



The Queensland Opal Miners Association Inc.

PO Box 210

Quilpie Qld. 4480

11/02/2020

The Hon. Anna Palaszczuk, Premier of Qld.

The Hon. Jackie Trad, Deputy Premier

The Hon. Leanne Enoch, Minister of Environment

The Hon. Cameron Dick, Minister of Development

Letter of Objection

Future Management of Lake Eyre Basin (Qld) proposal - an overreach of the Premier's Pristine Rivers commitment and State Regulators violation of Best Practice regulation

The Queensland Opal Miners Association is one of the States Industry representative bodies in Qld. whose role is to provide advocacy and representation on behalf of our members to Government Agencies who regulate the Opal Industry, so as to ensure that these agencies have appropriate legislation, regulation and policy that are suitable for the needs of the Opal Industry.

The Queensland Opal Miners Association (QOMA) were a contributing stakeholder in the Wild Rivers Legislation from which this proposed new Lake Eyre Basin (LEB) review is contrived.

The QOMA, were at the time, respectfully consulted by Debbie Best, the then policy manager for this matter by the then Environmental Protection Agency (EPA) , with regard to that Wild Rivers Legislation.

The QOMA were satisfied with the outcome of the Wild Rivers Strategic Environmental Area, as they did not adversely affect opal mining, as opal mining was not conducted in the Wild Rivers Strategic Environmental Areas, which excluded mining from the riverine or flood plain areas.

Whilst this legislation had since been repealed, opal mining is of no consequence to the detriment of the Lake Eyre Basin catchments areas, as Opal mining is still is not conducted in these areas.

However now the Department of Environment has just recently "opened and closed" what they refer to as a "targeted consultation briefing" with the intent to extend the Strategic Environmental Areas over the whole of the Lake Eyre Basin.

This Stakeholder consultation brief for this Lake Eyre Basin (LEB) was supposedly released by the Government on the 16th of December 2019, with submissions required by the policy team of Department and Environment and Science, due by 24 January 2020.

This period is traditionally when most people including DES staff are preparing for Christmas holidays and are on annual leave, and a great time to release a clandestine review so as to avoid any stakeholder consultation and input by Government.

Only “*The God’s*” know where the Department purportedly released this review paper, as there is no information regarding this LEB consultation review available on either websites of the Department of Environment and Science, nor the *Department of Development and Planning* (DDMIP), who are the two key government agencies who purport to be the consulting agencies for the “LEB” targeted consultation.

The only document QOMA have been able to obtain thus far, is a vague and poorly prepared briefing document which was confidentially revealed by the DES’s, Policy Executive director Mandy Downes to representatives of Ag Force.

To Ag force’s credit, these delegates took it upon themselves to provide the communities within the Lake Eyre Basin the only consultation they have been afforded regarding this LEB review – “come not a review”, as DES and DDMIP have kept it all in house and all pretty secret squirrel!

One can only assume that given the method that this regulation is being rushed through the consultation process in the dead of night by DES, so as to avoid any objection from the adverse impacts from furious stakeholders.

This is a deceitful act, as it defies the public’s interest and more importantly breaches the Palaszczuk government’s endorsement of the Regulator Performance frameworks of Best Practice Regulation.

Whilst we note that the Hon. Premier made an election commitment in 2015/2017 and quote, “*to work with traditional owners, stakeholders and communities to legislate protections for Queensland’s pristine rivers...*” the community within the Lake Eyre Basin, are appalled that this election promise made by the Premier, has now been breached by the intentional exclusion of the vast majority of stakeholders.

Additionally, the Department of Environment’s intent to extend the SEA now to the whole of Queensland’s Lake Eyre Basin as the Strategic Environmental Area, is seen as by the public as an overreach of the Premiers current “pristine rivers” mandated election commitment, which this department is attempting to impose by circumventing fair and respectful consultation to all stakeholders.

This Department's intent to overextend the SEA's with this new regulation past the boundaries of the Pristine Rivers that were protected SEA's under the Wild Rivers Legislation was always going to be seen as controversial by the Lake Eyre Basin communities.

It is a contentious issue with LEB communities that this Govt. policy is being imposed on our community so the Government can attain some green credential, as neither green groups, nor their members reside in any number inside Queensland's Lake Eyre Basin region, nor have they contributed any meaningful effort into the long term maintenance of the Lake Eyre Basin and wild river systems which quantifies them as pristine.

The real credit for this achievement belongs to the communities that lie within the Lake Eyre Basin region of Queensland, whom the Minister for DES, has wilfully excluded and failed to afford any consultation too.

The economic development of opal mining and other Industries operating inside the will all be impacted and severely, whilst the QOMA are certain that our industries will be decimated it is best left to other industries within the region to

If the Hon. Premier and Cabinet is now seeking a new mandate by wishing to "covet" the whole of Queensland Lake Eyre Basin to become the "Strategic Environmental Area" then it is in the public interest to have this confirmed publicly by The Hon. Premier, and then it will not be seen as a "faux de pas" undertaken solely by the Minister for Environment.

Opal mining has been a principle source of income and investment for Regional Queensland communities since 1870. There is no evidence to support that Opal mining operations are detrimental to ecological sustainability within the Lake Eyre Basin.

