



Mackay Conservation Group

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Submission Regarding: Queensland Mining Lease Objection Review

Thank you for the opportunity to make this submission.

I am authorised by Mackay Conservation Group Inc. (MCG) to make this submission on behalf of the group. MCG is the lead community-based environmental organisation in the Mackay-Isaac-Whitsunday Region. MCG has been actively involved in on-ground environmental work and advocacy for environmental protection in the region since 1984. We provide support to community members who are affected by actions that cause environmental harm. We also conduct environmental education activities and support a number of other groups working in the field of environmental protection and monitoring in the region. We are particularly concerned about the risks associated with coal mining, coal seam gas and climate change.

We welcome the opportunity to make comments to the Queensland Law reform commission on the mining lease objections review. We are generally supportive of the proposed changes outlined in the Mining Lease Objections Processes review. The current system is not adequately serving Queensland's communities or environment and we welcome improvements in transparency and participation.

We support the changes to make the mining objection hearing process occur after the government decision. This ensures that the Court's role is an effective and appropriate check and balance on the government's decision, allowing the Court to exercise its normal judicial function with a final determinative decision, rather than just making a recommendation to the decision maker as occurs currently. However – we strongly encourage an automatic stay be legislated to ensure that the environmental authority and/or mining lease cannot be acted upon by a proponent while the licences are subject to an appeal, and also avoiding the need for parties to argue about enacting a stay before the Court each appeal.

We encourage greater public participation options, to improve community understanding and input opportunities early on in a proponent's consideration of their application, including particularly the information session/ open house/ public meeting options to allow anyone to attend. We are very supportive of ensuring that there is ample opportunity for genuine and widespread participation in this process. We raise concern about community reference group options where these may entrench any community politics, causing some members of the community to not be heard.

We support the expert advisory and First Nations advisory bodies to assist in the best decision being made on the best evidence and fulsome participation by any First Nations impacted, not

just those who were successful in obtaining Native Title. We do not support the tailored participation options – each application should be subject to the same requirements so that there is certainty and clarity for all on the process that will be applied to a project.

We strongly support the information portal – which will ideally provide a central place for all information before the decision maker to be transparently accessible to all. This will assist in providing certainty and clarity as to where information can be found in the one place – not across multiple different websites of the government or proponent/s. This will inturn support community members to have clarity and confidence in participating in this process.

We support the combined review process of merits appeal and judicial review – we encourage clarity in the language that this is still appeal and certainty as to the appeal options from this initial process.

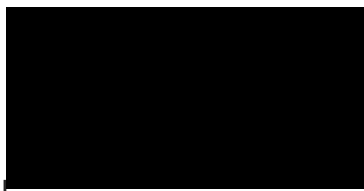
We encourage improvements to public notification – including making any submission to an EA application or an EIS process give rise to standing to then appeal the decision on the EA, rather than the current confusion created by only one of these processes leading to a right to be heard in the Land Court. We encourage the mining lease and EA to be notified at the same time. We further encourage options to subscribe to email notifications for areas or types of mining of concern to community members, to avoid needing to scroll through the internet or newspaper every day to see if something has been notified.

We encourage notification of regional projects in locally circulating newspapers and in the Courier Mail, as this will ensure that community members who are less technologically literate, or have limited access to technology continue to access information about forthcoming decisions from these locations, rather than from government websites and portals.

We support the rule that each party pays their own costs as provided for currently, and encourage a new criteria being added to the current costs rules for recommendatory provisions to ensure the ‘public interest’ is a factor that is considered with any potential cost order.

We encourage certainty that the Coordinator-General’s conditions are no longer imposed on all decision makers and do not in any way constrain the Court from considering and providing for changes to conditions from the Coordinator-General where the Court is likely informed by more up to date and fulsome information on appeal.

Thank you again for the opportunity to make a submission on this proposal.



Climate Campaigner
Mackay Conservation Group