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Mining lease objections review

SUMMARY PAPER 4

Giving feedback about a decision

Why having a way to check Government decisions is important

If you are not happy about what the Government decided, you can often ask someone else, like a court, to read all the papers and think about it carefully.

It is important to have a way to check Government decisions about **mining proposals** for many reasons, such as:

- making sure that the Government is following the law properly
- helping the Government to end up with better decisions
- helping to make sure that mistakes can be fixed
- helping people to feel more confident about the way the Government makes decisions.

How does it work NOW?

Sometimes a person or group who sent an **objection** to the Government about a **mining proposal** might not be happy about what the Land Court decided, or the Government decided after that.

If this happens, they can ask the Supreme Court for a judge to check this decision. They are only allowed to do this if they can show that the problem is about how the law has been followed.

And miners who are not happy about what the Government or the Land Court decided can also ask the Supreme Court for a judge to **review** this decision.

This kind of review is called a **judicial review**. In a **judicial review** a judge must find out if the person who made a Government or court decision followed the law properly. The judge doing the review is not allowed to check the facts or say if the **mining proposal** is the best thing to do.



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

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

Mail: PO Box 13312

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Brisbane Qld 4003

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We want to hear from you

Changing it to make it work better?

We cannot change how **judicial reviews** work. They can be used for most Government decisions, not only decisions about **mining proposals**. But there is another kind of review that might work better. In a **merits review**, a person like a judge thinks about the decision the Government made. The judge or other person doing the **merits review** must think about everything from the decision – facts and laws – then decide what is right and best.

We think that it is best to have **merits review**, by the Land Court, after the Government decides. Sometimes the Land Court might do a **merits review** as well as a **judicial review**.

We think it is best if the Land Court usually reads and thinks about only the information that the Government had when it decided.

Q1: Do you like our idea about the Land Court doing merits reviews of decisions about mining proposals?

Standing

When a person has '**standing**' they are allowed to talk to the court about the **mining proposal**. The court only gives a person '**standing**' when it decides that the things that the court has to review are more important for that person than for the general public.

This can be tricky when a person wants **standing** for a review of a decision about the environment. This is because a lot of things that change in the environment might bring a bad change for many people. But often it might be worse for some people, for example if their home or Country is close to the area where the miner wants to work.

Q2: Courts need some rules about who can ask them to review a Government decision about a mining proposal. What kind of rule do you think is best about who is allowed to ask for this?

Powers of the Land Court (reviewer)

Before the law changes so that decisions about **mining proposals** can go to **merits reviews** by the Land Court, we want to know which of the 2 options below people think is better.

Option 1

The Land Court decides to:

- say OK about the Government's decision, OR
- say OK about the Government's decision, with some changes, OR
- say NO about the Government's decision and make a new decision instead, OR
- say NO about the Government's decision and to send it back to them, with some suggestions about things they must change before the Government makes a new decision.

In this option the final say will be with the Land Court, instead of the Government.

Option 2

Instead of being able to choose from the 4 different ways in Option 1, it might be better if the Land Court can only choose from these 2 different ways:

- say OK about the Government's decision, OR
- say NO about the Government's decision, and send it back to them with some suggestions about things they might change before the Government makes a new decision.

Q3: Which option do you think is better about the powers of the Land Court when it reviews mining permissions: Option 1 or Option 2?

Costs

In the Land Court now, usually each party must pay their own expenses for using lawyers and **evidence** (called 'costs'). But sometimes this might be unfair.

Q4: Do you think it's OK for each side to pay their own costs for a merits review? Or do you think another way is better?