

FACT SHEET

Valuing the perspectives of Aboriginal peoples and Torres Strait Islander peoples

We have released a consultation paper and are now seeking your feedback.

In June 2023, at the request of the Queensland Government, we commenced a review of the current processes for deciding applications for mining leases under the Mineral Resources Act 1989 and associated environmental authorities under the Environmental Protection Act 1994, including review of decisions.

We understand this review is important for Aboriginal peoples and Torres Strait Islander peoples. We respect Aboriginal peoples and Torres Strait Islander peoples as knowledge holders and this land's original carers and custodians. We recognise the special importance for Aboriginal peoples and Torres Strait Islander peoples of culture and their distinct and diverse connections to land, water and natural resources.

We recognise that mining has unique impacts on Aboriginal peoples and Torres Strait Islander peoples. We know that there are systemic and ongoing issues affecting participation by Aboriginal peoples and Torres Strait Islander peoples and that their voices are rarely heard in the current processes. We are committed to understanding the perspectives of Aboriginal peoples and Torres Strait Islander peoples in developing recommendations for reform.

Our proposals for reform

We have re-imagined the participation process for decisions about mining lease and associated environmental authority applications. Mining projects benefit from participation by the community and other interested parties at the design and assessment stage.

The fundamental change we are proposing is to alter the Land Court's role. Currently, the Land Court is involved in the processes before a decision is made on the mining lease or environmental authority application. If an objection is made to either application, the Land Court conducts a hearing and makes a recommendation to the decision-maker.

We propose that the Land Court's role should shift to reviewing the decisions made by Government about mining lease and environmental authority applications. This would create efficiencies, reduce delay and harmonise the Land Court's function with the traditional role of Queensland courts as reviewers of Government decisions.



We want to hear your views

This consultation paper discusses and asks for feedback on 6 proposals for reform of the current processes and 26 questions, with a particular focus on issues and implications for Aboriginal peoples and Torres Strait Islander peoples and their communities.

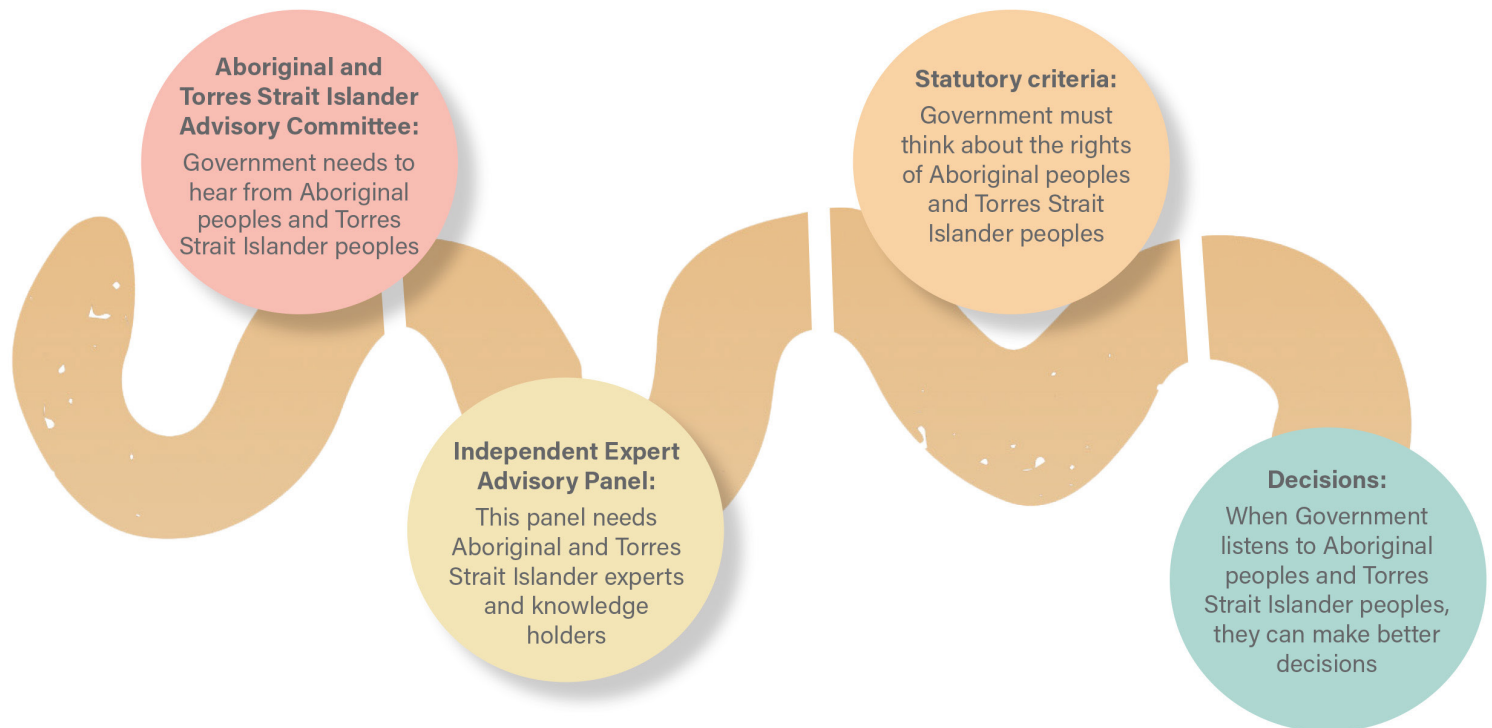
You can share your views with us in any way, including in written submissions, drawings or audio or video recordings. You can send them to us by email or mail or upload them to our [website](#). **Submissions close on 13 September 2024.**

