

Environment Council of  
Central Queensland Inc.  
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Queensland Law Reform Commission  
Mining Lease Objections Hearing Review  
29 September 2024

### **Submission on the mining lease objection hearing review**

Thank you for the opportunity to make this submission.

The Environment Council of Central Queensland (**ECoCeQ**) has collaborated with other environmental groups in preparation of this submission.

The principal purpose of the Environment Council of Central Queensland Inc. is the conservation, protection and enhancement of the natural environment. This includes consideration of the environmental risks associated with coal mining, coal seam gas and climate change.

ECoCeQ is generally supportive of the proposed changes to the hearing process, particularly to provide improved community access and participation, and improved clarity and equity in the hearing process. Decisions made in relation to mining leases affects us all now and into the future and reviewing these decisions is important and relevant to affected communities, including future communities.

ECoCeQ supports an online Information Portal as a central 'one stop shop' for all information that is available to the decision maker relating to the mining or gas proposal to be also available to the public. Information should be easily accessible, understandable to the average person and transparent.

We want to be able to subscribe to email notification by the government department or proponent when information is available on the Portal.

We recommend that communities with little access to the internet either because of literacy, access or isolation be notified via community newspapers, or council newsletter.

Our group further supports that any party that has made a submission on either an Environmental Authority (EA) application or an Environmental Impact Statement (EIS) will automatically have 'standing' and a right to appeal and be heard in the Land Court. The Mining Lease (ML) and EA or EIS should be notified at the same time, and objections/appeal against the decision can be made against either or both together.

ECoCeQ supports public participation at the early stages of a proposal application to encourage community understanding and input into the proposal. The public information sessions should be open to anyone, and not only to specified 'public representatives' as these may represent only the (political/personal) view of those representatives and not consider impacts of the proposal on future generations who currently have no voice. We do not support tailored participation options that may make processes opaque and enable projects to avoid scrutiny because they can be 'sized' to suit. We see this sizing in the 'under 2MTPA' coal mining assessments where proposals are assessed as separate instead of as part of the whole.

ECoCeQ supports the recommendation that the Land Court objection hearing should occur after the decision is made by government. We further support a combined process of Judicial Review of the decision as well as Merits Appeal of the decision. This could enable the Court to exercise its judicial function and make a determinative judgement instead of a recommendation and clarifies the Court's duty under the separation of powers as an appropriate check and balance on government decisions.

We further recommend that the conditions imposed by the Co-ordinator General are not applicable to the Court decisions and that the Court is able to impose other conditions guided by the expert witnesses and reports presented at the objection/appeal hearing. The Independent Expert Scientific Committee (IESC) and Human Rights Experts among others could be appropriate authorities. We support statutory criteria being amended to require decision makers to consider public input and expert advice, particularly in relation to future generations and our environment.

Once an objection has been lodged with the Land Court, ECoCeQ supports the recommendation that there be an immediate and automatic stay imposed by the Court so that further action on the EA or ML cannot be taken by the proponent while these licences are under appeal. This stay could also be legislated.

ECoCeQ supports the continuation of the current practice that each party to the objection pays their own costs. We encourage a new criteria that requires public interest assessment be added to any potential costs order should that ever be considered..

Thank you again for the opportunity to make comment on this review.

Sincerely,



President

Environment Council of Central Queensland

