Personal, Private, and Confidential

[redacted]

Monday, the 24th of October, 2022 CE.

[redacted]

The Director-General (for attention of, the Assessor, of the RPI Act-Development Assessment Division),
Department of State Development, Infrastructure, Local Government and Planning.
The Head Office of the Department,
Level-No. 13/No. 1 William Street,
BRISBANE, QLD, 4000.

re: a proposed public notice-, published, at page-No. 39, of the edition of the *Townsville Bulletin*-newspaper, of Thursday, the 20th of October, 2022, as regards, a purportedly made, public notification, under, Section-No. 35, of the *Regional Planning Interests Act 2014* (Qld) [the RPI Act], and, Regulation-No. 13, of Part 5, of the *Regional Planning Interests Regulation 2014* (Qld), in relation to, the application-of the last 20th of July and with the Application-No. RPI22/027, by the applicant, Ravenswood Gold (ABN 8863727309), for a *regional interests development approval*, to be granted under Section-No. 53, of the RPI Act, for, *resource activity/mining activities*, associated with the so-called *Ravenswood Gold Mine-project*, and seemingly related matters.

Dear sir-or ma'am,

I enter, only upon a *conditional appearance*, i.e. (as they say) *on the papers*, herein, and, in relation to, the matter of the above mentioned, proposed, public notification-under the RPI Act, and that is to say, effectively denying then, that there might, in any event, be seen to be, any matter, validly put afoot, in the public arena, by that, said, proposed notification.
Moreover, it would be my view then, to the very effect of that, in light of such facts-or the said apparent state of affairs then, the whole of, the said proposed application (of 20/07/22), by the

said applicant, i.e. with the said Application-No. RPI22/027, i.e. if it might ever have been seen to be a live matter-whether under the RPI Act or otherwise then, most likely, would now, only reasonably be seen, to boot, to have gone, irretrievably *ultra vires,* or, i.e. practically *lapsed,* absolutely, at the very least, insofar as, the said legislative scheme-of the RPI Act, would be concerned-or might otherwise have been applicable then, and that is to say, on account of, such, said seemingly so fatal, defects, in the vey said proposed public notification (of 20/10/22).

Now, in kind of cutting to the chase, and whilst, of course[1], it doesn't have any substantive effect, e.g. in terms of, purporting to, maybe, have kind of overridden, the very explicit contents, to the contrary, of the said parent legislation (of the RPI Act), under which it was purportedly made, and/or, even the provisions of the said regulations, made thereunder, also then, and certainly, being one, only made under, the very provisions of, Section-No. 90, of the RPI Act, which, themselves, expressly, merely provide for, a kind of ancillary role-or (if you like) authority-of the *chief executive* (i.e. your said departmental Director-General, [redacted] in this very instance then[2]), to *make guidelines giving advice about* a certain class of matters, i.e. *assessment applications or prescribed criteria for deciding assessment applications* then[3], well, as I was going to say then, I suspect that, indeed, the very *problem* (if you like), may well be seen-in hindsight then-to have veritably arisen, on account of, the said applicant's, apparently hoping, to rely upon, a seemingly poor choice of words-or a somewhat ambiguous

---

[1] i.e. even though, naturally, I do not purport to be, like, some sort of *bush lawyer*-or the like, or, you know, as if, proposing to just proffer *legal advice* (as such), herein, but merely, express my very own personal opinions, convictions, or beliefs, in the bona fide exercising of, Free Speech, and, in the very public interests, to boot, or I dare say, further then, anyhow.

[2] and see, then, subsection-(11), of Section-No. 33, of the *Acts Interpretation Act 1954* (Qld) [the AIA], in the context of, the reference to the RPI Act etc., in page-No. 4, of the current *Administrative Arrangements Order (No. 1) 2021* (Qld).

[3] and, see then; e.g. clause-(a), of subsection-(1), of Section-No. 21, of the *Statutory Instruments Act 1992* (Qld) [the SIA], i.e. read, with its *ordinary meaning,* in the very context of, e.g. subsection-(4), thereof, of course, then; not to mention; clauses-(a) especially-and then-through to-(c), of subsection-(5), of Section-No. 4, of the *Legislative Standards Act 1992* (Qld) [the LSA]; cf. also, e.g. *Sydney City Council v Garbett Pty Ltd* [1995] HCA 2, moreover, *In Minister for Primary Industries & Energy v Austral Fisheries Pty Ltd* (1993) 40 FCR 381, wherein, Lockhart J stated (albeit, in dissent, at 384, but see also, what Beaumont and Hill JJ said, at 399–400), that:

> "Delegated legislation may be declared to be invalid on the ground of unreasonableness if it leads to manifest arbitrariness, injustice or partiality; but the underlying rationale is that legislation of this offending kind cannot be within the scope of what Parliament intended when authorising the subordinate legislative authority to enact laws." (i.e. as extracted out of. The paper entitled, *Judicial Review of Delegated Legislation* delivered by Mark Robinson SC to a NSW Bar Association CPD Conference, held in Sydney, on the 18th of August, 2014; and published, at the URL of: "https://www.robinson.com.au/wp-content/uploads/2019/05/2014-MAR-Judicial-Review-of-Delegated-Legislation-on-18-August-2014-NSW-Bar-Association-CPD-at-Sydney.pdf").

(and/or confused)[4] one sentence-paragraph then, in-about the middle of-page-No. 4, of the so-called *RPI Act Statutory Guideline 06/14*, which reads;

> "The closing day is the day after the notification period which must be at least 15 business days, calculated from the day after the day the notice is first published.";

you see?

I mean, really, in order to giving, only good advice, i.e. in accordance with the very substantive content of the primary enactment, of the RPI Act, not to mention, the said regulations, made thereunder then, the said portion, of the said proposed *Statutory Guideline 06/14*, most probably, would have better read, as more, something like;

> "The closing day is the day after the notification period. The notification period must be at least 15 business days, calculated from the day after the day the notice is first published."; or;

at any rate, that sort of thing, is really, all, that the said proposed *Statutory Guideline 06/14*, could reasonably have been taken, like I say[5], in the very context of, the parent legislation etc.[6], to have actually been intended-by the very legislator then-to have been meant to denote.

Now, whilst, there were, possible exceptions noted-albeit more as kind of isolated instances of mere *obiter dicta* then, in the seemingly leading High Court case, in point, of *Forrest & Forrest Pty Ltd v Wilson* [2017] HCA 30; 262 CLR 510 (hereinafter, referred to, as *Forrest*), insofar as, that, reference, was made, at paragraph-No. 74, therein, to wherein, there might just appear, an *express provision... in relation to the consequences of non-compliance with the requirements of* an *Act preliminary to the exercise of* an administrator's powers thereunder[7],

---

[4] and, see then, e.g. clause-(k), of subsection-(3), Section-No. 4, of the LSA.

