

10 January 2025

Mining Lease Objections Process Review

WESTERN DOWNS REGIONAL
COUNCIL SUBMISSION

10 January 2025

Fleur Kingham
Chair
Queensland Law Reform Commission

Sent via email: Signature hidden

Dear Fleur,

RE: REVIEW OF MINING LEASE OBJECTIONS PROCESSES

The Western Downs Region Council (Council) oversees a vibrant local government area spanning 37,937 square kilometres, serving a diverse population of approximately 35,000 residents. Our region thrives on a robust foundation of agriculture, intensive agriculture, energy, and manufacturing industries. Council is at the forefront of the changing world and works to support our growing region, with our Corporate Plan underpinned by progress, people, place and performance.

We sincerely thank the Queensland Law Reform Commission for undertaking its review of mining lease objections processes, which is of strong interest to our Council and our residents. The Mayor and I also certainly appreciated the opportunity to have a meeting with representatives of your team prior to Council preparing the enclosed submission.

Our Council's comprehensive submission is submitted for your consideration, detailing our perspectives and recommendations to the consultation paper. We believe that the insights provided will offer valuable contributions and help shape policies that foster growth and inclusivity in regional areas like ours.

For any further information or questions, please contact myself via email on Jodie.Taylor@wdrc.qld.gov.au or Lidewij Koene-Sloss, Economic Development Manager via email lidewij.koene-sloss@wdrc.qld.gov.au or phone (07) 4679 4526.

Yours Sincerely,

Jodie Taylor
CHIEF EXECUTIVE OFFICER

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About the Western Downs Regional Council

The Western Downs is located on the Darling Downs, approximately 207 kilometres north-west of Brisbane and 83 kilometres north-west of Toowoomba. The region encompasses the centres of Dalby, Chinchilla, Jandowae, Miles, Tara, and Wandoan, covering nearly 38,000 square kilometres. Combining country lifestyle with modern living, excellent retail offerings and conveniences, the area is home to a population of around 35,000 people and has a large working age population of 60.9% aged 15-64 years.

Built on agriculture and thriving in the intensive agriculture, energy and manufacturing industries, Western Downs Regional Council is focused on making the region a great place to live, work, visit and invest and to ensure the future generation have the opportunity to do what they love whilst enjoying a regional lifestyle and continue the strong economic growth of the region.

Council manages Australia's second largest road network with highways leading into the region including the Bunya, Leichhardt, Warrego & Moonie, an extensive water, gas, and sewage network, and one of Australia's largest cattle saleyards. Located in the heart of the resource rich Surat Basin, the Western Downs has a diversified energy portfolio with five pillars of energy generation: Coal, Gas, Hydrogen, Wind and Solar cementing our reputation as the Energy Capital of Queensland. This contributes to the region's strong economic growth, investment, and consistently high employment with a GRP of \$5.91Billion.

Council's five-year [Economic Development Strategy](#) (2023 to 2028) addresses critical issues and clearly articulates a strategic pathway for the Western Downs to diversify and grow its economy, building on the region's competitive advantage and further attracting business and investment in value-adding opportunities and emerging markets. The Economic Development Strategy focuses on five key pillars:

- **Jobs & Skills** - The Western Downs workforce is growing, optimised and fit for the future.
- **Liveability & Infrastructure** - The Western Downs is equipped with modern infrastructure and quality essential services across the region to enable liveability and wellbeing, whilst sustaining population growth.
- **Population** - The Western Downs demonstrates population growth to meet workforce demands.
- **Productivity & Innovation** - The Western Downs is a recognised leader in agribusiness, energy and manufacturing, and local productivity continues to increase.
- **Sustainability & Resilience** - The Western Downs is future-proofed for a changing climate and transitioning economies, and circular economy principles are stimulated.

This strategy aligns closely with the Council's [Corporate Plan](#) and supports one of Queensland's most progressive [Planning Schemes](#) which is committed to attracting and enabling development and ensure the Western Downs is a diverse region at the forefront of the changing world.

