



People's Common Rights and Provisions Bill 2014

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A Bill for

An Act to restore certain Common Rights to the people of Queensland, to Rebuild Public Trust in the Regulation and Control of Mining Interests, and to provide for Good Health, Fair Livelihoods and the Quiet Enjoyment of Nature’s and Society’s Goods.

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The people of Queensland enact in this parliament,

Part 1: Preliminary

Short title: this Act is referred to as The People's Act

Explanatory notes: This Act sets in place basic protections that restore the balance in Queensland, ensuring that activities authorised by the Mineral Resources Act 1989 and the Petroleum and Gas (Production and Safety) Act 2004 are properly limited and do not reduce the quality of life of Queenslanders. It amends a number of statutes to deliver clean politics and the highest standards of openness and accountability in the governance of resource extraction activities.

Part 2: Measures introduced by this Act

a) The right to say “No”

This Act amends the Mineral Resources Act 1989 and the Petroleum and Gas (Production and Safety) Act 2004 so that landholders have the right to protect their land and refuse access to mining companies if they choose.

This Act gives Local Government and Indigenous Traditional Owners the right to refuse mining projects if they are against the interests of their communities.

b) The right to our livelihoods and good health

Farmers, small businesses, tourism operators and associated industries will have the right to pursue their livelihoods unimpeded by the negative impacts of resource extraction.

Communities will be provided with the basic right to clean air, good health and the quiet enjoyment of their homes, by means of limits on air, light and noise pollution that cannot be exceeded and strict set-back limits for mining from homes.

The social fabric of rural Queensland will be protected by strict limits on fly-in fly-out workforce arrangements and the cessation of 24-7 mining operations.

This Act introduces protection for consumers from energy price rises where it can be shown that the rising cost of energy is a direct or indirect result of profiteering by mining and export companies.

c) The right to our common wealth - the land, water and clean air

This Act hereby protects productive agricultural lands, important water resources and priority natural areas by making them off-limits to mining and associated infrastructure, as well as introducing similar protections for culturally significant areas.

This Act amends the Mineral Resources Act 1989 and the Petroleum and Gas (Production and Safety) Act 2004, so that any company or person seeking to mine in Queensland will be required to provide a bond that will be equal to or greater than the full cost of repairing the damage they do.

This Act requires the Premier and the Ministers for Environment, Mining and Natural Resources to provide their agencies with the proper resources to enforce the law.

This Act amends the Environment Protection Act 1994 to increase penalties for mining companies that breach conditions of their approvals and gives standing to third parties to enforce environmental and other mining lease conditions and laws in court if land or water is damaged.

d) The right to object and have your objections heard

This Act enshrines the right of any person or community group to object to mining approvals in courts on any public interest ground, and gives the court the power to overturn approvals where they find that they were inappropriately given.

This Act requires the full disclosure of all decision-making processes regarding mining applications, including the creation of an accessible public register of approvals, applications and documents. This register will be available on the internet, but also for open inspection at the regional offices of Government agencies for those without internet access.

The State of Queensland shall enact clear legislation that sets out the objective public interest criteria by which decisions are made to approve or reject mining applications.

e) The right to clean politics

Mining companies and associated parties shall be prevented from making donations to political parties or candidates, or third parties entities fund-raising on their behalf.

All political donations over \$100 from any other source shall be disclosed and made available for public scrutiny in a timely manner.

Politicians and their staff must have a two-year cooling-off period before entering private sector roles related to their political jobs.

A Code of Conduct will be introduced to regulate the activities of lobbyists to ensure that there is full transparency on the timing and content of all their dealings with members of parliament, political office bearers or public servants.

The Crime and Corruption Commission is hereby empowered and resourced like the NSW Independent Commission Against Corruption to root out and expose corruption.

This Act requires the creation of new strict and enforceable rules governing conflicts of interest in public office, preventing political representatives and their advisers and senior bureaucrats from personally profiting from decisions they take, including for two years after they leave office.

f) The right to be represented in parliament

The Upper House of the Queensland Government must be restored as a house of review, elected by the people.

A second house has a long history in the democratic tradition and is vital to ensure that the power that is delegated to the Parliament by the people is being used wisely and fairly.

This Act calls for a formal referendum so that the people of Queensland have the opportunity to vote to reinstate their lost House of Parliament.