

30 September 2024

Queensland Law Reform Commission

Level 30 400 George Street
Brisbane Qld 4000

QCC Response to: Mining Lease Objections Review

Thank you for the opportunity to comment on the Queensland Law Reform Commission's Mining Lease Objections Processes review. The current system is not adequately serving Queensland's communities or environment and we welcome improvements in transparency and participation. We are very supportive of the majority of the proposed changes outlined in the review. Our comments are below on each proposal:

1. An integrated, non-adversarial participation process

We support the proposal to make the Land Court review process occur after the government decision. This ensures that the Court can play an effective and appropriate check and balance role and exercise its normal judicial function by making a final and binding decision. If there is a review by the Land Court under the new process, it must be accompanied by an automatic stay of activity on the mining lease while the objection is heard.

We support greater public participation options early in the process such as information sessions/open houses and public meetings. We urge caution in the development of community reference groups or leaders councils to ensure that all voices in the community are heard, without simply entrenching existing community politics. We encourage the early participation processes to be developed so that landholder compensation and native title processes can be transparent and negotiated during the process.

We don't support tailored participation processes - a consistent process provides certainty and clarity and prevents projects being sized to avoid full scrutiny.

2. A new online portal

We strongly support an information portal that is transparent and accessible and provides all information in one place.

We encourage improvements to public notification including:

The Queensland Conservation Council acknowledges that we meet and work across the many lands of Queensland. We wish to pay respect to their Elders - past and present - and acknowledge the important role all Aboriginal and Torres Strait Islander people play in protecting, conserving and sustaining Queensland.

- The mining lease and EA being notified at the same time
- There being an option to subscribe to email notifications for particular geographical areas of types of mining
- Continued publication in local newspapers and the Koori Mail

3. A new Independent Advisory Expert Panel

We support an independent expert advisory panel being established to assist in providing the best evidence, including on cultural heritage and impacts on the rights of all First Nations people.

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

We support statutory criteria being amended to require decision makers to consider outputs of the new early public participation and expert advice. This has potential to improve the transparency and scientific basis of evidence available to all parties in the process.

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

We support a new criterion which will require consideration of the rights and interests of all affected First Nations people. This should seek to cover the rights and interests of all First Nations people, not just those who have been successful in obtaining Native Title.

6. A new combined review process in the Land Court

We support the proposal to combine the merits appeal and judicial review. We encourage greater clarity in language to ensure that this is represented and understood as an appeal. The appeal options from the initial process should also be made clear.

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 then has standing to appeal the decision. Currently making a submission on an EA application does not give standing to have a hearing in the Land Court while making a submission on an EIS does.

We support each party paying their own costs and encourage a new criteria requiring assessment of public interest is added to the consideration of any potential cost order.

Other matters

We would support changes so that the Coordinator-General's conditions are no longer imposed on all decision makers. Further, these conditions should be able to be considered for changes during appeal processes if the Court is informed by more up to date and fulsome information.

Please contact [REDACTED] [REDACTED] for more information on any of these points.

Kind regards,

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Energy Strategist
Queensland Conservation Council