There will also be opportunities to attend meetings and forums to share your views in August and September 2024. Details about these meetings will be shared on our [website](#) and through our newsletters and [LinkedIn](#).

For more information about the mining lease objections review and to access the consultation papers and submissions form, please visit the QLRC [website](#) or scan the QR code.



Specific aspects of consultation proposals and their intended impact on decisions



We are also proposing:

- **an integrated participation process**, to support early identification and resolution of key issues and gather relevant information to inform decision-making. An **Aboriginal and Torres Strait Islander Advisory Committee** would be established to consult with community and advise decision-makers
 - **a new centralised online portal**, to increase awareness of mining proposals and provide up-to-date information as a mining proposal progresses through the participation and decision-making processes
 - **a new Independent Expert Advisory Panel for environmental authority applications** that meet specified criteria. Expert advice would ensure decision-makers have access to the best technical advice and would improve the quality, consistency and transparency of the decision-making process. The panel could include experts in cultural heritage and Aboriginal and Torres Strait Islander rights and interests
 - **to require decision-makers to consider input provided through the new participation process**, including input from community and local government and advice from the Aboriginal and Torres Strait Islander Advisory Committee and from experts on the Independent Expert Advisory Panel. This would result in effective, outcomes-based decision-making and build community trust and confidence in decisions
 - **to require decision-makers to consider the rights and interests of Aboriginal peoples and Torres Strait Islander peoples in land, culture and cultural heritage.** Decision-makers would be informed by Aboriginal peoples and Torres Strait Islander peoples about relevant Country. This would break down siloed decision-making and ensure the interests of Aboriginal peoples and Torres Strait Islander peoples are directly considered in decisions about mining proposals
 - **a new review process, with the Land Court to consider both the merits and legality of Government decisions in a combined review.** This would provide efficiencies with a single appeal pathway, retain the Land Court's specialist expertise and support access to justice, including by Aboriginal peoples and Torres Strait Islander peoples and their communities.
- These proposals are preliminary ideas we have developed for public discussion and input. We invite your feedback and will genuinely consider all views. Your feedback will assist us to develop final recommendations that are workable and implementable.