[5] and, moreover, as I'll go on to explain-or just examine (i.e. in terms of, the seemingly most appropriate-or only valid-statutory interpretation, thereof then)-in greater detail, presently, below, herein, then. ...

[6] and, see further, e.g. Section-No. 37; and; Division 1, of Part 4; of the SIA.

[7] and, obviously then, in sort of harking back, e.g. at paragraph-No. 61 etc. in *Forrest* then, to the very extract, out of paragraph-[91], of the joint judgment, in the case of, *Project Blue Sky Inc v Australian Broadcasting Authority* [1998] HCA 28; 194 CLR 355, wherein, the judges (i.e. M'Hugh, Gummow, Kirby and Hayne JJ, of the High Court, then) said;

> "An act done in breach of a condition regulating the exercise of a statutory power is not necessarily invalid and of no effect. Whether it is depends upon whether there can be discerned a legislative purpose to invalidate any act that fails to comply with the condition. The existence of the purpose is ascertained by reference to the language of the statute, its subject matter and objects, and the consequences for the parties of holding void every act done in breach of the condition. Unfortunately, a finding of purpose or no purpose in this context often reflects a contestable judgment ... There is no decisive rule that can be applied; there is not even a ranking of relevant factors or categories to give guidance on the issue. (i.e. with the red underlines, added, herein, for particular emphasis, and, the one footnote, omitted then)".

however, the majority (i.e. of Kiefel CJ, Bell, Gageler and Keane JJ), immediately went on, in the joint judgment, in *Forrest*, then, to add, to the effect of that, the terms, of the very said express provisions, themselves, were *an indication that matters of non-compliance with the Act outside the scope of* such said express provisions *were fatal to the validity of* the proposed exercising of the statutory power-to finally decide the application in question then[8], which, as I'll go on to explain, would, despite, the sort of temptation, that an overly zealous kind of administrator, might, at first, sort of prima facie, like to see, the very terms of Section-No. 36, of the RPI Act, perhaps, or, as if then, designed to be utilised for[9], well, as I was about to say then, the situation, herein, in many respects, is apparently, only quite analogous with, those of the said case of *Forrest*.

But first, let's start with-or go back to then, the very details, of the apparent defect, intimated towards, above, herein, already, and, that, would be to allude to, how, whilst the *requirement*

---

[8] and, the said judges, went on, at paragraphs-No. 74-and-No. 75, in *Forrest*, then, to distinguish the pertinent terms, of the said express provisions, of the *Mining Act* 1978 (WA), saying further, that;

> "Section 75(6)(b) allowed the Minister to grant or refuse a mining lease notwithstanding an applicant's non-compliance in all respects with the provisions of the Act. It did not manifest an intention that any and all non-compliance with Section 75(6)(b) allowed the Minister to grant or refuse a mining lease notwithstanding an applicant's non-compliance in all respects with the provisions of the Act. It did not manifest an intention that any and all non-compliance with the provisions of the Act regarding applications for mining leases could be disregarded when the Minister determined whether to grant a lease. In particular, it did not purport to allow the Minister to make a grant where the warden had failed to comply with the Act, as, for example, by proceeding to a hearing under s 75(4) contrary to the requirements of s 75(4a)."; moreover;
>
> "Section 116(2) was not cast in terms which were apt to confer indefeasibility of title in respect of any non-compliance with the requirements of the Act. Unlike s 75(6)(b), s 116(2) did not speak of a want of "compliance" with the provisions of the Act, but of "informality or irregularity" in the application or proceedings. "Informality" means a want of legal form as distinct from a want of legal substance. The term "irregularity" refers to a lack of regularity in the method or manner in which a power is exercised 46: it is a term used in deliberate contrast to an act beyond power. The failure of the warden to observe the requirement of s 75(4a) cannot fairly be described as an "informality or irregularity in the application or in the proceedings previous to the grant" of the mining lease. (i.e. with the red underlines added, for particular note, herein, then)". ...

[9] and, what is more then, whilst I note, how the majority, at paragraph-No. 79, of the said joint judgment, in *Forrest*, distinguished the case of *Parisienne Basket Shoes Pty Ltd v Whyte* (1938) 59 CLR 369 (at 391), i.e. as relied upon, by President M'Lure, in the Western Australia-Court of Appeal-proceedings, appealed from, then, well, as I say, as I'll go on to explain, with legal argument, around the statutory interpretation-or very *ordinary meaning* (in context) then-of the provisions of, e.g. clause-(a), of subsection-(2), of Section-No. 36, of the RPI Act, in particular then, that matter-or the very legal principles alluded to in (or, as if established then, by) the said case of *Parisienne Basket Shoes Pty Ltd v Whyte*, would indeed, only seem to be, further distinguished, herein, insofar as, that, the said discretion, granted to *the chief executive*, under the said clause-(a), of subsection-(2), of Section-No. 36, of the RPI Act, would not appear to be, one that extends to, a case wherein, there has been a kind of truncated notice period-and therefore a defective notice (i.e. in comparison with the terms of Section-No. 35, of the RPI Act then), and/or, as appears to only be the case, herein, then, public notification has been required, pursuant to, clause-(a), of subsection-(2), of Section-No. 34, of the RPI Act, moreover, where there's been, no subsequent grant of, an *exemption*, under subsection-(3), thereof, you see? ...

notice (of the last 3rd of August)[10], issued by, [redacted] he Development Assessment Division, of the department's Planning Group, indicates that, t*he application seeks approval for resource activities within* a designated *priority living area (PLA)*, moreover, as is advised, under the heading of ***Public notification requirement***, in page-No. 2, thereof[11], in accordance with sub-regulation-(1), of Regulation-No. 13, of the said regulations, the said application (of 20/07/22), herein, is ***notifiable***, pursuant to clause-(a), of subsection-(2), of Section-No. 34, of the RPI Act, to which, in accordance with the subsection-(1), of said Section-No. 34, the Division 4, of Part 3, of the RPI Act, in which such stipulation appears then, applies, the specific requirements, of the primary legislation, i.e. with the said application being a *notifiable assessment application* (as such) then, and while, the introduction to subsection-(1), of Section-No. 35, of the RPI Act, is expressed in such mandatory terms[12], the requirements of clause-(a), of subsection-(1), thereof, are literally, to be effected, in accordance with, the provisions of, sub-regulation-(2), of the said Regulation-No. 13, which stipulate, that, *the way in which an applicant must publish a notice about a notifiable assessment application is at least once in a newspaper circulating generally in the area of the land*, whilst, in respect of... well, both, the said clause-(a), of subsection-(1), and, subsection-(4), of the said Section-No. 35, of the RPI Act, really, but anyway, specifically, in respect of the latter, which is, likewise, expressed in mandatory terms[13], sub-regulation-(3), of Regulation-No. 13, stipulates, that;