The opal miners therefore are opposed to the expansion of the Strategic Environmental Area over the whole of the Lake Eyre Basin, as it will place an unnecessary regulatory burden on these small businesses, as Opal Mining Operations work within already existing Environmental Codes of Compliance, legislation and regulation which the Dept. of Environment & Mines already regulate.

The investment opportunities for opal mining will be adversely affected by this regulation if it extends the Strategic Environmental Area all of Qld's Lake Eyre Basin, which overlays an essential component for opal formation and holds within the LEB profile approximately 85 percent of the States Opal endowment.

If the Strategic Environmental Area is expanded over the whole LEB, it will impose on opal miners for each and every new mining tenure application, an application lodgement fee of \$3000.00 so as to apply to the Dept. of State Development for a "Regional Interest Development approval.

" This would be money for jam for the State and unsustainable for the opal industry!

Additionally the costs of the opal miner lodging forms to the DDMIP will only add extra delays obtaining approval exacerbating delays the mining industry already experiences from the States already snail paced overregulated tenure granting system.

The Qld. Opal Miners Assoc. believe that a proper & appropriate policy review and development process would be more likely to receive a positive response and therefore we appeal to the Hon. Premier to act on the following recommendations so that the Review process would be more acceptable to key stakeholders.

1. That the Hon. Premier reveal whether her government has endorsed the inclusion of the whole of Queensland's Lake Eyre Basin to become a "Strategic Environmental Area", hence extending the Premiers current mandate beyond the protection of our pristine rivers.
2. That DES and DDMIP Ministers and Staff are provided training under section 43 Division 1 (c) of the Queensland Productivity Commission Act, and are provided guidance on how to perform legal and proper consultation with best practice approaches to regulation within the Governments regulatory performance framework.
3. That under the *Right to Information Act, 2009 (Qld)*, the Qld. Opal Miners Association Inc. require copy/s of the following documents if they exist pertaining to this L.E.B. review
 - (a) Any Cabinet permission of exemption of this LEB review from an RIS,
 - (b) Any Preliminary Impact Statement/s prepared by the Department/s
 - (c) Any Regulatory Impact Statements/s prepared by the Department/s
 - (d) Any Regulatory Impact Exemption/s prepared by the Departments/s

No such documentation is recorded or lodged with the Queensland Productivity Commission or their website in compliance with best practice regulatory approaches across government.

4. That the Department of Environment and Science (DES) include the Queensland Productivity Commissions OPSR, and prepare a Regulatory Impact Statement for the proposed review Future Management of the Lake Eyre Basin

In light of the States "targeted stakeholder consultation" and opal miners feeling like "the target", as the proposed expansion of the Strategic Environmental Area to include the complete Lake Eyre basin will decimate Queensland's Opal Industry!

The opal industry require that the RIS "research and consult" the adverse effects this will have on all stakeholders including the Opal Mining Sector.

5. That in accordance with the Palaszczuk government's endorsement of the Regulator Performance framework Best Practice Regulation, afford *legitimate and fair consultation*, to all Stakeholders in accordance with best practices approaches to regulation.

This will provide the Opal Mining Peak Representative bodies the complete information to ascertain what impacts any proposed changes will have our members.

6. After the above provisions have been satisfied the Opal Industry Peak representative Bodies, will be afforded time to consult with their members and prepare submissions.

QOMA are hopefully of resolve with these matters sooner rather than later so that we may be able to progress our submissions with the government agencies.

The QOMA will refer this matter to the OPSR to ensure an RIS is undertaken given the adverse impacts which will decimate our States Opal Industry.

The Qld. Opal Mining Industry do not ask for anything of Government's, we don't stick our hats out for handouts nor kiss butt for any favours, all's we require is to be afforded the opportunity of a fair go and to enjoy our vocation afforded to our fore-bearers , with emphasis on the afford part!

This would not conflict with the principles stated by the Premier of achieving economic prosperity and ecological sustainability in the Lake Eyre Basin, nor be a detriment to the Pristine Rivers as is historically evident.

Kindly

*Kev Phillips
Secretary
Qld Opal Miners Association Inc.*

Cc.

The Hon. Jackie Trad, Deputy Premier

The Hon. Leanne Enoch, Minister of Environment

The Hon. Cameron Dick, Minister of Development

Opposition parties

The Hon. Deb Frecklington	Leader of the Opposition
The Hon. Mr Tim Mander	Deputy leader of the Opposition
The Hon. Mr. David Crisafulli	Shadow Minister for Environment
The Hon Mr. David Powell	Shadow Minister for State development

Local Members of Parliament

LEB

Robbie Katter	Member for Traegar
Ann Leahy	Member for Warrego
Lachlan Millar	Member for Gregory

Qld. Opal Mining Associations

Qld Boulder Opal Association

Yowah Opal Miners (YOMSCI)

L.E.B. Local Governments Association Qld.

Stuart McKenzie

Quilpie Mayor

John Ferguson

Thargo Shire Mayor

Geoff Morton

Diamantina Mayor

Gavin Baskett

Winton Shire Mayor

Ed Warren

Longreach Shire Mayor

Joyce McColloch

Mt Isa Mayor

Andrew Martin

Blackall Tambo Mayor

Rob Chandler

Barcaldine Mayor

All Local Government Councillors

LEB

Other Stakeholders

Ag Force Qld.

AMEC Qld.

QRC

QSNTS

All Queensland Newspapers