Executive Summary

The Western Downs Regional Council (Council) acknowledges the importance of reviewing the mining lease objections processes as outlined in the July 2024 Consultation paper. This submission highlights Council's support for the Queensland Law Reform Commission's efforts to enhance the fairness, efficiency, and transparency of these processes, which significantly impact the daily lives of our residents.

Council emphasises the critical role of the mining industry in the Western Downs Region, contributing significantly to the local economy and employment. In the 2023-2024 financial year, the mining industry contributed significantly to the Western Downs' economy, representing 20% of total employment, or 3,505 local jobs. It also accounted for 15% of our region's total GRP, equating to \$705 million of Gross Regional Product (QRC, 2024). This economic contribution complements other successful industries, most notably our robust primary producers, who represent 47.6% of registered businesses and remain our number one employer (ATO). The coexistence and continued success of both industries highlight the collaborative and inclusive economic growth efforts outlined in the Council's Economic Development Strategy. As it aims to deliver sustainable growth and ensure the coexistence of various industries, including mining, agriculture, and energy.

Council supports the guiding principles expressed within the consultation paper, aligning with the commitment to fairness, efficiency, effectiveness, and contemporary processes. While digitalisation of processes offers significant benefits, Council highlights the need to include residents without reliable internet access in the participation process. Traditional communication methods should be included to ensure comprehensive community participation. Additionally, regional, location-based solutions and the involvement of local community groups and Aboriginal and Torres Strait Islander representatives are essential for accurately addressing the diverse needs of Queensland's communities.

Council's Communities Partnering Framework is a successful model for major developers to conduct public participation, fostering partnerships between local government, businesses, and community groups. Council also supports the establishment of an Independent Expert Advisory Panel to provide unbiased and expert assessments of mining projects. Council stresses the importance of balancing economic growth with environmental sustainability and community benefits. Projects must meet high standards of environmental protection and demonstrate clear community benefits to be pursued. Measures should be implemented to ensure timely delivery of approved mining projects to avoid negative impacts on hosting communities.

Council looks forward to continued collaboration with State Agencies and Government to refine legislative processes and ensure local government plays a significant role in commenting on proposed changes. By working together, Council aims to achieve sustainable economic growth and a better future for all residents of Queensland.

Recommendations

Council wishes to provide the following recommendations in response to the consultation document to improve future processes for mining lease objections. These recommendations aim to ensure the coexistence and prosperity of the mining industry in our regional economic landscape.

- **Recommendation 1:** Support for the Coal Seam Gas (CSG) Industry

Continue to support and promote the CSG industry as a key driver of economic growth, local supply chain development, and employment opportunities. This will help attract investment, foster business development, and create jobs, contributing to regional economic stability. Encourage initiatives that enhance the skills and capabilities of the local workforce, ensuring that the community remains competitive and resilient. This includes supporting training programs and partnerships with educational institutions. Foster a collaborative approach to CSG development, working closely with landholders and communities to address concerns and ensure mutual growth for all industries involved.

- **Recommendation 2:** Role of Local Governments in Decision-Making Process

Council to continue to act as a referral agency, providing input and feedback on specific aspects of proposals that may impact the local community. This ensures that the community's interests are considered without Council being directly involved in the final decision-making process. Council supports the decision-making process remaining with the relevant state authorities, who possess the expertise and resources to comprehensively assess these applications. This approach maintains the integrity and efficiency of the regulatory framework while ensuring thorough and expert evaluation of proposals.

- **Recommendation 3:** Improve Notification and Consultation Processes.

Implement greater notification, consultation, and partnering from communities by mining project developers. This will ensure that the community of Western Downs can gain greater awareness and consultation, helping projects integrate effectively and efficiently into the landscape.

- **Recommendation 4:** Address Delays in Mining Project Delivery.

Address the issue of delayed mining project delivery by implementing measures to ensure a clear and reasonable timeframe between the granting of a mining lease and the commencement of mine development. Enhancing the ease of access to reputable and independent information can ensure accountability and timely development, preventing negative community feedback and bias towards mining projects resulting in future conflicts.

