



The Queensland Opal Miners Association Inc.

PO Box 210

Quilpie Qld. 4480

13/02/2020

The Hon. Leanne Enoch, Minister of Environment

The Hon. Cameron Dick, Minister of Development

C.c. Mandy Downes DES Executive Director Conservation Policy and Planning

Qld Opal Miners Association Inc.
Notification as a Stakeholder & Preliminary Submission
into the Future Management of Lake Eyre Basin (Qld)

G'day Minister's,

The QOMA are aware that the Department has been conducting a Review into the Future Management of the Lake Eyre Basin (Qld) and has held "targeted consultation briefing" with some stakeholders.

The Queensland Opal Miners Association Inc. (QOMA) 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 QOMA has not been formally contacted by DES nor invited as a stakeholder, despite likely being adversely affected by the proposed changes to the Regulation, when we had investigated the contents of the Targeted Consultation Briefing supplied by Ag Force.

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 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Whilst this legislation had since been repealed, (as the then Minister failed to consult all stakeholders), opal mining is still of no consequence to the detriment of the Lake Eyre Basin catchments areas, as Opal mining is still is not conducted in these riverine areas..

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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, and now extended to the 14th of February 2020.

As stated, 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 to representatives of Ag Force.

This has been the only document QOMA has been able to refer for consultation, and no contact regarding this review have been initiated from DES to QOMA.

The QOMA has since referred this matter to the Premier and requested that a proper & appropriate policy review and development process would be more likely to receive a positive response and therefore QOMA has appealed to the Hon. Premier to act on recommendations made by QOMA so that the review process would be more acceptable to key stakeholders.

Therefore in accordance with the Palaszczuk government's endorsement of the Regulator Performance framework, the QOMA require to be afforded legitimate and fair consultation, in accordance with best practices approaches to regulation.

The QOMA advise the Ministers that QOMA is a stakeholder in this review given the potential impacts that are being proposed would have adverse impacts on our members and fellow opal miners inside the Lake Eyre Basin's proposed-Strategic Environmental Area (SEA)

Moving forward, given the limited information available which has been afforded to the QOMA, we tender the following Preliminary Submission from the QOMA and by doing so hope you will understand our immediate concerns until we are better informed & enlightened on what the proposed SAE and impacts are to Qld's Opal Mining industry.

Sincerely



Kev Phillips

Secretary QOMA

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The Queensland Opal Miners Association Inc.

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Quilpie Qld. 4480

Attn. Mandy Downes
Executive Director Conservation Policy and Planning
Environmental Policy and Programs
Department of Environment and Science

C.c.

The Hon. Leanne Enoch, Minister of Environment
The Hon. Cameron Dick, Minister for State Development

QOMA Preliminary Submission into the Future Management of the Lake Eyre Basin (Qld.)

QOMA comments to Expanding the SEA over the whole of Queensland's Lake Eyre Basin

*At the present DES position on the area of the SEA is ambiguous, as the map header on page 5 of the "Targeted Consultation Briefing" states **Confidential Draft ..Not Government Policy**, then this is then quantified by "The specific Question" on the same page that asks "What protections are appropriate for areas outside the Channel Country Designated Areas ?"*

In our context, QOMA has the obvious answer to this, which is, an Environmental Authority or operation under the Codes of Compliance as is currently the case.

This Briefing document however on page 4 goes on to state Key Proposals to advance this middle ground is. "The existing SEA in the Lake Eyre Basin would be expanded to cover the whole of the Basin"

This is detrimentally divergent from "Not being government Policy" to DES proposing that the whole of Lake Eyre become a SEA.

Given the ambiguity of the DES produced stakeholder document it is difficult to assess whether DES are actually consulting about the scope of the SEA or Targeted stakeholders are being advised by a decree .

QOMA would certainly state if the DES are actually consulting, that the SEA should be limited to the Channel Country Designated Areas which we would support!

If the Department's proposed intent is to overextend the SEA's with this new regulation surpasses past the boundaries of the *Channel Country Designated Areas* that were protected SEA's under the Wild Rivers Legislation was always going to be seen as controversial by the Lake Eyre Basin communities.

There is no case presented by DES to validate why there is a need to increase the existing processes of assessment for opal mining and in fact, the DES assigned responsibility to the Dept. of Mines for Small Scale Mining under the Small Scale Miners Code, as the then EHP found the impacts of Code Compliant SSM tenures (Mining claim & Prescribed mining claim for opal and gemstones) so minimal that opal mining did not warrant the DES attention.

Opal Mining Operations work within already existing Environmental Codes of Compliance, & legislation and regulation which the Dept. of Environment & Mines already regulate.

Opal miners therefore are opposed to the expansion of the Strategic Environmental Area over the whole of the Lake Eyre Basin, and it will place an unnecessary regulatory burden on these small businesses.

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.

Qld's Lake Eyre Basin, which overlays an essential component for opal formation being, the Cooper and Eromanga basins, 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 regulatory delays for 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.

It is unnecessary and unwarranted to include the whole of the Lake Eyre Basin as the Strategic Environmental Area, DES or DDIMP offer no explanation or rationale of why the proposed SEA should cover the whole of the LEB in the Targeted Stakeholder briefing document.

