

# *Kingaroy Concerned Citizens Group*

Dear Ministers,

The meeting held in Kingaroy on 14<sup>th</sup> June 2011 (details below) discussed both Strategic Cropping and the application of the Land Access Code.

Kingaroy Concerned Citizens Group will be make submissions to Government about both issues, and suggesting alterations that may assist the Government in insuring they both meet their intended outcomes.

Attached to this letter is first submission, and deals with the Land Access Code.

Please receive in good faith as an attempt demonstrate how good governance can be present in the application this Code. While retaining the current process which seems focused on compliance and administrative efficiency, this proposal attempts to add elements which address human and community need, and is therefore more quality assurance focussed.

The identification of these needs has been collated both at the meeting in Kingaroy on June 14<sup>th</sup>, and previously at KCCG meetings dealing with both Cougar Energy and Qld Bauxite Ltd.

As such, they represent the views of

- KCCG members,
- Some non members,
- Qld Farmers Federation representatives,
- other Community Actions Groups affected by the Land Access Code
- And some major local agri-businesses.

The majority of them were formulated at the June meeting with Government Representatives Craig Watson, Todd Ellis and Lindsay Delzoppo present.

These proposed changes to the manner in which the code is applied in our local community attempts to address these needs, while still retaining all current aspects of compliance, and also not necessitating any change to the legislation.

We look forward to your response.

Yours faithfully

John Dalton  
Secretary  
Kingaroy Concerned Citizens Group

## Meeting Details

Tuesday 14<sup>th</sup> June 2011

Enterprise Centre, Cornish St, Kingaroy

### Agenda

- 10-45am Arrival introductions, morning tea
- 11-00am **Community Engagement:** Establishing best practice for local communities affected by mining development
- 11-05am Proposed agenda discussion (determined by highest local relevance)
- 11-10am The EPM process (Craig Watson) (brief overview only)
- 11-20am New Access Laws (as applied to QBL) (Craig Watson)
- 11-50am Discussion on the adequacy of the EPM process and Access Laws
- 12-15pm Proposals for future attention and action
- 12-30pm Lunch
- 1-00pm **Strategic Cropping:** the application and implications for the South Burnett.
- 1-05pm Proposed Agenda discussion (determined by highest local relevance)
- 1-10pm Strategic Cropping overview (Anita Haenfler Ben Lawson)
- 2-15pm The page 41 problem (problems associated with 5% slope)
- 2-50pm Proposals for future attention and action
- 3-30pm Close of meeting

### Attendance

KCCG	John Dalton	(and chair of meeting)
Red soil farmer	Sonny Crumpton	
PCA rep	Lionel Wieck	
BGA	Ian Crosthwaite	
QFF	Dan Gallagher and Brian Tessman	
Proston Rep	Les Blanch	
Mundubbera Rep	Fred and Cheryl Heidrich	
DERM and DEEDI	Craig Watson	(DME)
	Anita Haenfler	(DERM)
	Ben Lawson	(DERM)
	Lindsay Delzoppo	
	Todd Ellis	

# Evidence of the need for change

## Method

The items below were collated from several processes over the last year:

- From KCCG members in the period after the contamination events of Cougar Energy were made public in July 2010 but before the visit to Kingaroy by Minister Kate Jones in August 2010.
- From KCCG members in May 2011 who became aware of the proposal to explore and mine bauxite by QBL in the South Burnett.
- From local non-KCCG members who rang KCCG seeking support and advice following notification from QBL
- From non-KCCG members living well outside the local area (Mundubbera, Gayndah, Binjour, Toowoomba) following notification from QBL
- From a newly formed action group in Proston where a meeting of 50 local members contributed to the collated list at a meeting in May 2011-06-16
- From attendees at the Kingaroy meeting of 14<sup>th</sup> June 2011 which included Government representatives Craig Watson, Todd Ellis, and Lindsay Delzappo.