- **Recommendation 5:** Regional, Place-Based Consultation.

Pursue regional, place-based consultation rather than a state-based advisory committee for matters. This approach ensures that the diversity and specific concerns of communities within Queensland is accurately represented and are considered as part of the decision-making process.

- **Recommendation 6:** Tailored Participation Processes.

Develop tailored participation processes based on specific criteria such as scale, risk or impact, application type, EIS triggers, or level of community concern. These triggers should be determined by the State Government following thorough research and consultation with its own agencies and share it to relevant stakeholders.

- **Recommendation 7:** Independent Expert Advisory Panel.

Establish an Independent Expert Advisory Panel to provide unbiased and expert assessments of mining projects. Transparency in the selection and independence of the panel is essential to ensure trust and credibility in the decision-making process.

By incorporating these recommendations, the revised mining lease objections processes can better serve the diverse needs of Queensland's communities, ensuring sustainable growth and a better future for all residents.

Submission

Council recognises the importance of reviewing the mining lease objection processes. Council continues to support the Queensland Law Reform Commission (QLRC) in reviewing the State's processes. These processes have a direct impact on the day-to-day lives of residents in the Western Downs.

The Western Downs Region is proud to boast a strong mining industry from its coal seam gas and coal mines, which had the largest output by industry with \$3.5 million in 2022/23 (NIEIR, 2024). As the fifth largest employer in the region, the mining industry supports the local economy directly. Council is continuously working to ensure fair, positive, and inclusive coexistence of all industries.

Council's Economic Development Strategy has an ambitious vision: The Western Downs is a strong, resilient and diverse economy and liveability is strengthened in the region by 2028. Council shares the goals of improving processes and ensuring objections are thoroughly addressed to enhance this coexistence.

1. Guiding Principles

Q1: Are the guiding principles of 'fair, efficient, effective and contemporary' appropriate for reform of the current processes?

Council finds the guiding principles of fairness, efficiency, effectiveness, and contemporaneity valuable for steering decision-making processes related to claims made on mining leases in Queensland. The guiding principles align with the *Queensland Resources and Industry Development Plan* and *Queensland Critical Minerals Strategy*.

Council has implemented similar values on [Council's Governance Framework](#) that serve as pillars guiding its work focus on transparent and effective processes, sustainable development, social inclusion and meaningful community engagement, and ethical and legal behaviour. The guiding principles set a strategic direction of balancing the interest of communities and projects, providing a structure that works for the benefit of the broader community. Council views the reform of legislation as important to ensure that processes continuously improve for both industry and community, thereby improving and mitigating the risks of complaints. This approach aims to ensure the successful cohabitation of both and to continue growing Queensland's economy for the benefit of the State and its residents.

2. Current Processes

Q2: Do you agree these are the strengths and problems of the current processes? Are there others not mentioned here which are appropriate to be considered for reform of the current processes?

Council believes that the summary of strengths accurately describes what Queensland's current processes do well, including public participation as a core aspect of decision-making. Even if there are still improvements to be made, it remains a strength that testifies to Queensland's world-leading integration of the mining industry. The availability of public forums to assess the merits of applications, independent merit assessment of environmental applications, and the combined objection hearing for both mining lease and environmental authority are existing strengths that align well with the aforementioned guiding principles.

Council shares the concerns raised by the QLRC regarding the lack of opportunities for early and meaningful participation in current mining lease objection processes. The only option currently available is objecting to an application. This can trigger objection hearings, which are often lengthy and complex. Council shares the need for greater transparency and accountability in the information related to mining processes and leases available to the public. This includes impartial information on mining lease applications, documentation provided during the assessment process, and the reasons for decisions. Such measures are necessary to ensure that in the future the community of Western Downs can gain greater awareness and consultation. This will help ensure projects integrate effectively and efficiently into Western Downs' landscape. Council also seeks early notification, consultation, and partnership from mining project developers with communities.