QOMA summary to increasing the L.E.B. SEA

Should the State fully intend to regulate that the whole of Qld's L.E.B become the Strategic Environmental Area would cause adverse costs for the affordability of hobby miners and small businesses conducting any future opal mining and opal exploration projects in the future in the L.E.B.

In light of this, the QOMA require that the Office of Best Practice and Regulation prepare a Regulatory Impact Statement for the proposed review Future Management of the Lake Eyre Basin should they propose to increase the SEA over and above Channel Country Designated Areas

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

Whilst the Department has provided a KLM file with the boundaries of the Strategic Environmental areas, including Designated Precincts and former “Protected Areas” the QOMA require more explanation and detail around the mapping of the Strategic Environmental Area (SEA) and Designated Precinct (DP) areas, both existing and proposed.

The QOMA has asked the Department of Mines to prepare mapping to indicate all current mining claims Prescribed Mining Claims, Mining Leases and Exploration Permits, we are aware that the Department is currently facilitating this requirement to assist QOMA to provide feedback to the DES LEB review team and to our members and other Opal Mining representative groups in Qld.

Additionally, so as to provide further input into this review the QOMA would require more information about the rationale and evidence that the DES utilised to warrant that Queensland’s LEB is under threat.

No detail or criteria have been provided to verify why the SEA requires expanding or what will be regulated in terms the Environmental Attributes of the extent of acceptable uses.

For the DES to proclaim that the requirement for an Internal Review of the Regional Interests Planning Act found there was a need for additional protections including the expansion of the SEA, just doesn’t substantiate the need for this proposal.

We therefore request copies of this evidence under the Right to Information Act.

The QOMA would require all this information from DES to support future submissions, the RIA process and any Parliamentary Committee hearing, initiated by Section 93 of The Parliament of Qld Act.

QOMA comments to Designated Precincts (DP’s) and Former Protected areas

QOMA is supportive of retaining the current Designated Precinct areas

In our context, Opal Mining, there is no need for areas outside the Channel Country Designated Precinct to require any further protection, however as QOMA has not been consulted by DES, we may not be aware of the picture as a whole, if there are major issues pertaining to these areas from opal or other Industries, then the QOMA would consider the evidence and to the reviewing the QOMA position.

The extent of Designated Precincts to be retained should be limited to the current unacceptable uses.

The QOMA and its members, as part of the community value the pristine rivers and their protection .

Environmental Attributes.

The QOMA have no dramas with the current attributes however we require more information about the proposed additional Environmental attributes proposed for the L.E.B.

This requirement above is limited to the intent and limitations of “Amendments and Impacts” of both “*the geomorphic process and riparian processes*”.

The QOMA is supportive of the principle of wildlife corridors however the graziers who lose big mobs of sheep every night from wild dogs may not be so happy.

QOMA however is not supportive of including Cultural Heritage Values in the Dept. of State Development RIDA processes for the following rationale:-

1. Native Title Act. (Cmth) 1993

There is already a level of governance within the Native Title Act which require Future Act (Mining Tenures) to resolve Cultural Heritage matters with the Land Claimant, Traditional Owners, these are generally facilitated by agreement and would include Cultural Heritage Protection Conditions within these agreements.

2. The Cultural Heritage Act (Qld.) 2003

The Cultural Heritage Act commits miners/landowners to the Duty of Care Guidelines in areas where Native Title isn't claimed or where Native Title rights and interests have been extinguished.

Additionally, voluntarily Cultural Heritage Management Plans (CHMP) can be entered into with Native Title Holders and Land-users.

The QOMA supports the rights and aspirations of Native title holders.

The QOMA has been involved in the negotiation and implementation of two (2) area ILUA's and over 60 Individual RTN agreements since the inception of the NTA. , and is currently finalising another 20 odd individual RTN agreements at the present.

The Native Title Act and the Cultural Heritage Act collectively provide for Native Title, rights and interests & for Cultural Heritage protection. There is adequate protection and compliance mechanisms within these Native Title Agreements, Native Title FA determinations and the Cultural Heritage Act.

Further Consultation

As previously stated the QOMA has not been consulted by the DES with regard to this L.E.B. review.

The QOMA require initial briefing from the DES Policy Team, which will hopefully either dispel or confirm our initial concerns, which has prompted the QOMA's defensive reaction caused by being excluded by the D.E.S. consultation & due to the of the limited consultation the unrealistic timeframes DES gave stakeholders time to respond, given the depth of research required by stakeholders to provide a considered response.

Admittedly, QOMA nor its members are full bottle with the Department of Development and Planning's, Legislation, Regulation and RIDA processes, and hope never to be!!

This is to be expected as Opal Mining has never been administered by these regulators.

Therefore QOMA will also be seeking consultation with this Department to assist with information pertaining to this L.E.B Review.

The QOMA has asked the Department of Mines to prepare mapping to indicate all current mining claims, prescribed mining claims, mining leases and exploration permits as well all Opal and Gem Restricted Areas which are Opal and gem reserves.

The QOMA will provide the DES policy team this information as it becomes available.

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

The QOMA is aware that the Government is keen to get this regulation validated as part of the Premiers election commitment.

The QOMA are not averse to preserving our Pristine Rivers, in fact we insist on it, however it should not be at the expense of proper and legitimate consultation, nor at the cost of our futures !

I look forward to hearing from the departments in the near future.

.Sincerely



Kev Phillips

Secretary

Qld Opal Miners Association Inc.