ISSUE OF THE WEEK

Resource act reformed

A RHETORICAL 'arms race' was triggered last week with two changes to laws governing the resources sector. The amendments, which make changes to the appeals process for mining leases and give the Land Court the ability to dismiss appeals against the coordinator-general's environmental conditions, were described by politicians, law firms and anti-mining activists in the most alarming and apocalyptic language.

This flood of criticism doesn't match the reality. Reading the legislation rather than each others' media releases and tweets would demonstrate to these critics that both amendments streamline government processes, while maintaining people's rights to scrutinise and object.

Neither amendment reduces public rights to have an effective say in regulating mining activities. Both, however, reduce the chance of expensive and fruitless legal cases. Both stand up to scrutiny as being in the public interest.

The first amendment is the change to the ability to appeal against a mining lease in the Land Court. QRC has advocated for change to this law for more than three years. The outdated provision was changed only after 18 months of detailed consultation.

Queensland's mining laws are still written as though the Natural Resources and Mines Department decides both the mining lease and the environmental authority at the same time. That hasn't been the case since the 1980s. Back then it made sense to have an appeal mechanism for both steps – the mining lease and the environmental authority.

Now, Queensland has one of the nation's best environmental regulators and mining impacts are assessed through an open public process. An ability to challenge the mining lease itself isn't necessary because you can challenge the environmental impacts of mining activities at an early stage through the environmental impact assessment process. Resource companies need to hear community concern at this stage. It's easier to design a system of conditions and regulations if you understand your neighbours' concerns upfront.

The second amendment, while not one QRC had asked for, was sensible reform.

Under both Labor and LNP governments, Queensland's coordinator-general deals with complex or important projects.

Projects being assessed range from tourist resorts, to agricultural enterprises, an airport expansion, infrastructure including a bus and train tunnel and cruise ship facility, a port expansion and mining and gas projects. These environmental conditions also come from a public process, but once set they cannot be appealed. That has long been the case under successive Labor and LNP governments. Curiously, the Land Court did not have the ability to dismiss appeals against the coordinator-general's environmental conditions, even though they did not have the power to make any determinations on those conditions.

Defiant Cripps at Dalby talks

DEFIANT Mines Minister Andrew Cripps remains wedded to seeing through his controversial new mining act after staring down a tense meeting with worried landholders in Dalby last week.

LNP candidate for Condamine Pat Weir urged Mr Cripps to attend the meeting with concerned landholders and community action groups, spearheaded by the Basin Sustainability Alliance, amid rising fears about what the law changes mean for those in the state's mining belts.

Seventy pages of last-minute amendments to the Mineral and Energy Resources (Common Provisions) Act 2014 on September 9 remain the primary point of concern, with BSA chairwoman Lyn Nicholson describing the bill as "a step too far".

"I'm not sure that he quite appreciated the difficulties or the difference between things in Queen Street and what it's actually like to be here on the ground as a landholder."

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environmental authority conditions."

Mr Cripps said the Co-ordinator-General was obliged to consider public submissions to an EIS when determining any environmental conditions to be placed on a project.

"The Co-ordinator-General has always had the role of having the responsibility for determining conditions on an environmental authority for these very large coordinated projects," he said.

Mr Cripps said his solution to address community concerns was more effective communication.

He said the provisions of the bill had been considered carefully before they were

LEFT: Attendees at a meeting in Dalby last week with Natural Resources and Mines Minister Andrew Cripps. Back: John Erbacher, David Hamilton, Neil Cameron and Agforce Grains president Wayne Newton. Front: Peter Shannon, Lyn Nicholson and Veronica Lefty

QCL, 25-9-14

This second amendment gives the Land Court that power. In future there will be no need to have a court case run for 18 months to determine that the appeal on the conditions cannot be heard. This amendment applies to all projects assessed by the coordinator-general, not just resources projects.

These reforms deliver a single simple process for people to have their say on resources projects. This is good news for the Land Court, which can focus on the job at hand. It's also good news for regional communities who understand that resources projects bring jobs, infrastructure, opportunity and growth.

– Michael Roche, CEO, Queensland Resources Council.

Commonsense rules

IT is time for some facts to be injected into the barrage of ill-informed commentary about the Mineral and Energy Resources (Common Provisions) Act 2014.

As the most senior regional cabinet minister in the Queensland government that has worked for two and a half years to boost the powers of landholders, I want to reassure you that none of your rights to object to resource projects have been taken away by the latest law changes.