Council would add that a current problem related to mining leases is that some mining projects are yet to be delivered, although mining leases have been granted for some time. While direct and indirect benefits have been demonstrated by developers to the communities to facilitate the granting of such leases, delayed delivery has meant that benefits have not been realised. This can potentially lead to negative community feedback and the creation of negative bias towards mining projects which may increase conflicts in the future. Council believes that reforming processes to address current problems and expand on existing strengths will ensure processes improve over time.

3. Participating in the Government's Decision-Making Processes

Q3: What are your views on proposal 1?

Council has reviewed Proposal 1 of this document. Based on this proposal, Council would raise the following points as described below.

Council continues to advocate for the need for regional, place-based community consultation. Council believes that within Queensland, the diversity of communities makes a state-based advisory committee inefficient to the goal of improving new participation processes. Instead, Council recommends pursuing regional place-based solutions, leveraging of the regional knowledge and insight of local community representatives.

As such, Council supports local community groups and Aboriginal and Torres Strait Islander representatives rather than a state committee that might not accurately represent the needs and wishes of local communities. Our region already benefits from having Consultative Committees in place. In addition our region has an Indigenous Business Connector employed by Toowoomba Surat Basin Enterprise (TSBE). This position plays a crucial role in connecting Indigenous businesses with procurement opportunities, supporting the sustainable and inclusive development of projects, and engaging with Indigenous communities. Council supports the equal and fair participation of all communities to ensure fairness remains a principle within the processes.

Q4: What forms of participation should be included in the new participation process?

Council is committed to public participation and using existing, proven, and effective representative bodies to participate and represent the needs of the communities they serve. Council has implemented new, modern ways of working with communities through our Communities Partnering Framework. Creating partnerships with communities ensures local government is actively involved in understanding community needs, concerns, and beliefs. Council sees businesses, community groups, and other relevant stakeholders as trusted representative bodies able to convey effective participation through existing channels.

Council wishes to see the continued sound integration of the mining industry in our regional landscape through initiatives like our Communities Partnering Framework. Actively fostering coexistence in a safe, productive, and proactive manner at both regional and local levels will ensure the best outcomes for every resident of Queensland.

Q5: How would removing the objections hearing affect private interests?

Council would like to inform the State Government that it foresees that removing the objections hearing could impact private interests by reducing the influence landholders have on compensation negotiations and mining conduct. It may also limit the scrutiny of disputes over

overlapping rights and priority of claims, making it harder for native title holders and other interest groups to ensure their cultural heritage and environmental concerns are considered.

While alternative participation opportunities might be provided, they may not offer the same level of influence or transparency, potentially diminishing the ability of private interests, such as landholders, to affect decisions that impact their rights and interests.

As such, Council expresses some concerns regarding this proposal and would like to see further propositions on how to ensure landholders are provided with necessary protection and the ability to negotiate mutually agreeable outcomes.

Q6: Should there be tailored participation processes depending on the nature of the project? If so:

- **(a) What criteria should be used to determine different requirements for participation (for example, size, nature of risk, interest or other factors)?**
- **(b) What should be the forms of participation?**

Council advocates for effective, collaborative, and participatory community consultation. Relating to Question 6, Council welcomes State Government to decide specific criteria that would trigger tailored participation processes. Council agrees on some criteria that has been considered in the document, such as, scale, risk or impact, application type, EIS triggers, or level of community concern. Council recommends that triggers should be determined by the State Government following thorough research and consultation with relevant stakeholders.

Council remains dedicated to working with State agencies and providing feedback on proposals. Council recommends following the guiding principles of this document to determine the criteria that would require tailored participation processes.

Q7: How can we ensure the new participation process is accessible and responsive to the diverse needs of communities?

Council encourages the QLRC to follow its own guiding principles when reforming current claims processes. Council remains committed to ensuring economic growth in our region through principles of being business-friendly, collaborative, and socially inclusive. Council further recommends engaging with community representatives at a local level to understand how to improve the new participation process to provide for more accessibility and responsiveness.

4. Central Online Portal

Q8: What are your views on proposal 2?