> "For the Act, section 35(4), the notification period for a notifiable assessment application is 15 business days after the notice about the application is first published under subsection (2).";

so, while the prescribed *notification period*, is fifteen *business days*, *after* the date that any pertinent public notice is published, and what is more, the ***closing day***-i.e. *the day by which submissions about the application must be received*, is required to be stipulated, on the very face of the public notice, by way of the-similarly-mandatorily expressed terms of, sub-clause-(ii), of clause-(b), of subsection-(2), of Section-No. 35, of the RPI Act, moreover, in accordance with, the mandatorily expressed introduction to, the said subsection-(4), of Section-No. 35,

---

[10] see at the URL of "https://planning.statedevelopment.qld.gov.au/__data/assets/pdf_file/0019/74251/RPI22-027-requirement-notice.pdf".

[11] and that is to say, notwithstanding that, *additional information* is being sought, by way of the said *requirement notice*, pursuant to, clause-(b), of subsection-(1), of Section-No. 44, of the RPI Act. ...

[12] and see, e.g. subsection-(2), of Section-No. 32CA, of the AIA.

[13] i.e. indicating that "(t)he closing day *must be* a day that is after the end of the notification period prescribed under a regulation for the application (i.e. with the italics added, for particular note, herein, then)"; and see, again, e.g. subsection-(2), of Section-No. 32CA, of the AIA. ...

thereof, t*he closing day must be a day that is after the end of the notification period*[14], on my calculations[15], i.e. with the said proposed public notice, only published on, Thursday, the last 20th of October, and, the count-for the *notification period* (itself) then-beginning on, Friday, the last 21st of October, and then, the very tenth *business day*, thereof, falling on the next 10th of November, moreover, the very statutorily required ***closing day***, would then, only be, on-or after-the very next day, of the next 11th of November, well, the said proposed notification, purports to only see, a kind of cut-off-i.e. of the very purportedly allowed period (supposedly allowed, for submissions to be lodged, with yourself then), falling, one whole day, short of, the statutorily prescribed minimum-(as I say) mandatorily required by the said legislative provisions then, you see ?

Now, whilst, prima facie, it might seem somewhat trite of me, to simply cite, e.g. the case of *Scurr v. Brisbane City Council* (1973) 133 CLR 242, in order to pointing out, how, despite the difference, being only the one day, out of fifteen-or (really then) sixteen or seventeen-*business days*, more strict compliance, with statutory provisions, providing for public notifications, ought to be observed, well, I note that, e.g. it was only, with later legislative developments, i.e. explicitly providing for a power to excuse non-compliance, that introduced[16], the very concept of *substantial compliance*, which so subsequently allowed for, departure from, such a laudable common law kind of principle[17], however, in my view[18], well, things might only rightly be seen, to have kind of gone, full circle, now, and that is to say, whilst, the RPI Act, preceded the very current *Planning and Environment Court Act 2016* (Qld) [PEC Act], so that, for all intents and purposes, the general declaratory jurisdiction, provided for the Planning and Environment Court (the P&E Court), in Division 3, of Part 2, therein, would[19] be only seen as, a kind of unnecessary adjunct, given that, the specific provisions, of Section-No. 78, of the RPI Act,

---

[14] all, of which, I hasten to add, for what it might just be worth then, accords with, the *ordinary meaning* of, the very general requirements, in the introduction to, and what is more, the clause-(a), of subsection-(1), of Section-No. 38, of the AIA.

[15] i.e. with the said proposed public notification, herein, having been only published on the very 20th of October, 2022.

[16] albeit, in the wake of, things like, the case of *Day v. Pinglen Pty. Ltd.* (1981) 148 C.L.R., which was later proposed to be relied upon, in applying the then amended Section-No. 22D, of the *City of Brisbane Town Planning Act* 1964-1980 (Qld), in the case of *Ridgewood Development Pty Ltd v Brisbane City Council* [1984] QSCFC 115.

[17] and see, e.g. then, the said case of *Ridgewood Development Pty Ltd v Brisbane City Council* [1984] QSCFC 115. ...

[18] and see, e.g. then, the seemingly pertinent case law, and related legislative developments, kind of running in tandem then, over time, as discussed, in the very Endnotes, set down, below, herein. ...

[19] i.e. in light of, the particular empowering provisions, of Section-No. 7, of the PEC Act, which generally provide for, an original sort of jurisdiction, of the P&E Court, saying that, it *has jurisdiction given to it under any Act (each an* ***enabling Act****)*. ...

already existed, then, and what is more, notwithstanding then, the prima facie, maybe, seemingly very broad, albeit, only so literally read then, provisions of, subsection-(2), of the said Section-No. 78, nor even, similarly, those of, the very Section-No. 32, of the PEC Act, well, to the contrary, in the modern context, the *ordinary meaning*, of such provisions, would not seem, to extend to, the very excusing-or what -have-you-of *non-compliance* (or the like) with statutory requirements to publicly notify proposed actions of proponents of developments, and, insofar as, that state of affairs-or very legislative policy then, would seem to be so evident, from the pertinent *extrinsic material*[20], I would refer you to;

1. firstly, the very context of, things like, subsections-(2), of Sections-No. 30-No. 33-No. 34-and even-No. 38, of the RPI Act[21], moreover, the definition of the very terms, of ***prescribed time frame***, set down in the Schedule 1-Dictionary, to the RPI Act, which literally provides that, such *mean...the time frame prescribed under a regulation for the matter* concerned; and, naturally then;

2. how, whilst, Regulation-No. 20, in the regulations, provides that, for the said Schedule 1-Dictionary definition, of the said terms, of *prescribed time frame*, *the time frame prescribed for a matter mentioned in a provision of the* RPI *Act stated in... column 1*, of the fifth *schedule*, to the regulations, *is the time frame stated opposite*, *in* the *column 2*, of the said Schedule 5, to the regulations, whereas, whilst Section-No. 35, of the RPI Act, is not mentioned, at all, therein, the only references, in the said first column, in the fifth schedule, to the regulations, of matters, falling under, the said Division 4, of Part 3, of the RPI Act, are to, those of, clause-(b), of subsection-(2), of Section-No. 34, and, subsection-(2), of Section-No. 38; both, of which, I hasten to add; have nothing to do with, the said fifteen *business days* etc., prescribed by, the said; sub-regulation-(3), of Regulation-No. 13; and; clause-(a), of subsection-(1), and subclause-(ii), of clause-(b), of subsection-(2), and, subsection-(4), of Section-No. 35; of the RPI Act; for the making of written submissions-upon a *notifiable assessment application* (once it has been publicly notified then); and;

---

[20] and see, e.g. Sections-No. 14A-and-No. 14B, of the AIA. ...