I encourage readers to carefully consider the motives of law firms which have been making these claims and issue a gentle reminder that these companies make good money out of angst and uncertainty about government legislation.

Beware also of hitching your wagon to conservation groups which just a few short years ago were prepared to throw rural producers to the wolves to cut their green deals with Labor.

Instead, I hope you will remember the reforms our government has delivered through a coordinated process of amendments that have restored the property rights of rural producers and evened up the power balance with resource companies.

Our vegetation management laws now allow most routine activities to occur without permit, saving landholders' time and money. We have reduced leasehold land rents, improved long-term investment certainty by introducing up to 90 years of secure tenure, and offered affordable options to upgrade to freehold tenure.

Our new Regional Planning Interests Act has ensured resource companies can no longer take landholders to court after 40 days and instead they will face an extra layer of government assessment if they don't reach agreement with property owners. The act also introduced a new right for landholders to object to developments in the Planning and Environment Court, just as urban residents have always been able to.

Against this backdrop I urge farmers and graziers to consider the following facts about the objection processes for resource projects in the MERCP Bill.

For major mining projects, landholders have the right to comment up to three times during the rigorous environmental impact assessment process undertaken by the independent coordinator-general – first when terms of reference are set, and at least once, if not twice after release of an EIS for public comment.

The right to object to the conditions set by the co-ordinator general in the Land Court has not been taken away as green groups and lawyers suggest. This provision never existed and the new legislation has simply clarified that truth and avoided long Land Court challenges that put both graziers and mining companies through the wringer for no meaningful outcome.

For small to medium-sized resource projects, we have simply consolidated the right to object to when a company applies for an environmental authority rather than having it in both the EA and mining lease legislation. This is a commonsense reform to remove unnecessary duplication that has been grossly misrepresented in the past few weeks.

I encourage rural producers with questions or concerns about government laws or policies to call me on 1800 812 119 or connect with me on Facebook or Twitter via @JeffSeeney. **– Jeff Seeney, Deputy Premier and Member for Callide.**

Balance on New Acland

I WANT to provide balance to the letter 'Acland EIS gives stress' (QCL, 25-9-14). Many claims in the letter are incorrect, including:

- The New Acland mine would be "only 6.5 kilometres from the edge of Oakey". This is untrue. The closest point of potential mining operations for the revised New Acland Project will be at least 10km from the town.
- New Hope may leave the mine site as "just a big hole". This is also not correct. New Hope continually conducts progressive rehabilitation which returns mined land to agricultural and conservation uses. Regular public tours are conducted at the mine where the high standard of rehabilitation can be seen. Also, from the original New Acland stage three proposal, the revised plan will see an overall reduction in the total amount of land disturbed for mining activities by more than half.
- "Heavy rains will wash the contaminated slush down to the creek." This is not true – New Acland is legally bound to contain any water run-off within its site.
- "The Jondaryan and other remaining residents close by will still be affected by dust, noise and lights." Again, this is not true. As part of the revised project, the train loading facility near Jondaryan will be relocated to a remote site on the mining lease area, 8km from Jondaryan town area.
- "There was more employment before mining caused 80 farms, saleyards, stock and station agents and machinery business to close in Oakey and Acland."

The New Acland mine employs more than 300 local people directly, and provides a further 160 full-time contractor jobs, plus thousands more indirect jobs in the region. If New Acland stage three is given the go-ahead, it will directly employ 435 people at full production, plus another 260 people during the peak construction phase, and more than 3000 additional indirect jobs in construction, transport and the supply of goods and services.

The original letter also asks what will happen to the war memorial and Doherty Park in Acland? The Acland town area, including the park, the war memorial and Acland No.2 Colliery, will be left in place and maintained as stated in the environmental impact statement (EIS) and the additional information to the EIS.

Permanent access and utility services to Acland will also be maintained over the life of the project. All activities at New Acland are delivered under strict conditions and requirements of its environmental authority as granted by the state government.

The mine is a major economic contributor to the region, providing a $300 million injection annually into south-east Queensland's economy and $110 million each year to the Darling Downs.

The revised New Acland project will ensure these current employment and economic benefits are boosted, and not lost to the Darling Downs, and New Hope continues to be a major employer in the region.

–Bruce Denney, chief operating officer, New Hope Group.