Council supports the goal of improving transparency and accessibility to ensure public participation. Council views the creation of an online, centralised Government portal as an effective way to enhance public awareness and provide clear information about project proposals, involved parties, and participation processes. This proposition is viewed as a significant step towards simplification and clarity for Queensland's residents. Additionally, this portal would be a good opportunity to determine the viability of such a project for other energy developments.

Q9: What additional notice and information-sharing requirements should be included in legislation as part of the new participation process?

Council identifies the proposed information-sharing requirements as thorough and detailed. Council supports the additional public notice options suggested in the document and shares the importance of including additional notice methods to reach residents who do not enjoy good and reliable connectivity and ensure they are included in making them aware and informed about mining lease impacting them. Council also suggests pursuing greater transparency regarding workforce and community benefits. The integration of industries, such as mining, can have indirect impacts on housing, town planning, and electricity. Allowing the public to gain greater clarity on potential new job opportunities and how the developer is contributing to the local economy would be a valuable addition to the online platform.

Q10: What direct notice requirements should be included for applications for:

- **(a) Mining leases?**
- **(b) Associated environmental authorities?**

Council notes the following for direct notice requirements: applications for mining leases and associated environmental authorities should include clear, accessible information about the project, the parties involved, and the timeline and processes for public participation. This ensures that all stakeholders are adequately informed and can engage meaningfully in the decision-making process.

Council would like to see further visibility regarding the timeline of mining leases and actual developments. This online platform would allow the public to see when and where mining leases are granted and provide a catalogue for the public to see whether some mining project developments have not been pursued despite having been granted mining leases.

Q11: What else is required to notify Aboriginal peoples and Torres Strait Islander peoples who may have an interest in the mining proposal?

Council sees the proposition put forward as meeting the guiding principles of the changes to current processes. Council continues to advocate for equal representation and the use of local representatives who are best suited to express the needs and challenges of communities from a site-based perspective.

5. Deciding Each Application

Q12: What are your views on proposal 3?

Council supports the establishment of an Independent Expert Advisory Panel to provide an evidence-based decision-making process for environmental authority applications. Council believes that the inclusion of independent expert advice will improve the quality and transparency of decisions, ensuring that mining activities are conducted responsibly and sustainably. This initiative aligns with Council's commitment to regional economic development, protecting the environment and addressing community concerns effectively.

Q13: What should be the criteria to form an Independent Expert Advisory Committee for an environmental authority application?

Council believes that the criteria for forming an Independent Expert Advisory Committee for an environmental authority application should be based on the project's scale, risk, and impacts. Projects with significant environmental, social, or economic impacts should automatically qualify for review by an Independent Expert Advisory Committee to ensure thorough and expert evaluation.

Council notes that different types of applications, such as standard, variation, and site-specific, may require varying levels of scrutiny, with site-specific applications often involving unique environmental conditions that should be prioritised for expert review. Projects triggering an EIS should be reviewed by the committee, as the EIS process indicates a higher level of potential impact, warranting expert oversight. Additionally, high levels of public interest or concern should prompt a review by the Independent Expert Advisory Committee to ensure that community voices are considered and that the decision-making process is transparent and inclusive.

Council is generally supportive of this proposal. The criteria mentioned in the document aim to ensure that the most significant and potentially impactful projects are subject to rigorous, independent expert review, enhancing the quality and credibility of environmental authority decisions.

Q14: What are your views on proposal 4?

Council believes that Proposal 4, which aims to amend the statutory criteria in the Mineral Resources Act 1989 and the Environmental Protection Act 1994, is a positive step towards ensuring that decision-makers consider comprehensive and relevant information. This proposal will enhance the decision-making process by requiring decision-makers to consider information generated through the new participation process. Council advocates for participation to be place-based, working with host communities. This approach ensures that community and expert input directly informs decisions, making the process more inclusive and transparent.

