



Mining lease objections review

Attention: Queensland Law Reform Commission

Submitted: 30/09/3034

Submission Portal:

<https://www.qirc.qld.gov.au/reviews/mining-lease-objections-processes-review/submission>

Australian Marine Conservation Society Response:

Dear QRLC

AMCS are largely in favour of the proposed revisions outlined in the Mining Lease Objections Processes review. The current system falls short in effectively addressing the needs of Queensland's communities and environment. Therefore, we are pleased to see steps being taken towards greater transparency and public participation. Below, you'll find our comments and feedback on each of the individual proposals:

An integrated, non-adversarial participation process

We support the proposed changes to make the mining objection hearing process occur after the government's decision. This change ensures that the Court's role functions effectively as a final check and balance, allowing it to exercise its judicial function with full authority rather than simply issuing recommendations to the decision-maker, as it does under the current system.

We strongly recommend legislating an automatic stay to prevent environmental authorities and mining leases from being acted upon by proponents while appeals are ongoing. This would avoid unnecessary disputes before the Court regarding the need for a stay during each appeal.

We also encourage greater public participation opportunities to enhance community understanding and input early in the process, particularly through public information sessions or meetings. While community reference groups may serve a purpose, there is a concern that they could entrench existing community dynamics and discourage broader representation.

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

We support the establishment of expert and First Nations advisory bodies to provide informed decision-making and ensure the meaningful participation of First Nations communities impacted by these decisions, not just those holding Native Title and

An integrated, non-adversarial participation process

We do not support the introduction of tailored participation options for different applications. Consistency across all applications is necessary to ensure clarity and fairness for all stakeholders involved.

A new online portal

Additionally, we strongly support the creation of an information portal, providing a central repository for all materials relevant to decision-makers. This will enhance transparency and ensure easy access to information, which is currently spread across multiple sources.

A new combined review process in the Land Court

We back the proposal to combine merits appeal and judicial review processes but encourage clearer language to ensure the continued right of appeal under these provisions. Public notification processes should also be improved, including ensuring that both Environmental Authority applications and Environmental Impact Statements provide standing for appeal. Subscribing to notifications by email for particular areas or projects would greatly enhance public awareness and participation.

A new Independent Advisory Expert Panel

We support the establishment of an independent expert advisory panel to provide the best evidence, including on cultural heritage and impacts on the rights of all First Nations people.

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

Finally, we endorse maintaining the current cost rules, where each party bears its own costs, and suggest that public interest considerations be explicitly added as a criterion for cost orders. The Court should have the authority to modify Coordinator-General conditions where new or more comprehensive information becomes available during the appeals process. We encourage standardisation of what gives rise to standing to appeal decisions so that anyone making a submission to an EA application or EIS process has standing to appeal the decision.



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