## Land Access Code: Evidence of the Need for Change

Collected from KCCG members

1	Government makes assumptions about computer use and availability. It is not the preferred means of obtaining or receiving information for many people. Some prefer printed material, and others rely on word of mouth.
2	Follow the Local Govt process as a template for managing the EPM process (public notice, ability to object etc)
3	Display of proposals in public places
4	Locality and project specific quick links on DERM / DME website. It shouldn't be a treasure hunt! You should just be able to type in "Kingaroy / Cougar Energy" and get everything.
5	Lack of trust of mining companies.
6	Suspicion because miner don't have public manners
7	Information hubs at local council.
8	Full information is best disseminated by unaddressed mail service by postcode (100% coverage)
9	Notification of issues needing response or submissions (like SCL) is currently done by media only. Many interested people remain uninformed.
10	Local Government (SBRC) is currently not informed or briefed of pending EPM activity
11	Landholders expect and prefer information from the Government before getting it from the company. Government is the elected representative of the landholder, and it should enter the process and be visible locally, not tied to desk in Brisbane rubber stamping approvals.
12	Landholders need some information about their rights and responsibilities with respect to proposed mining activity: <ul style="list-style-type: none"> <li>• succinct info about their right to refuse,</li> <li>• compensation for loss of productivity, appealing to Govt for bad practice by miner,</li> <li>• what to expect from the miner, ...etc</li> </ul>
13	All landholders should expect to see a copy of the permit EPM.
14	All sites must be visited before approval given. Cougars site wasn't!
15	EIS for all trials like Cougar Energy
16	mini EIS for all EPM and EPC permits
17	Explanation as to why the project is of local, state or national interest
18	Explain not just the proposal to explore, but what successful exploration would lead to, and what a fully developed project would look and function like. People are suspicious of partial disclosure. It is natural to scream and get out of the water when you see a shark fin, rather than wait till it bites your leg. Don't just tell us "its only exploration".
19	Proponents and Govt need to address the "Triple Bottom Line" of Social, environmental and financial consequences. See the Canadian model!!
20	No project or exploration without at least one public information night.
21	All related documents need to be not just accessible, but <b>known</b> to be accessible. Need a DME / DERM hotline for information and report suspected mal practice
22	Visible Govt presence to check on all permitted works and for environmental monitoring.
23	Cougar Energy taught us that self regulation doesn't work for the same reason that self reporting of traffic offences is not a very good idea. Follow a QA model.
24	Additional requirements for community engagement to be paid for by the applicant and not the tax payer.

25	Cancel permits that are no longer in the public interest, that are inordinately inactive, or that are under strategic cropping land.
26	Land holders and potential land buyers need ready access to all maps.
27	Mining related stress is caused by fear of the unknown, additional work and productivity, loss of time and concentration, and ...etc.....
28	Landholders need a confidential counselling service for personal, financial and legal purposes
29	Landholders need an advocate or support service to help them manage mining related activities that fall outside their area of expertise.

**Collated from Meeting with Govt. on June 14<sup>th</sup> 2011.**

30	Need for Govt departments to be involved locally during initial phase of exploration.		
31	Need to know landholder rights, and what happens if I say “no”. And I should not have to get this type of info from a miner who wants to start next week.		
32	Feeling of coercion when a miner says “oh but all your neighbours are saying <i>Yes</i> today!”		
33	A need for better education. Current information process is compliance drive and therefore addresses what the miner wants to tell the landholder. It should be driven by what the landholder needs to know, not what miner wants to say.		
34	Need for multi-department, quicklink style, locality and project specific websites. A full suite of information assembled in one spot, beginning with the basics, and progressing to the more technical and detailed.		
35	Community groups are important. Ask them what to do, and use them to inform and support others.		
36	The current process is not transparent, has an element of surprise and urgency build into it. This is a brutal process.		
37	90% of exploration doesn’t proceed to mining, so why alarm people about the next step. Conversely, not painting the full picture leads to suspicion, unanswered questions, and resistance.		
38	Notify all landholders, not just the ones to be drilled. This is a community.		
39	The process robs you of power over your own life. This is depressing. You feel disenfranchised, and the company plays one landholder off against the next.		
40	Make the mining company locally accountable		
41	A need to maintain contact with the landholder		
42	Guarantee of no loss of income or productivity for the landholder.		