Additionally, for environmental authority applications, decision-makers will need to consider the advice of the Independent Expert Advisory Committee. Council believes that this will provide a robust evidence base for decisions, ensuring they are informed by the best available scientific and technical expertise. These amendments will help address current gaps in the decision-making process, particularly the lack of early, non-adversarial opportunities for participation and the need for rigorous, independent merits assessment of all mining activities that may pose elevated risk or community concern. By integrating public and expert input into the statutory criteria, Council believes that the quality and credibility of environmental authority decisions will be significantly enhanced.

Q15: What are your views on proposal 5?

Council supports Proposal 5, which aims to amend the statutory criteria in the Mineral Resources Act 1989 and the Environmental Protection Act 1994 to require decision-makers to consider the rights and interests of Aboriginal peoples and Torres Strait Islander peoples in land, culture, and cultural heritage. Council believes this proposal is a positive step towards more inclusive and respectful decision-making processes in the mining sector. However, Council suggests further improvements to ensure the proposal effectively addresses regional needs.

Council continues to advocate for the development of processes that allow for regional, location-based solutions, as the needs of residents differ between each region. Therefore, Council supports local community groups and Aboriginal and Torres Strait Islander representatives rather than a state committee that might not accurately represent the needs and wishes of local communities. Our region already benefits from having Consultative Committees in place. In addition, our region has an Indigenous Business Connector employed by Toowoomba Surat Basin Enterprise (TSBE). This position plays a crucial role in connecting Indigenous businesses with procurement opportunities, supporting the sustainable and inclusive development of projects, and engaging with Indigenous communities. Council supports the equal and fair participation of all communities to ensure fairness remains a principle within the processes.

Council supports the equal and fair participation of all communities to ensure fairness remains a principle within processes.

Q16: Should the decision-maker for the mining lease application be required to consider the decision (and reasons for decision) of the decision-maker for the environmental authority application in reaching their decision on the statutory criteria for:

- (a) Public interest?
- (b) Adverse environmental impacts?
- (c) The rights and interests of Aboriginal peoples and Torres Strait Islander peoples in land, culture and cultural heritage (see proposal 5)?
- (d) Any other criteria?

Council believes that when deciding on a mining lease application, the decision-maker should take into account the decision and reasoning of the environmental authority decision-maker. This should include considerations of public interest, environmental impacts, and the rights and interests of all community in relation to land, culture, and heritage. This integrated approach ensures a thorough evaluation of all relevant factors, promoting consistency and transparency in the decision-making process.

By considering the environmental authority decision, the decision-maker for the mining lease can better understand the potential environmental impacts and public interest considerations, leading to more informed and balanced outcomes. Additionally, recognising the rights and interests of all community members. This holistic approach aligns with Council's commitment to sustainable and inclusive development, ensuring that all communities benefit fairly from resources projects.

Q17: Are there additional reforms to the statutory criteria under the Mineral Resources Act 1989 and the Environmental Protection Act 1994 you would like us to consider?

Council does not have any additional reforms to the statutory criteria under the Mineral Resources Act 1989 and the Environmental Protection Act 1994 that need consideration. The current proposals are considered to adequately address the necessary aspects of decision-making for mining lease and environmental authority applications.

6. Reviewing the Government's Decisions

Q18: What are your views on proposal 6?

Council sees there may be some benefit in having the Land Court available to review decisions after the government has decided on the mining lease. Council believes that this could create delays in the approval process.

Council prefers to foster a collaborative, coexisting approach that mitigates risks of conflicts early, prior to submission. By fostering early engagement and dialogue between stakeholders, potential issues can be identified and addressed before they escalate to formal legal disputes. This proactive approach can help to streamline the approval process, reduce the likelihood of conflicts, and promote more sustainable and inclusive development outcomes.

While Council supports the idea of Land Court review and appealability to the Court of Appeal, it emphasises the importance of limiting this process to selected proposals and prioritising early, collaborative engagement to minimise delays and conflicts. This balanced approach can ensure that the decision-making process remains fair, efficient, and effective, while also protecting the interests of all stakeholders involved.

Q19: What preconditions, if any, should there be to commence combined review?

