



KOALA ACTION INC.
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RE: Queensland Law Reform Commission: mining lease objections review

As President/Secretary of Koala Action Inc. (KAI) I have been asked to respond to the changes being proposed in the Mining Lease Objections Review. KAI in the broadest sense is predominantly supportive of the proposed changes outlined therein. Members have recognised for some time that the existing system is not adequately serving Queensland's communities or environment. Any improvements in transparency and participation are indeed welcome.

KAI is a volunteer not for profit incorporated association designated as a charity dedicated to protecting and conserving Queensland's koala population; as well as retaining, conserving, replanting and rehabilitating koala habitat. Our membership register includes more than 90 individuals and 5 corporate members.

KAI advocates on behalf of koalas and the habitat upon which they depend in a range of arenas including local, state and federal governments as well as businesses and other non-governmental organisations (NGO's). Recommendations, submissions and strategies are provided to all levels of government and the private sector to ensure that the endangered koala and the habitat upon which it depends for food, shelter and dispersal opportunities is retained, conserved, protected and enhanced.

Volunteers undertake a variety of tasks including raising orphaned koala joeys from their homes; rescuing and/or caring for sick, injured adult and orphaned koalas; providing free koala education and awareness presentations; replanting koala food trees and other natives in parks, reserves and open spaces as well as rehabilitating secondary habitat to increase its carrying capacity for koalas and other native wildlife.

KAI is deeply concerned about mining leases, the responses of environmental authorities, and acknowledges that objections to these are key ways for KAI to achieve better outcomes for Queensland's climate and environment. In the past, members have had issues with Land Court decisions only being recommendations to decision makers.

The Queensland Law Reform Commission has made some good proposals to improve this system. Accordingly, we believe it is important to support these so that there is as much momentum for these reforms.

Our comments on each proposal are detailed below:

1. An integrated, non-adversarial participation process

KAI supports the proposal to make the Land Court review process occur after the government decision. This ensures that the Court can play an effective and appropriate check/balance role and exercise its normal judicial function by making a final and binding decision. If there is a review by the Land Court under the new process, it must be accompanied by an automatic stay of activity on the mining lease while the objection is heard.

Members definitely support greater public participation options early in the process such as information sessions/open houses and public meetings. However, members urge caution in the development of community reference groups or leaders councils to ensure that all voices in the community are heard, without simply entrenching the existing status quo. KAI encourages an early participation process be developed so that native title processes and landholder compensation can be transparent and negotiated during the process.

KAI is not supportive of tailored participation processes - a consistent process provides certainty and clarity as well as preventing projects being sized to avoid full scrutiny.

2. A new online portal

An information portal that is transparent/accessible and provides all the information in one place makes perfect sense to us.

There must be improvements to public notification including:

- the mining lease and EA being notified at the same time;
- there being an option to subscribe to email notifications for particular geographical areas of types of mining and
- continued publication in local newspapers and the Koori Mail.

3. A new Independent Advisory Expert Panel

KAI is supportive of an independent expert advisory panel being established to assist in providing the best evidence, including on cultural heritage and impacts on the rights of all First Nations people.

4. Amendments to the statutory criteria to require decision-makers to consider public input and expert advice

It is essential that statutory criteria be amended to require decision makers to consider outputs from the new early public participation process and expert advice. This can only improve the transparency and scientific basis of evidence available to all parties in the decision-making process.

5. New statutory criterion to require decision-makers to consider the rights and interests of Aboriginal peoples and Torres Strait Islander peoples

KAI is pleased that new criteria will require consideration of the rights and interests of all affected First Nations people. This should seek to cover the rights and interests of all First Nations people, not just those who have been successful in obtaining Native Title.

6. A new combined review process in the Land Court

The proposal to combine the merits appeal and judicial review is an important one. Members support all efforts to achieve greater clarity in simplified language to ensure that this is represented and understood as an appeal. The appeal options from the initial process should also be made clear to all parties and participants.

KAI encourages standardisation of what gives rise to standing to appeal decisions, so that anyone making a submission to an EA application or EIS process then has standing to appeal the decision. Currently making a submission on an EA application does not give standing to have a hearing in the Land Court while making a submission on an EIS does.

Naturally, each party must pay their own costs but members would like to see new criteria requiring assessment of public interest be added to the consideration of any potential cost order.

In conclusion, KAI supports changes so that the Coordinator-General's conditions are no longer imposed on all decision makers. Further, these conditions should be able to be considered for changes during appeal processes if the Court is informed by more up to date and accurate information.

Should you require any further information, do not hesitate to contact me.

With thanks [REDACTED], President/Secretary, Koala Action Inc.