[21] cf. also, subsection-(1), of Section -No. 41, subsections-(3)-and-(6), of Section-No. 42, subsection-(1), of Section-No. 44, subsection-(6), of Section-No. 51, subsection-(1), of Section-No. 52, and even, subsection-(1), of Section-No. 47, of the RPI Act, then. ...

what is more then, it's clear, from the said pertinent *extrinsic material*, that the references, to *time frame*s, were always, intended to be, separate from, the very matter of, the length of the public notification period, being now required-under the said provisions of the RPI Act etc., insofar as, that;

3. e.g. wherein, at page-No. 23, of the Report No. 35 (of March 2014), by the then State Development, Infrastructure and Industry Committee, upon its inquiry into the Regional Planning Interests Bill 2013, the committee said;

> "Lack of detail
>
> Almost without exception, submitters maintained that they were unable to properly critique the proposed assessment framework because of considerable uncertainty about how it would work in practice due to a lack of detail in the Bill. For example, Samgris Resources Pty Ltd, submitted that 'the Bill contains few details regarding the application requirements for the [regional interests authority], such as who will assess the application, criteria for assessing the application, and timeframes for assessment and decision on the application'. Metro Coal identified further missing details such as which applications will be notifiable, the notification methods and periods, and the fees payable under the proposed Act. (footnotes omitted, herein, then)"; moreover;

at pages-No. 39-and-No. 40, of its said Report-No. 35, the said committee, provided;

> "Timeframes
>
> The lack of timeframes for an assessment application in the Bill was drawn to the committee's attention by a number of submitters. As an example there are no time limits for the chief executive to decide an assessment application or to refer an application to an assessing agency or to grant a request for an exemption from notifications or to issue a regional interests authority. The presence of timeframes creates greater certainty for project proponents and landholders and may provide some investment certainty. As APPEA stated in its supplementary submission, timeframes 'would be highly valued by industry'. QMDC recommended specifying timeframes for each of the steps in the

assessment process. Potentially, rights could flow as a result of a decision that is not made within time.

The Deputy Premier has advised the committee that assessment and decision timeframes 'would provide greater certainty for all stakeholders and should be included in the RPI Regulation'. The committee is pleased that stakeholders' concerns have been addressed.

Recommendation 15

The committee recommends assessment and decision timeframes be included in the Bill or the regulation.

Other timeframes in the Bill appear somewhat unworkable. For example:

- Public notification is generally required to commence within 20 business days of lodgement of an application but the chief executive may take some or all of this time to make a decision whether to grant an exemption from notification. Potentially, the failure to notify provisions could come into play before, or soon after, a decision on an exemption is made.

- Public notification may be required under a requirement notice but some or all of the time available to undertake notification (20 business days unless a longer period is decided by the chief executive) may be taken by the assessor preparing a requirement notice and possibly by the chief executive giving the assessing agency for the application a copy of the application. It is possible that a requirement notice may be issued after the initial 20 business day period, thereby potentially invoking failure to notify provisions in clause 36

Recommendation 16

The committee recommends the Bill be amended to resolve the apparent inconsistency between clauses 35, 36, 41 and 44. (again, footnotes omitted)"; and;

furthermore;

4. see e.g. at; pages-No. 3-No. 4-and-No. 7, of the Submission No. 43 (of 17/01/14), lodged by Bandanna Energy, in the said committee's said inquiry; and especially; at page-No. 7, of the Submission No. 44 (of 17/01/14), therein, by Arrow Energy; and

what is more; at page 10, of the Submission-No. 67 (of 20/01/14), by Metrocoal, which said;

> "There has been a demonstrated intent from the Government to reduce backlogs and expedite approvals to enable certainty for operators and investors. In a statement made by the Honourable Andrew Cripps, Minister for Natural Resources and Mines, in October 2013 it was emphasised that:
>
> "Queensland has world-class resources, so it is important we continue to make the business and administration of mining simpler for the benefit of investors and future employees.
>
> ...the Newman Government's reforms are already delivering faster and more efficient approval timeframes for the resources sector"
>
> As the Bill is currently drafted there is large amount of discretion to request further information, require notification and require consideration of public submissions. None of these steps have any statutory timeframes which would limit the discretion of the assessor. All these features coupled with a lack of hard and fast timeframes pave a road that leads away from the progress Minister Cripps is highlighting above, and instead represents a return to the 'bad old days' where years would be required to secure approvals."; and;

additionally, see e.g. at page -No. 2, of the Supplementary Submission-No. 077 (of 24/02/14) by Samgris Resources Pty Ltd, wherein, it was submitted-and (likewise) subsequently so particularly noted by the committee (in its said report) then;

> "Key issues that will delay our exploration on this project are:
>
> • the Bill contains few details regarding the application requirements for the RIA, such as who will assess the application, criteria for assessing the application, and timeframes for the assessment and decision on the application.
>
> • the Bill requires public notice of the application, and also includes appeal rights for land owners and broadly worded "affected land owners".
>
> • the relevant department will not be subject to any statutory timeframe for deciding our application, so it will not be possible to forward plan our allocation of capital or deployment of equipment and manpower.

Even in the scenario where amendments are made to these exemptions that make them applicable to our operations, these exemptions would only mitigate immediate impacts to the exploration phase of our operations. Should the decision be made to advance to the production phase it is clear that we would be required to obtain an RIA."; moreover;

at page-No. 3, of the attachment, to Director-General, David Edwards' letter (ref: OUT14/907), of the 3rd of February, 2014, to Mr. David Gibson MP, the then Chair of the then State Development, Infrastructure and Industry Committee, wherein, the then department submitted;

"3. Assessment process and timeframes

Concern that the Bill introduces additional notification requirements for resource projects.

Notification of an application provides a transparent forum through which to obtain feedback so that an assessor can understand the views and expectations of the local community and give consideration to these views when deciding whether to approve or refuse an application.