Council believes that preconditions should be established to commence a combined review by the Land Court to ensure that the process is efficient and effective. These preconditions could include criteria such as the significance of the environmental, social, or economic impacts of the project, the level of community concern, and the complexity of the issues involved. By setting clear preconditions, the combined review process can be reserved for cases where it is most needed, thereby avoiding unnecessary delays and ensuring that resources are focused on the most critical and contentious projects.

This approach aligns with Council's preference for a collaborative and proactive approach to conflict resolution, where potential issues are addressed early in the process to minimise the need for formal legal proceedings.

Q20: Should the Land Court have the power to substitute its own decision on the application or should it be required to send it back to the decision-maker?

Council believes that the Land Court should have the power to substitute its own decision on the application rather than being required to send it back to the original decision-maker. This approach would provide a more efficient resolution to disputes, as it avoids the potential for further delays and additional rounds of decision-making. By allowing the Land Court to make a decision, the process becomes more streamlined and definitive, providing clarity and certainty for all parties involved.

However, it is essential that the Land Court's decision-making process remains transparent and accountable, ensuring that all relevant factors are thoroughly considered and that the rights and interests of all stakeholders are respected. This approach aligns with Council's commitment to fair and efficient decision-making processes that support sustainable and inclusive development.

Q21: Should each party pay their own costs of the merits review or should a different rule apply?

Council agrees with the 'soft' cost's neutrality model proposed in the document. Council believes that each party should generally pay their own costs of the merits review to ensure that the process remains accessible and fair to all stakeholders. This approach helps to prevent the financial burden from discouraging individuals or groups from seeking review, particularly those with limited resources. However, Council also recognises that there may be exceptional circumstances where it is appropriate for the court to order one party to pay the costs of another, as is available more broadly in our judicial system. If a party has acted unreasonably or in bad faith, the court should have the discretion to award costs against that party. This balanced approach ensures that the review process is both fair and equitable, while also providing a deterrent against frivolous or vexatious claims.

7. Interactions with Other Laws

Q22: Are there any issues arising from interactions with decisions made under other Acts that we should consider?

Council does not foresee anything to add regarding interactions with decisions made under other Acts and does not believe it is able to provide better propositions than the State Government. The current proposals and frameworks appear comprehensive and well-considered, addressing the necessary interactions and ensuring that all relevant legislative requirements are met.

Q23: What opportunities are there, if any, to integrate interacting Queensland Acts with the processes to decide mining lease and associated environmental authority applications?

Council does not foresee any other opportunities to integrate interacting Queensland Acts with the processes to decide mining lease and associated environmental authority applications. Council does not believe it is able to provide better propositions than the State Government. The current opportunities identified appear comprehensive and well-considered, addressing the necessary interactions and ensuring that all relevant legislative requirements are met.

8. Other Matters

Q24: Should there be a legislated pre-lodgement process?

Council believes that there should not be a legislated pre-lodgement process. While pre-lodgement meetings can be beneficial for clarifying information requirements and encouraging early engagement, making the process a legislative requirement could add unnecessary complexity and rigidity to the process. Council strongly recommends the State Government to encourage industry to request pre-lodgement applications in an open, constructive and collaborative fashion. Council prefers a more flexible approach that allows for voluntary pre-lodgement meetings, which can be tailored to the specific needs and circumstances of each project. This approach supports early collaboration and dialogue between stakeholders without imposing additional regulatory burdens.

Q25: Is there anything else you would like to tell us about the current processes?

The Western Downs region has a long history of mining. Council recognises the significant importance of the Coal seam gas (CSG) industry to our region. The CSG industry plays a crucial role in driving economic growth, supporting local supply chains, and providing employment opportunities for our community members. It contributes to the economic stability of our region by attracting investment, fostering business development, and creating jobs. The presence of the CSG industry also enhances the skills and capabilities of our local workforce, ensuring that our community remains competitive and resilient. The development of CSG in our region, working through problems with landholders or communities, has showcased that the development of the mining industry can be accomplished in a collaborative manner, with continued growth for all industries.

