

IN THE LAND COURT OF QUEENSLAND
AT BRISBANE
GENERAL DIVISION

Nos. MRA082-13
EPA083-13

BETWEEN:

HANCOCK COAL PTY LTD

Applicant

and

**COAST AND COUNTRY ASSOCIATION OF QUEENSLAND INC. AND ORS
(according to the Schedule)**

Respondents

and

**THE CHIEF EXECUTIVE, DEPARTMENT OF ENVIRONMENT AND
HERITAGE PROTECTION**

Statutory Party

SUMMARY OF SUBMISSIONS

COAST AND COUNTRY ASSOCIATION OF QUEENSLAND INC.

1. Mining poses a dilemma for the community. On the one hand, it has the potential to provide significant economic rewards. On the other hand, it imposes serious costs, in particular environmental costs.
2. At the heart of both the *Environmental Protection Act* and the *Mineral Resources Act* is a recognition of this reality. In order to ensure that the benefits of mining outweigh the costs, both Acts require the Court, as an independent umpire, to consider the impacts of the proposed mine, positive and negative, and to make a recommendation about whether the mine should be allowed to proceed.
3. It is CCAQ's position that, before it can recommend approval of Hancock's proposed Alpha mine, this Court needs to be positively persuaded that the grant of the approvals will result in a net benefit to the Queensland community.
4. Here, the Court cannot be so persuaded because the information provided by Hancock to establish the impacts from Alpha cannot be relied upon:

- (i) In relation to groundwater, the critical issue is one of uncertainty. Dr Webb's evidence establishes that Hancock's modelling is fundamentally flawed, but Hancock has chosen not to address those flaws and instead to attack Dr Webb. This leaves the Court without any reliable prediction of the likely impacts of Alpha on groundwater supplies, a critical environmental resource. This kind of uncertainty presents a fundamental barrier to recommending approval.
- (ii) In relation to climate change, the science of climate change is undisputed. Alpha will contribute to the risk of dangerous climate change, mostly through emissions from the burning of the coal that will be mined there. Hancock asks this Court to ignore those emissions. CCAQ argues that it must not ignore them, but must take them into account in deciding whether to recommend approval. If all of Alpha's emissions are considered, then this is a strong factor weighing against approval.
- (iii) In relation to economics, Hancock argues that Alpha will produce substantial economic benefits. CCAQ contends that the predicted benefits are exaggerated by the choice of model and a failure to account for costs imposed by Alpha. More fundamentally, CCAQ contends that the basic assumption underlying these predictions, that is, constant growth in the demand for coal throughout the life of Alpha, is not substantiated by evidence.

5. If the Court is not persuaded that allowing Alpha to proceed will result in a net benefit to Queensland, then it is respectfully submitted that, consistent with the requirements of the statutory framework, the Court must recommend that the applications be refused.

18 October 2013

Adrian J Finanzio
Dr Chris McGrath
Rupert Watters