To manage red tape, the Bill gives the chief executive the ability to exempt an application from the notification process if they are satisfied there has been sufficient notification already undertaken for the activity under another Act or law.

Submitters, particularly the resource sector, expressed concerns about the lack of timeframes in the Bill for the government to adhere to in granting a Regional Interests Authority.

The Queensland Government is committed to facilitating economic opportunities for the State, reducing red tape and making timely decisions about development proposals.

> Consequently, it was not considered necessary to set arbitrary timeframes for the considering of these projects."; and;

well, in case you're, maybe, just sort of wondering, as to, exactly why, all this *extrinsic material*, pertaining to the meaning of the very said terms of *time frames*, might be necessary, e.g. then;

5. as the discussion, about the then new clause-No. 72B[22], of the "Regional Planning Interests Bill 2013 (the Bill)", at page-No. 16, of the supplementary explanatory notes-to the Bill[23], indicates[24], the processes of the Planning and Environment Court (the P&E Court), provided for under the RPI Act, where always, kind of intrinsically tied in with, the very constituting enactments, of the P&E Court, itself, albeit, as then set down, under the now repealed so-called *Sustainable Planning Act 2009* (Qld), moreover, now, notwithstanding even, the seemingly broad-and almost all encompassing then-provisions, of Section-No. 37, of the *Planning and Environment Court Act 2016* (Qld) [the PEC Act], which-as I canvass in the very Endnotes (herein)-have a long, and somewhat convoluted then, history, of technical amendments, for, well, the telling points, seem to be, at pages-No. 23-and-No. 24, in the very *explanatory notes* to the "Planning and Environment Court Bill 2015"[25], tabled by the Hon. Ms. Jackie Trad MP (on 12/11/15 then), wherein, it was indicated, how, in light of certain developments in the case law[26], the said Section-No. 37, of the PEC Act, was being introduced, in order to, kind of updating, the P&E Court's powers, and, as the said *explanatory notes* provided then;

> "The intent is to include other matters that may not otherwise by valid, for example, timeframes that have not been complied with, fees that have not been paid, a change or mistake in relation to: ownership details; boundaries of land;

---

[22] which was, apparently, subsequently enacted as, the very inaugural Section-No. 78, in the RPI Act (i.e. the very first print of the-Queensland-Act No. 11 of 2014) then.

[23] i.e. as tabled, by the then Minister for State Development, Infrastructure and Planning, the Hon Jeff Seeney MP, on the 20th of March, 2014.

[24] and what is more, it is of particular note, herein, that e.g. in the debate, upon the raft of amendments, that the said supplementary explanatory notes accompanied, at page-No. 867, of the HANSARD, of the 20th of March, 2014, said Mr. Seeney, said;

> "There are also amendments to include *time frames* for assessment in the legislation. Once again, that was in response to issues raised by stakeholders. The amendments have been made to ensure that those *time frames* are referred to in the bill, but included in the regulation. (i.e. with the italics added, for particular note, herein then)".

[25] which was subsequently enacted (as amened then), to become, the PEC Act, itself.

[26] which I examine, in point, in greater detail, in the very Endnotes-No. 4-and-No. 5, below, herein, then. ...

an entity which should have issued a notice; provisions referred to in a development application or development approval under the Planning Bill 2015 or an approval or permit (howsoever called) granted under an enabling Act.";

so, you know, notwithstanding that, the said notes went on then, to say;

"This clause enables the court to give relief in response to proceedings commenced for that purpose or in the context of other proceedings; and to give that relief notwithstanding any other provision of the Bill or an enabling Act, including provisions which would otherwise provide that an application had lapsed.

The court's power is not restricted to proceedings before it. This allows access to the Planning and Environment Court for declarations and orders about procedural disputes which do not form part of wider proceedings.

The intent of the clause is that the Planning and Environment Court may deal with the matter in the way it considers appropriate. The inbuilt flexibility of this clause enables the parties to achieve a range of outcomes, premised on the position that legal technicality should not defeat appropriate development, unless in the court's discretion there are reasons to do so."; well;

the truth, of the matter, veritably seems to be[27], to the very effect of that, at least, insofar as, the administration of, the *Planning Act 2016* (Qld) [the Act], itself, would be concerned[28], the P&E Court, now, only has, such wide and broadly ranging powers, to do, practically everything and anything, save and except then, but, to waive, non-compliance with, the requirements of, subsection-(4) of Section-No. 53, of the Act, to publicly notify, certain types of development applications, for at least fifteen *business days* etc., and, what is more, given the starkly evident similarities, in the legislator's choice of words, and especially e.g. with respect to how, just like the case of-i.e. as I've

---

[27] and, see then, the whole of, the said discussions, in the very Endnotes, set down, below, herein. ...

[28] and, especially then; as I've, indeed, alluded to, in the said discussions, in the very Endnotes, below; given how; whereas, prior to that, i.e. even in (e.g. Section-No. 304, thereof, then) the said old-or now repealed then-*Sustainable Planning Act 2009* (Qld), there was a power, even for the very assessment manager, to kind of retrospectively waive non-compliance, with even, the public notification-requirements (for development applications, thereunder, then); well; that's, all, been-kind of conspicuously then-omitted, from the current scheme-i.e. in the very form of the Act. ... [cf. the distinguished current provisions, of subsection-(3), of Section-No. 53, of the Act, which now only-specifically then {re: *expressio unius est exclusio alterius*}-provide a discretion, for the assessment manager concerned, to waive non-compliance, with the very more limited requirements, of-the subordinate instrument of-the so-called *Development Assessment Rules*]

noted (in the said Endnote -No. 4, below, herein, then)-the various references, in the very said *explanatory notes*, to the Act, to *timeframes*[29], albeit, in this case-i.e. of the very RPI Act, well, the similar references-to *time frames*, having been made, both, on the face of the legislation, itself, and, correspondingly then, in the very *explanatory notes*, thereto[30], and that is to say, even if, for a time, i.e. between the commencement of the RPI Act, and the passing of the very PEC Act[31], things, might have just been, held differently, well, as I was going to say then, on a purposive approach[32], it seems, only right, not to mention, reasonable, nowadays, and, especially given, how, the RPI Act, was envisaged as, essentially, an extension, of the overarching framework, of domestic legislation, for achieving Ecologically Sustainable Development (ESD)[33], to only see, the powers and discretions of the P&E Court, once granted under the said Section-No. 78, of the RPI Act, as kind of commensurate with, those-or (if you like) the seemingly more

---

[29] and see, e.g. how, under the heading of, ***development assessment rules*** (the DAR), in the box, at the top of page-No. 81, of the said *explanatory notes*-to the Act (i.e. tabled by, the Hon. Ms. Jackie Trad MP, on 12/11/15, then), separate references, are made, to matters that may be addressed, in the said DAR, including, *processes for development assessment and assessment timeframes*, and also, certain *requirements for public notification*-i.e. (or, presumably then) over and above, the kind of minimum requirements, stipulated on the very face of the said primary legislative scheme, itself then, e.g. (as I say) in subsection-(4), of Section-No. 53, of the Act. ...