Council would also highlight that it does not currently, and does not wish to, play a part in the decision-making process for mining lease and environmental authority applications, except in its capacity as a referral agency. Council believes that the decision-making process should remain with the relevant state authorities who have the expertise and resources to assess these applications comprehensively. Council's role as a referral agency allows it to provide input and feedback on specific aspects of proposals that may impact the local community, without being directly involved in the final decision-making process. This approach ensures that the community's interests are considered while maintaining the integrity and efficiency of the overall regulatory framework.

Q26: Are there any additional options for reform of the current processes you would like us to consider?

Firstly, addressing mining lease development delays by implementing measures to ensure a clear and reasonable timeframe between the granting of a mining lease and the commencement of mine development. This can help prevent lengthy delays that result in communities not receiving the anticipated benefits that were used to justify the granting of the

lease. Establishing milestones and regular progress reviews can ensure accountability and timely development.

Secondly, using existing local representative bodies for consultation rather than creating new state-level representatives. Local bodies have established relationships and a deep understanding of the community's needs and context, which can facilitate more effective and meaningful engagement. This approach ensures that local voices are heard and respected in the decision-making process.

Lastly, leveraging existing frameworks and tools, such as the Council's Community Partnering Framework, to maximise the success of mining projects and mitigate the risks of conflicts. These tools promote collaboration between developers, local governments, and communities, ensuring that the benefits of mining projects are realised more quickly and equitably. By using established systems, this can enhance the efficiency and effectiveness of the decision-making process and foster positive relationships between the mining industry and local communities.

Council continues to advocate for the economic growth of the region and for State Government to include local government and collaborate on the proposed changes of processes that will impact regional areas first. Council will continue to work with the private industry to ensure the delivery of the Communities Partnering Framework and the goals and pillars of the Economic Development Strategy.

Conclusion

Western Downs Regional Council remains committed to actively collaborating with State agencies to facilitate the effective implementation of mining-related processes and reforms. The history of mining in our region, encompassing both coal and CSG industries, has significantly contributed to our economic growth, community development and the liveability of the Western Downs. The CSG industry has played a crucial role in driving economic stability, supporting local supply chains, and providing employment opportunities.

Council recognises the importance of inclusivity and integration within existing industries to ensure sustainable and equitable development. By leveraging established frameworks such as the Council's Community Partnering Framework, Council aims to foster collaboration between developers, local governments, and communities. This approach not only maximises the success of mining projects but also mitigates the risks of conflicts.

Early detection, mitigation, and resolution of potential conflicts are essential to maintaining positive relationships between the mining industry and local communities. Council advocates for regional, place-based consultation and the use of local representative bodies to ensure that community voices are heard and respected in the decision-making process. By prioritising

early engagement and dialogue, Council seeks to address potential issues proactively, ensuring that the benefits of mining projects are realised more quickly and equitably.

Council's commitment to transparency, accountability, and community participation aligns with the guiding principles of fairness, efficiency, effectiveness, and contemporaneity. Through continued collaboration with State agencies and adherence to these principles, Council aims to support the sustainable and inclusive development of the mining industry, benefiting all residents of the Western Downs Region and Queensland.

Contact Details

Please do not hesitate to contact either myself via email on Jodie.Taylor@wdrc.qld.gov.au or Lidewij Koene-Sloss, Economic Development Manager via email lidewij.koene-sloss@wdrc.qld.gov.au or phone (07) 4679 4526 should you wish to discuss any aspect of this submission.

Appendix

1. Western Downs Council, Economic Development Strategy 2023 – 2028, [economic-development-strategy-document-ver-22.02.23.pdf \(wdrc.qld.gov.au\)](#)
2. Western Downs Regional Council, Corporate Plan 2021 – 2026, [Plans & Publications Western Downs Regional Council \(wdrc.qld.gov.au\)](#)
3. Western Downs Regional Council Communities Partnering Framework [communities-partnering-framework-western-downs.pdf](#)
4. Western Downs Regional Council Governance Framework, [Governance Framework](#)