



Hon Stirling Hinchliffe MP
Member for Stafford



Queensland
Government

Minister for Employment, Skills
and Mining

CLLO/11121

9 DEC 2011

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
Cnr George and Alice Streets
BRISBANE QLD 4000

Dear Neil

Thank you for your letter forwarding petition no. 1685-11 which was tabled on 29 November 2011. I have considered the petition carefully and am pleased to provide my response.

Mining and exploration activities in Queensland are administered by the Department of Employment, Economic Development and Innovation (DEEDI), under the *Mineral Resources Act 1989* (MRA).

Sustainable development that protects environmental values is a state-wide concern and one that the Queensland Government takes very seriously.

In determining the optimal utilisation of any block of land over which a mining interest is sought, the Queensland Government has established a thorough and transparent process which gives voice to all interests — the local community including local industries, the mining industry, and environmental interests.

On 4 June 2010 a declaration of the Wenlock River was announced under the *Wild Rivers Act 2005*. As a result of this declaration, certain areas of land now declared wild river areas may no longer be available to carry out mining lease activities. In particular, a 500 metre High Preservation Area (HPA) was determined around the Coolibah Springs complex that is situated in the Steve Irwin Wildlife reserve. This will ensure that the springs, and important wildlife refuge and breeding habitat will be protected.

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The company making the application to mine concluded that, as a result of the declaration of the HPA, the project is no longer economically viable under forecast economic conditions, and it cannot proceed unless the HPA is reduced in size.

The process for the grant of any mining lease applications in these areas will continue through due process with consideration of the requirements of all applicable environmental legislation, including the *Wild Rivers Act 2005*.

In Queensland, any eligible person may make an application over available land for the grant of a mining lease. The process for obtaining the grant of a mining lease involves detailed assessment of the application including public notification and an opportunity for persons affected by the application to object to the grant of the lease. Objections to the grant of a mining lease are referred to the Land Court for determination.

Also, a mining lease in Queensland cannot be granted without a relevant environmental authority (EA) issued by the Department of Environment and Resource Management (DERM) under the *Environmental Protection Act 1994*. The process for the issue of an EA also involves detailed assessment of the application, provides for public consultation, and includes opportunity for objection to the issue of the authority.

Environmental assessments are intended to:

- ensure that proponents assume primary responsibility for protection of any environmental values that may be affected by their proposals;
- address environmental management for the life of the proposal;
- contribute to statutory decisions on whether a proposal should proceed and, if so, to decide what environmental management and monitoring conditions should apply; and
- where legislation allows, incorporate community and stakeholder views in assessment and decision-making processes.

Any interested party may, during the objection period, lodge an objection to the grant of the mining lease, the EA application, the draft EA for the application and/or a condition or conditions included in the draft EA for the application.

The objection period for the grant of a mining lease application commences with the issue of a Certificate of Public Notice (CPN) under the provisions of the MRA. The CPN provides for public notification of the application, advises how further information on the application and objection process may be obtained, and sets timeframes for people affected by the application to lodge objections.

Under the MRA, the applicant is required to serve the CPN on the affected landowners and local government authorities. The applicant is also required to advertise the CPN in an approved newspaper. The objection period is set by the Mining Registrar for the district and cannot be less than 20 business days.

Any party wanting to object to the grant of the mining lease must lodge the objection with the Mining Registrar within the specified period.

Properly made objections lodged within the specified period are required to be referred to the Land Court for hearing and determination. The Land Court is an independent, judicial authority that allows for third party assessment of the objection.

The issue of EAs is also subject to objection processes. The objection process is similar to, and may be run in conjunction with, the objection process for a mining lease application. The issue of a combined CPN notice for both the mining lease application and the EA allows for consistent timeframes and information to be provided to interested parties at the same time during the objection period.

As with the lease application, EA objections lodged within the specified timeframe are referred to the Land Court for hearing and determination. The issue of the CPN can only occur after a draft EA is issued by DERM.

The timeframe for hearing of any objections in the Land Court is subject to other matters awaiting consideration by the Court at that time. Information about decisions made by the court is available on line at www.landcourt.qld.gov.au

Further detailed information regarding MRA processes can be obtained from the DEEDI website at www.deedi.qld.gov.au, and information regarding environmental processes is available at www.derm.qld.gov.au.

If you have any questions about my advice to you, Mr Luke Croton, Director, Northern, Mining and Petroleum Operations, DEEDI, will be pleased to assist you and can be contacted on telephone 4760 3474.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Stirling Hinchliffe', with a long horizontal flourish extending to the right.

Stirling Hinchliffe MP
Minister for Employment, Skills and Mining