## **From Other KCCG Members:**

### **Community Engagement**

Mining companies and the Government have a “Duty of Disclosure” to fulfil before they can expect landholders and local communities to fully understand and co-operate with mining activity. Informed decisions are based not just on information received, but also on how it is received and processed by the landholder. Therefore decisions made in the context of urgency, suspicion, assumed authority, and inappropriate modes of information are invalid. The needs of landholders vary greatly, and a broader spectrum approach is needed.

### **From a KCCG Member: “My encounter with QBL**

1. A phone call from QBL, to arranged a date for interview / meeting.
2. 7 days later Mark Derriman came, wanted to drill on portion 54v
3. Had literature with him but didn't understand it,
4. Mark went thru important stuff
5. Thought by his manner they had authority, and as if to object would be unreasonable.
6. Had the look in his eyes of “say yes or we'll come anyhow.”
7. Thought I had no option but to say yes there and then.
8. No time to read and understand all the information presented. Much of the info seems irrelevant and boring.
9. At KCCG meeting, I said no because I need time to think. Need to know the whole picture, and what this leads to.
10. Next morning, Mark D rang to confirm that I had changed my mind.
11. No more contact since and no more advice from other QBL.

### **From a KCCG Member:**

An undisclosed Government master plan that has no provision for :

- (A) local consultation,
- (B) grants permits to trial without doing an EIS,
- (C) trusts the company to send in results for environmental testing but doesn't follow up late submissions,
- (D) delegates the need to manage risk assessment to the company
- (E) Should Inform the community of all proposals and applications,
- (F) Should articulates the arguments for and against the proposal to the community,
- (G) Should refers to previous research,
- (H) Should publishes the risks associated with the exercise,
- (I) Should transparently responds to those risks,
- (J) Do EIS (environmental impact statement) if a project is considered a trial,
- (K) and don't approve if potential damage to the environment is considered significant or irrevocable.

**Currently Practice:**

1	Application received by DERM / DME	
2	Application approved by DERM / DME	
3	Miner talks to landholder and says we will be here to drill next week.	
4		
5		
6		
7		

**Proposed New Practice:**

1	Application received by DERM / DME	
2	DERM prepares and distributes by mail a comprehensive booklet of information to all landholders in the application region (see below for essential items for inclusion and some details)	
3	A public meeting is conducted by DERM / DME and the applicant company to explain the proposal (suggested topics for meeting below)	
4	Submissions received (objections, enquiries, support)	
5	Application assessed by a panel that includes: <ul style="list-style-type: none"> <li>• .</li> <li>• .</li> </ul>	
6	Application approved by DERM / DME	
	DERM / DME activates website quicklink (hosting a project and locality specific set of resources, eg. <i>Queensland Bauxite, South Burnett</i> )	
7	Community is informed of approval by mail out	
8	Miner talks to landholder and says we will be here to drill next week.	
9		
10		

**Information Booklet Contents**

1	Introduction from Minister	
2	Invitation to attend the public meeting	
3		
4		
5		

6	Application details / criteria against which it will be assessed	
	Company details and contacts	
7	Maps (details of this project)	
8	Other local permits (including maps of less detail)	
8	Contact details for support	
9	Right and Responsibilities of the Landholder	
10	Right and Responsibilities of the Applicant (mining company)	
11	Local considerations (Strategic Cropping pending, local economy, )	
12	Objection and submission details	
13		
14		
15		
16		

- (L) An undisclosed Government master plan that has no provision for local consultation, grants permits to trial without doing an EIS, trusts the company to send in results for environmental testing but doesn't follow up late submissions, delegates the need to manage risk assessment to the company  
Informs the community of all proposals and applications, articulates the arguments for and against the proposal to the community, refers to previous research, publishes the risks associated with the exercise, transparently responds to those risks, does and EIS (environmental impact statement) if a project is considered a trial, and doesn't approve if potential damage to the environment is considered irreverable.