[30] i.e. as tabled, by the then Minister for State Development, Infrastructure and Planning, the Hon Jeff Seeney MP, on the 20th of March, 2014.

[31] and whilst, it's not really necessary, to analyse, that sort of-i.e. more merely hypothetical-question, now, or herein then.

[32] re: Sections-No. 14A-and-No. 14B, of the AIA, then.

[33] and, with particular reference to, the very terms of, Section-No. 5, of the RPI Act, then, see e.g. how, in terms of the discussions of the *policy objectives* and/or the *alternative ways of achieving* such, which were canvassed at pages-No. 1-and-No. 4, of the said *explanatory notes*-i.e. as tabled by Mr. Seeney (on 20/03/14), in light of, how, the so-called *regional plans*, i.e. purportedly then in force, as *statutory instruments under the* said old *Sustainable Planning Act 2009*, were *not* (then) *currently required to be considered when assessing resource activities under these resource Acts*, the RPI Act, was intended to, *require resource activities authorised under resource Acts and other regulated activities to align with the* (would-be then) *regional land use policies of the* (said so-called) *regional plans as well as any other areas of regional interest prescribed in the* RPI Act (see also, how, at page-No. 2, of the *explanatory notes* [i.e. tabled by the then Minister for Finance, Natural Resources and the Arts, the Hon. Rachel Nolan MP, on 25/10/2011] to the "Strategic Cropping Land Bill 2011", the purposes, thereof, were expressed, as including, to *support sustainable regional development. ...*). ... (which, yes, is to intimate, if you like, towards, how, the very fundamental principles, underlying the, perhaps, sometimes seemingly fickle sort of tendencies, of judicial decision-makers, to the very application of, the maxims of, *generalia specialibus non derogant*, and, *expressio unius est exclusio alterius*, i.e. wherein, at all events, such, must give way, or that is to say, only be seen to kind of advance, the very underlying purposes, of the enactment-or enactments-being interpreted [cf. paragraph-No. 59, of Gleeson CJ's decision, in *Minister for Immigration and Multicultural and Indigenous Affairs v Nystrom* [2006] HCA 50; 228 CLR 566; and see; also then; e.g. the reference to, what the very legislator *intended*, at page-No. 28, of the decision in *Refrigerated Express Lines (A/asia) Pty Ltd v Australian Meat and Live-Stock Corporation* [1980] FCA 45; not to mention; at paragraphs-No. 62-and-No. 64, in Richards J's decision, in the case of, *Owners Corporation OC1-POS539033E v Black* [2018] VSC 337; 56 VR 1 (also re: the doctrine of, matters being *In pari materia*, and see, e.g. *Ormond Investment Co. v. Betts* [927] 2. K.B. 326; [1928] A.C. 143, at p. 156; [1928] All E.R. Rep. 7(9)]; moreover; how the said maxims, might only seem to be displaced-or not applicable-in respect of the said sorts of provisions, on account of the context, wherein, one of the essential elements of the said overarching purposes of achieving only ESD, includes requirements for-effective and meaningful-participation in the decision making-processes of government)

general kinds of ones-of, Section-No. 37, of the PEC Act, so that, the very be all and end all, of this sort of matter, would seem to only logically be, that, there is no power or jurisdiction, even for the P&E Court, itself, to excuse any sort of *non-compliance* with-i.e. or even partial *non-fulfilment* of, the said minimum requirements, of sub-clause-(ii), of clause-(b), of subsection-(2), and, subsection-(4), of Section-No. 35, of the RPI Act, and what is more, the said clause-(a), of subsection-(1), thereof, and the very terms of, the said regulation-(2), of the said Regulation-No. 13, in the said regulaionts.

Moreover, there might just seem to be, yet another, kind of quirky twist, to the interpretation of the said Section-No. 78, of the RPI Act, that would, as I'll explain, appear to have, particular bearing upon, the very matter of, the statutory interpretation of, the legislation, overall, in the said apparent circumstances, of this case, herein, insomuch as, that, whilst, albeit in a somewhat more limited scope-in terms of the applicable legislation then[34], it prima facie has, the same sort of general purview, as subsection-(1), of Section-No. 11, of the PEC Act, in that, effectively, *any person*, is statutorily granted *standing*, to commence proceedings, in the P&E Court, in order to *seeking a declaration*, about, practically, any conceivable matter, that might arise, under-or in relation to-the pertinent legislation, however, as regards, the former, and, i.e. whilst, moreover, it appears under the heading, to Part 5, of the RPI Act, i.e. ***Appeals and declarations***[35], well[36], e.g. subclause-(iii), of subsection-(2), of Section-No. 35, of the RPI Act, literally provides, *that the making of a submission does not give rise to a right of appeal against a decision about the application*, and what is more, Section-No. 72, of the RPI Act, seems to explicitly limit, the rights of *standing*, to take an appeal-proceeding, in the P&E Court, against such a decision, to only, *the applicant* concerned, or *an affected land owner*, or, *if the applicant is not the owner of the land—the owner of the land*[37], and so, arguably then, the said, i.e. as literally read (in isolation) then, broader ambit, of subsection-(1), of Section-No. 78, of the RPI Act, may well be read down, more oft than not, anyhow, to being, only meant, to have application, in respect of, persons who are-or may have become then, a party to an appeal-proceeding, pursuant to the

---

[34] i.e. seeking a declaration about matters done, to be done or that should have been done, under the RPI Act, the construction of same and/or a so-called regional plan-to the extent it relates to such, and, the lawfulness, thereunder, of the carrying out of a resource activity or a regulated activity; i.e. as opposed to, the broader-or more general then-purview, of subsection-(1), of Section-No. 11, of the PEC Act. ...

[35] and, see, subsection-(1), of Section-No. 14, of the AIA, moreover, for what such might be worth then, for there's seemingly little, in point, in it all, and be that as it may, Sections-No. 14A-and-No. 14B, thereof, to boot. ...

