

**3** Mining lease objections review  
**SUMMARY PAPER 3**

# Decisions

## Making decisions about mining: how does it work NOW?

When a miner wants to start a new mine now, 2 different parts of Government must each decide about permission.

The Minister for Resources decides about the **mining lease**, and the chief executive of the Department of Environment and Science decides about the **environmental authority** (and plans that go with it).

Each of these 2 parts of the Government can choose:

- to say OK about the **mining proposal**, OR
- to say OK, about the **mining proposal**, if the miner will fix up some things, OR
- to say NO about the **mining proposal**.

Even if the miner gets the **mining lease**, they are not allowed to go ahead with the mine if they don't also get the **environmental authority**.

The law tells the Government about things they must think about, before they decide to say OK or not say OK about the **mining proposal**. These things are called '**statutory criteria**', and are about questions like these:

- Will the miner be able to do the mine properly?
- Is it best for the land to be used for mining instead of something else, like farming?
- What might happen in the environment from the mine?
- Will the mine be in the '**public interest**'? That is, is it the best thing to do, after thinking carefully about good and bad things that might happen for communities, the environment and the **economy**?
- Anything the Land Court tells the Government, what it thinks about the **mining proposal**.

The Government must also follow Queensland's human rights law when it decides about mining. This law keeps safe Aboriginal peoples' and Torres Strait Islander peoples' deep and special connection to Country.



When you see a word with **i**, you can read where we explain it: on the paper called 'What do these words mean?'

### Before the Government can give mining permission, the miner must do other things.

These are different for different situations. They are things like:

- check about cultural heritage and about any of the land that is part of native title
- work out **compensation** for private landowners
- get **consent** from the owner of land, if it is a 'reserve' e.g. road, Aboriginal land, Torres Strait Islander land
- get **consent** from the owner, if there is 'restricted land' e.g. land close to a home, hospital, school, burial place or artesian well
- get the OK from local council, if there needs to be a development plan.

### On the next page, we ask you some questions. You can let us know what you think:

Write or draw your ideas, or give us your ideas on an audio or video recording. You can send them to us by email or mail or upload them to our website.

**We need to get your ideas by 13 September 2024**

**Email:** [qlrc-miningobjections@justice.qld.gov.au](mailto:qlrc-miningobjections@justice.qld.gov.au)

**Mail:** PO Box 13312  
George Street Post Shop  
Brisbane Qld 4003

**Web:** [www.qlrc.qld.gov.au](http://www.qlrc.qld.gov.au)



## Some problems with how the Government decides about mining NOW

When miners ask for permission for new mining, it is often in areas of Queensland near Aboriginal or Torres Strait Islander communities, and there is often native title and cultural heritage on some of the land they want to mine, or near it.

The laws about mining don't say the Government must think about native title and cultural heritage now when a miner asks for permission to do mining.

But Aboriginal peoples and Torres Strait Islander peoples tell us that native title and cultural heritage are very important every time they think about mining.

Before the Government decides now about a **mining proposal**, they think about if the mine will make big changes to the land and the environment. But they might not know enough about what might change, if they don't listen to Aboriginal peoples' and Torres Strait Islander peoples' ideas about this. And the cultural heritage laws now might not say enough about some parts of culture that might be damaged by mining. For example, culture that is carried in people's hearts and heads.

And there can be extra problems for Aboriginal peoples and Torres Strait Islander peoples whose lore, culture and custom are kept in ceremony, song, stories and art, and not in books and papers. And sometimes parts of evidence from a community might be sacred, or it might be women's business or men's business.

When people want to send **objections** to **mining proposals** now, they have to show reasons for their ideas (sometimes called '**evidence**'). This might mean finding scientists who can tell the Government what might happen to rivers and water supplies on their Country or who can tell what might happen to local animals from mining. Or it might mean Aboriginal peoples and Torres Strait Islander peoples showing in ceremony or painting how important a place is to their culture.

It can be a big job for people to organise some of this **evidence**.

## We want to hear from you

### Changing it to make it work better?

We want to make suggestions about changing the way that the Government decides about **mining proposals**.

#### Independent Expert Advisory Panel

One change that we think might help is to set up an Independent Expert Advisory Panel for some **mining proposals**. Then members of this panel can be part of a committee for mining proposals, to help the Government make good decisions. This panel needs Aboriginal and Torres Strait Islander experts and knowledge holders.

The expert advisory panel can help the Government to understand what might change if the mining goes ahead, especially:

- in the environment, and
- for Country and cultural heritage.

**Q1: What do you think about our idea about setting up an Independent Expert Advisory Panel?**

#### Statutory criteria

We also think it is good to make important changes to **statutory criteria**.

In some other countries the laws about mining say that the Government must think about and take care of the rights of Indigenous people that are about land, cultural heritage and culture. We think this is a good thing for Australia too.

In Summary Paper 2 and the Models of Participation Paper, we gave some ideas about new ways that people can tell the Government what it thinks about **mining proposals**. We call these new ways 'participation processes', and we think the new **statutory criteria** must take notice of them. This means making sure that before it decides about a **mining proposal**, the Government must think about:

- what people said about the **mining proposal** in these different kinds of meetings and other participation processes
- what the Independent Expert Advisory Committee said about the **mining proposal**.

**Q2: What do you think about our idea about making the Government think about extra **statutory criteria**?**

**Q3: Is there anything else the Government should have to think about before it decides about **mining proposals**?**