



**Reforming processes to decide contested applications for mining leases under  
the Mineral Resources Act 1989 and associated environmental authorities  
under the Environmental Protection Act 1994**

**Submission by the Oakey Coal Action Alliance**

27 Sept 2024

**Introduction**

The Oakey Coal Action Alliance (OCAA) is an association formed by citizens on the Northern Darling Downs to protect existing rights holders from inappropriate mining and development. It was incorporated in 2012 with objects to:

- (1) Ensure the protection of all residential, rural residential and closely settled areas**
- (2) Ensure the protection of good agricultural land, including NO new mining east of the Condamine**
- (3) Ensure the protection of aquifers and the Great Artesian Basin**
- (4) Ensure protection of environmentally and culturally sensitive areas**
- (5) That Buffer Zones with realistic separation distances should exist between neighbouring farms, rural towns. and mine operations (15- 20km)**
- (6) Ensure compensation is beneficial to Landowner**
- (7) Ensure that Landowners are given the last word on whether Miners can enter their properties**
- (6) Ensure that all extractive/exploratory processes are implied in these resolutions**

The impetus for OCAA's formation was concern over the effect on residents, farmers and other rights holders of the proposed 'Stage 3' expansion of the New Acland Coal mine at Acland Qld. In 2015 OCAA raised objections under the EPA and MRA under (then) newly reinstated objection rights, to Stage 3.

**Background**

OCAA's objection in 2015 resulted in an unprecedented, and as yet incomplete exercise in litigation and review of a Queensland resource application, 9 years on. The process has failed to deliver finality, still being subject to a merits review of Stage 3's associated water licence,.

We submit that our experience, which includes 3 Land Court hearings, numerous interlocutory's, and Superior Court hearings all the way to the High Court, is evidence that the current Queensland system for resource mining approvals is not fit for purpose.



The Environmental Defenders Office has shared their views on matters dealt with by this review and OCAA supports those, but additionally wishes to emphasise the asymmetry of resourcing of the parties in the process and litigation of resource approvals.

In the Acland matter, mine proponents have engaged multiple Senior Counsel and instructing Solicitors, often leading to a preponderance of legal argument. This has come at the cost of dealing with the real issues and diverted OCAA's limited legal representation. OCAA supports processes which concentrate on merit rather than black letter law.

Members of OCAA also, on an entirely voluntary basis, bear a burden dealing with ongoing litigation, oversight and fundraising necessary to maintain our core objections. This is an unquantified externality, outside the terms of reference of this review, but nevertheless a real cost which an efficient approval process would not impose.

It is not facile to observe that 9 years of litigation and process has been a 'lawyers picnic' rather than an exercise in relative merit and careful assessment according the criterion of the *EPA* and *MRA*. Any Law reform which bind processes to examination of the issues, while still leaving open the possibility of merits review would be welcomed by OCAA.

### **Conclusion**

The Environmental Defenders Office has shared their views with OCAA on this review and OCAA supports their submission. OCAA submits that law reform is required for resource approvals, well evidenced by our experience, and welcomes the Law Reform Commission's review and the opportunity to make a submission to it.

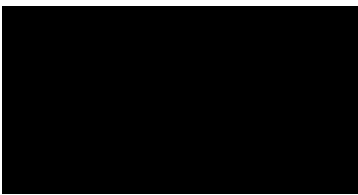
Further, we trust that the Commission will take into account our particular concerns with regard to the burden on community organisations and the time and contribution of their members, given voluntarily, but at a great personal and financial cost, but also the opportunity cost to their communities to which they would have contributed in other ways.

We submit that objection rights are fundamental to the resource approval process because social and environmental wellbeing ultimately underpin economic prosperity. Unsustainable development destroys natural capital which is fundamental to our ecology and health, and our legacy to future generations.



Therefore OCAA submits that a clear, accessible and definitive process for determination of objections is necessary to achieve the best possible land use and to meet the sustainability objectives of the *EPA*.

OCAA again thanks the Law Reform Commission for the opportunity to make a submission and trust that your final recommendations will accord with this principle.



Secretary – Oakey Coal Action Alliance