[36] notwithstanding that, at page-No. 17, of the initial *explanatory notes*, to the RPI Act (i.e. as tabled, by Mr. Seeney, on the 20th of November, 2013, then), it is kind of intimated, to the effect of that;

> "Subclause 2(b)(iii) requires the notice to also state that the making of a submission *may not necessarily* give the submitter the right of appeal. (i.e. with the italics added, for particular note, herein, then)"? ...

[37] re: the said maxim of *expressio unius est exclusio alterius*. ...

provisions of the said Section-No. 72, and what is more, that sort of, line of reasoning, then, only all the more, seems to reinforce, an argument, along the lines of that, the very principles, espoused at, paragraphs-No. 63-through to-No. 65, in the said joint judgment, in the said case of *Forrest*, wherein, having noted, firstly, to the effect of that, the iconic sort of case, of *Project Blue Sky Inc v Australian Broadcasting Authority* [1998] HCA 28; 194 CLR 355 (*Project Blue Sky*), *was not concerned with a statutory regime for the making of grants of rights to exploit the resources of a State*, the said Judges, went on then, to note that, what had been neglected, was a *line of authority which*;

> "establishes that where a statutory regime confers power on the executive government of a State to grant exclusive rights to exploit the resources of the State, the regime will, subject to provision to the contrary, be understood as mandating compliance with the requirements of the regime as essential to the making of a valid grant"; and added then;
>
> "When a statute that provides for the disposition of interests in the resources of a State "prescribes a mode of exercise of the statutory power, that mode must be followed and observed". The statutory conditions regulating the making of a grant must be observed. A grant will be effective if the regime is complied with, but not otherwise. (footnotes omitted)"; finishing (at paragraph-No. 65 then) with;
>
> "This approach to statutory construction had its origin in colonial times in legislation which vested the disposition of land not already disposed of by the Crown in the legislatures of the Australian colonies. Nothing said in Project Blue Sky diminished the force of the authorities which support this approach. Adherence to this approach supports parliamentary control of the disposition of lands held by the Crown in right of the State. It gives effect to an abiding appreciation that *the public interest is not well served by allowing non-compliance with a legislative regime to be overlooked or excused by the officers of the executive government charged with its administration.* To permit such a state of affairs might imperil the honest and efficient enforcement of the statutory regime, by allowing scope for dealings between miners and officers of the executive government in relation to the relaxation of the requirements of the legislation. One can be confident that such a state of affairs was not intended by the Act. (i.e. with the italics added, and again, the footnotes omitted, herein)"[38]; or;

---

[38] cf. e.g. the case of *Smith v Wyong Shire Council* [2003] NSWCA 322, wherein, at paragraph-No. 168, Tobias JA (i.e. with Spigelman CJ concurring, see e.g. at paragraphs-No. 58-though to-No. 60, of the report, in the said case, then) said;

at least[39], the said absence of a right of a submission-maker, to ultimately take, any *appeal*-i.e. *on the merits* (as they say) anyhow, against a proposed decision, on a matter, that they've made a submission upon, under Division 4, of Part 3, of the RPI Act, would seem to be, just the sort of

---

> "The importance of providing increased opportunity for public involvement and participation in the plan making process cannot be gainsaid and is a specific object of the Act: see s 5(c). This was restated by Spigelman CJ in *Vanmeld* in the following terms (at 90):
>
> > "37. The importance of the process of public consultation in the formulation of local government plans has long been recognised: see, eg, *Scurr v Brisbane City Council*, a judgment which was concerned with the *City of Brisbane Town Planning Act* 1964 (Qld), but which has been cited on numerous occasions in other jurisdictions since that time. The appellant referred to a number of cases in which the failure to perform a statutory requirement led to invalidity. Each case must turn on the particular statutory regime.
> >
> > 38. The detailed scheme of consultation and public exhibition in the Environmental Planning and Assessment Act, makes it clear that parliament regarded the procedural steps as of considerable significance for the integrity of the process of formulating local environment plans."
>
> See also *Curac v Shoalhaven City Council* (1993) 81 LGERA 124 at 128 per Stein J.'; moreover;

after re-affirming the principles, found in, *Scurr v Brisbane City Council*, and another decision-i.e. in *Litevale Pty Limited v Lismore City Council* (1997) 96 LGERA 91, Tobias JA went on (at paragraphs-No. 179-through to-No. 182, in *Smith v Wyong*) to refer to how, in *Pioneer Concrete (Qld) Pty Limited v Brisbane City Council* (1980) 145 CLR 485 at 518, Wilson J said:

> "One may never know whether a proper application, and adequate advertisements, would have alerted other citizens who would have exercised their right to participate as objectors."; with Tobias JA adding; at paragraph-No. 180, in *Smith v Wyong*, then;
>
> "To similar effect is the following passage from the judgment of Stein J (then a member of the Land and Environment Court) in *Curac* (at 130):
>
> > "The problem for the respondents on the issue of discretion is that while they can point to a lack of prejudice to the applicant, and many others, caused by the breach, they cannot be sure that some members of the public would not have come forward with objections if there had been compliance with the requirements of the statute. One will never know. As Mr Maston, appearing on behalf of the applicant, submits, it is the rights of the unknown objectors which the applicant presses."
>
> See also *Helman v Byron Shire Council* (1995) 87 LGERA 349 at 360 per Handley JA."; finishing with; at paragraph-No. 181 then;
>
> "As I have indicated, the fundamental significance of the public exhibition provisions of s 66(1)(b) in relation to the plan-making process is manifest. As Stein J also observed in *Curac* (at 128) (omitting citations):
>
> > "The importance of public notice provisions such as s 84, cannot be underestimated. Reasonable opportunities for public participation in plan making and in the development process are crucial to the integrity of the planning system provided under the Environmental Planning and Assessment Act. Section 84, coupled with the provisions in reg. 37 to reg. 40, are requirements intended to ensure public participation in the planning process. They are, in effect, statutory requirements to serve the public interest inherent in the objective contained in s 5(c) of the Act."; before;

Tobias JA, ultimately ruled then, that even on *discretionary* grounds (i.e. as in considering, as to, whether or no, in the very peculiar circumstances, of the said case-of *Smith v Wyong*, even an argument of *substantial compliance*, might have been seen to have maybe been made out), the matter, of the *non-compliance*, under consideration, then, resulted in invalidity-of the purportedly granted approval, you see?...

[39] and, given that, as I say, there is apparently, no authority, for either, the chief executive (or, yourself, as delegate thereof then), or the P&E Court, to *excuse*-or waive-this sort of *non-compliance*.

thing, that would see, the said case, of *Project Blue Sky*, effectively distinguished, i.e. from having any similar application, in this very instance, then, you see.

