



29 September 2024

Queensland Law Reform Commission

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

qlrc-miningobjection@justice.qld.gov.au

Dear Sir/Madam,

Gecko Environment Council is deeply concerned by ongoing coal mine approvals, because of the harm to the environment and climate. It is imperative the public has opportunity to object to mining leases and environmental authorities in Queensland, and we wish to emphatically support the changes proposed by the Queensland Law Reform Commission outlined in the Mining Lease Objections Processes review.

Gecko and our members specifically support the recommendations provided by the

Environmental Defenders Office, as follows:

1. We support the changes to make the mining objection hearing process occur after the government decision. This ensures that the Court's role is an effective and appropriate check and balance on the government's decision, allowing the Court to exercise its normal judicial function with a final determinative decision, rather than just making a recommendation to the decision maker as occurs currently.

Gecko also supports the community making submissions to the government before any decision and to also be able to make objections to the court.

2. However - we strongly encourage an automatic stay be legislated to ensure that the environmental authority and/or mining lease cannot be acted upon by a proponent while the licences are subject to an appeal, and also avoiding the need for parties to argue about enacting a stay before the Court each appeal.

3. We encourage greater public participation options, to improve community understanding and input opportunities early on in a proponent's consideration of their application, including particularly the information sessions open houses and public meeting options to allow anyone to attend. We raise concern about community reference group options where these may entrench any community politics, causing some members of the community to not be heard.

4. We support the expert advisory and First Nations advisory bodies to assist in the best decision being made on the best evidence and fulsome participation by any First Nations impacted, not just those who were successful in obtaining Native Title.

5. We do not support the tailored participation options - each application should be

subject to the same requirements so that there is certainty and clarity for all on the process that will be applied to a project.

6. We strongly support the information portal – which will ideally provide a central place for all information before the decision maker to be transparently accessible to all. This will assist in providing certainty and clarity as to where information can be found in the one place – not across multiple different websites of the government or proponent/s.

7. We support the combined review process of merits appeal and judicial review – we encourage clarity in the language that this is still appeal and certainty as to the appeal options from this initial process.

8. We encourage improvements to public notification – including making any submission to an EA application or an EIS process which give rise to standing in court to then appeal the decision on the EA, rather than the current confusion created by only one of these processes leading to a right to be heard in the Land Court. We encourage the mining lease and EA to be notified at the same time. We further encourage options to subscribe to email notifications for areas or types of mining of concern to community members, to avoid needing to scroll through the internet or newspaper every day to see if something has been notified. EDO recommends notification of regional projects in locally circulating newspaper, and in the Koori mail as many community members (especially those less technologically literate) continue to access information about forthcoming decisions from these locations, rather than from government websites and portals.

9. We support the rule that each party pays their own costs as provided for currently, and encourage a new criteria being added to the current costs rules for recommendatory provisions to ensure the ‘public interest’ is a factor that is considered with any potential cost order.

10. We encourage certainty that the Coordinator-General’s conditions are no longer imposed on all decision makers and do not in any way constrain the Court from considering and providing for changes to conditions from the Coordinator-General where the Court is likely informed by more up to date and fulsome information on appeal.

Thank you for the opportunity to make a submission on this important reform.

Your sincerely,

Campaign Coordinator
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