

Submission to the Senate Inquiry regarding the

**Landholders' Right to Refuse (Gas and Coal) Bill 2015**

I support this Bill.

I suggest that this or another Bill should also provide Australian Landholders the right to refuse the undertaking of other forms of mining on their land. (For example, mining for gemstones.)

I suggest that the Access issue and the Fracking issue could be considered independent issues, such that if the Senate does not find this Bill acceptable in its entirety then one of issues might be considered and progressed by the Senate even if the other is not.

As a landholder, I have a general interest in the contents of this Bill. The land I hold is not currently subject to interest from coal or gas mining corporations, nor is there any indication that such interest is likely in the future. I maintain an interest in the ethical treatment of landholders, and in the environmental protection of land.

**I strongly support the implementation of this Act in that it:**

*1. Makes it unlawful for corporations to enter or remain upon land they do not own or have permission to enter/remain upon. (Clause 9 and 10)*

It is hard to believe that a new Bill is required to make this so. How is it currently possible that Trespassing is a civil offence if you are almost anyone other than a Miner? Even the Police have restrictions placed upon them when it comes to entering privately held land.

I suggest that Mining Corporations should have rights which do not exceed the rights of average Australian businesses and individuals.

*2. Makes a penalty apply if corporations do enter or remain upon land unlawfully.*

It is vital that there be an incentive for corporations to abide by laws restricting their access to land they do not own. If there is no penalty, or if the penalty is insignificant in the view of a large corporation, then they could make an economically sound decision to proceed in contravention of the law. A significant penalty is required to make the law useful.

*4. Makes it possible for the Landowner to bring reasonable legal action against a corporation without fear of bankruptcy. (Clause 11 and 13)*

This is very important. The average Landowner cannot afford a legal battle against a corporation. While vexatious action should be excluded, as it is, there must be financial protection for Landholders or they will not dare to act. When the Corporation and the Landholder both know the Landholder cannot afford to fight for their rights, then the balance of power falls entirely with the Corporation. The cost of reasonable action by a Landholder must be met by either the respondent

corporation, or by some form of government or other alternate funding. It simply isn't possible for Landholders to be fairly represented otherwise.

*5. Bans Fracturing operations.*

While there is considerable debate over the safety or otherwise of 'fracking', there is no reasonable level of comfort or certainty when it comes to either the safety of the activity in general, or the surety that the corporations involved will carry out the activity in a manner more safe than how it has been carried out in other times and places. Certainly there are global examples of fracking being conducted in a manner that seriously negatively impacts the environment.

Fracking is not a major industry in Australia, being more of a recent player that seeks to expand. Our economy will not collapse for lack of fracking. It could be more damaged by a future loss of viable farming land if fracking was allowed and some of the environmental concerns about the process proved to be valid.

It therefore is vital that Fracturing be banned, at least until more certainty of safety can be guaranteed.

Tasmania introduced a 12 month moratorium and has since extended the moratorium for five further years. I understand there is also a moratorium in Victoria. The rest of Australia should do no less to protect the environment, and the future of food production.