, the state offsets policy) reeks of a lack of transparency.

Full public consultation can take months. Two months would be absolute minimum for landholders affected by mining proposals.

There is no imperative for haste that should trump the public good, and 'good' includes the natural environment on which society and the economy depends.

Table: 'QGC 'making a grab' for cropping land, Queensland Country Life, 17 August 2014

Cumulative Impact Assessment

The Federal and State Governments are increasingly turning to Cumulative Impact Assessments as a means of ensuring that our environment does not suffer 'death by a thousand cuts' (see, for example, the Federal and State contributions to the Strategic Assessment of the Great Barrier Reef World Heritage Area).

By removing the rights of neighbours, community groups and local residents to object in 90% of cases, the Bill is effectively dismissing their concerns and the impacts that a proposed mine would have on their lives and livelihoods. By this means it prevents a full

and proper assessment of the cumulative impacts of just one mine; and totally dismisses the cumulative impact of several mines in the region.

How will this Bill, which limits input and which denies the bigger picture, enable cumulative impacts to be assessed? NQCC's contention is that it won't. As a result death will occur development by development.

Table: EDO: Proposed removal of rights graphic

Importance of NGO involvement in development issues

The Bill would effectively remove the ability of NGOs (and other affected community members and organisations) to challenge mining proposals. NSW based lawyer and academic Dr Joan Staples has considered and published information on the value of NGOs to democracy. The nine reasons she puts forward includes:

- the fact that they can balance the views of powerful organised economic interests with those of the community
- the fact that, while the imperative of government is, let's be realistic, 'staying or getting back into power', and the imperative of business is to maximise the bottom line for shareholders, the imperative of NGOs is the public interest, and for this they are accountable to their members
- the fact that NGOs are better than individuals trying to act alone, because by pooling financial and intellectual resources they improve the quality of public debate
- the fact that NGOs can improve equality in our society by providing a voice for the marginalised and disadvantaged and for the voiceless – such as the environment.

While NGOs are often referred to as flying provocateurs, or 'wombats' to use a colloquial term, NQCC suggests that the real wombats when it comes to the vast majority of mining developments are the miners themselves. Not of the region, coming in and making a mess, and leaving as and when it suits them.

And contrary also to word put about, the current system does not leave the way open for frivolous or vexatious legislation – a fact borne out by the research of parliamentary Library staff.

Table: Dr Joan Staples, The Value of NGOs to Democracy.

In conclusion NQCC concurs with and supports the information previously presented by EDO Qld.

This is especially in relation to the right for the community to be involved in actions that affect the community; and mining does that in a number of ways - through impacts on water, air quality, noise, community health and cohesion, employment, lifestyle, the ability to provide secure food supplies and long-term sustainability.

Table: EDO: 8 dot points (July 2014)