Uh, but, of course, I've neglected (as yet) to more fully analyse-or closely scrutinise then, the very implications of, the context of, the said provisions, of Section-No. 36, of the RPI Act[40]; insofar as; e.g. in terms of, things like, the very said sort of express ousters, postulated in *Forrest*, and/or, the purposive approach, to a statutory scheme, overall, as espoused, in the said case, of *Project Blue Sky*; such specific provisions, might prima facie appear, to just kind of, *do the trick*, or, you know, allow, the *chief executive*, a discretion, to sort of disregard, even a more complete sort of failure, to publicly notify, a *notifiable assessment application*, at all-or (like I say) ever before then, whereas;

1. well, despite even, the seemingly-i.e. as only literally read (more in isolation) then-so broader import of, the terms of, the heading of, ***Consequence of failure to notify***, to the said Section-No. 36, and whilst, without something more, anyhow, it may not be, just so sort of presumed, to be the very case, to the effect of that, the legislator, necessarily meant, that, each and every requirement, of the previous Section-No. 35, of the RPI Act etc., might be disregarded, in any event; moreover;

2. in terms of, the said *line of authority*, alluded to, in *Forrest*[41], it seems that, the Courts, at least, would expect, to the effect of that, a legislator would not lightly allow for, any great departure from, the detailed schemes, for assessments, that such has gone to the lengths of detailing, on the face of the legislation, in point (i.e. the very RPI Act, in this instance then), itself, already, and not the least of all, as concerns, the kind of standard public notification requirements[42], and indeed, clauses-(b)-and-(c), of subsection-(2), of Section-No. 36, of the RPI Act, being expressed-i.e. with the use of the conjunctions (of "or")-as alternatives available [and/or to be only preferred, i.e. with the previous sort of *option*, of the clause-(a), therein, being the kind of *adjunct*, in the context of achieving

---

[40] i.e. as I began to allude to, e.g. in the footnote No. 9, above, herein, then. ...

[41] and, especially in the very said modern context, i.e. of the underlying intent, to provide for the achieving of only ESD, even in the *assessment framework to manage the impact of resource activities on areas of the State identified in the* RPI Act.

[42] which is to allude, not only to, e.g. the said essential elements of ESD, such as requirements for public participation in the decision making-processes, and/or, the so-called *triple bottom line*-objectives, thereof, but also, e.g. how, in light of, the very context of, the said provisions of, subsection-(4), of Section-No. 53, of the Act, for a minimum of (or, that is to say, presumably, usually more then) fifteen *business days*-i.e. for the public notification of any matter (requiring public notification then), the comparable requirements, of the said Section-No. 35, of the RPI Act, would seem to equate to, a similar, minimum kind of *standard*?

ESD then], would seem to be telling, as I say, towards such an apparent underlying intent, of the legislation, itself, to achieving ESD then, and, so that, like I say, the clause-(a), of the said subsection-(2), of Section-No. 36, especially in light of, the option provided for, in the said clause-(c), would only be used, very sort of sparingly, if at all, in only, the more benign sorts of cases, or, in any event then, in relation to only, the sort of excusing of, matters-or defects (e.g. in a proposed public notice)-of mere format, such as, those required by, e.g. the clause-(a), of subsection-(2), and/or subsection-(3), of Section-No. 35, of the RPI Act[43]; however;

3. in context, it might just appear to be, even more constrained, than just that, insomuch as that, well;

   (i) while, it might just seem, in light of the provisions-i.e. merely as so literally read (in isolation) then-of the very clause-(b), thereof[44], sort of trite, of me, to point out how, on my calculations[45], the applicant, in this very instance, has not

---

[43] or, maybe even, the particular requirement of, the subclause-(iii), of clause-(b), of subsection-(2), of Section-No. 35, but, at all events, it seems telling, to note, how, like I say, the legislator, has never seen fit (i.e. whether, in any of the extensive *extrinsic material*, or on the very face of the instrument-of the RPI Act) to prescribe, the very length of the notification period etc., as a mere *time frame*, to be achieved-and/or just altered (on occasion, maybe, and then) *executively*-under the legislation?...

[44] however, in context, that said clause-(b), of subsection-(1), of Section-No. 36, of the RPI Act, may, not necessarily, be seen as, one that was intended to have its prima facie so general purview, as so literally read, in isolation then (cf. e.g. the discussion, especially in the latter said paragraph then, in paragraphs-No. 44-and-No. 45, in the said case, of *Owners Corporation OC1-POS539033E v Black* [2018] VSC 337; 56 VR 1), for, it bears distinct similarities with-or is at least (at times anyhow) to be inherently tied (one way or another) to, the discretion, granted to the *chief executive*, in clause-(b), of subsection-(2), of the said Section-No. 36, and, arguably, at any rate then, it was only meant to be the case, that, when the time comes-i.e. as per the pertinent *time frame* [and, see then, the very clause-(a), of the item, pertaining to Section-No. 47, in the said Schedule 5, to the regulations; i.e. whilst, the clause-(b), thereof, seems to be, an only invalid attempt to delegate the legislator's very own power, to the mere executive type of decision-maker-of the *chief executive*?...], the *chief executive* would attempt to decided the application concerned, and, maybe (i.e. if-as I'll go on to examine then-everything permits) then, consider to refuse to decided such, pursuant to the provisions of, the said clause-(b), of subsection-(2), of Section-No. 36, whilst having recourse, only then, in such circumstances, that is, to the very power, alluded to in, the said clause-(b), of subsection-(1), thereof, to issue a notice, setting a later day, for the applicant concerned to comply-with the said requirements of Section-No. 35 then, you see?... [which, yes, is to say that, I, for one, do not think that, the said so-called *requirement notice* [of 3/08/22], was any kind of valid opportunity, for the *chief executive*, to so kind of arbitrarily-and/or pre-emptively then-purport to exercise, the said power, under the said clause-(b), of subsection-(1), of Section-No. 36, of the RPI Act, as if to alternatively allow for, the *public notification*, in this very instance, to *commence* only *within 10 business days of the* requested *information* being *provided*, even if, that is to say, the proposed *three months from the date of* that said proposed *notice*, would be seen, to have been, within, the very *ordinary meaning* of, the terms of, *stated reasonable period*, as set down in, subsection-(1), of Section-No. 44, of the RPI Act, in all of the relevant circumstance {etc.} then?...]

[45] i.e. on account of how, while the said so-called *requirement notice* (of 3/08/22), at least kind of attests to the very fact of that, the application, itself, was received, on the last 20th of July, and so, the twentieth *business day after* that, is Wednesday, the 17th of August, 2022. ...

achieved compliance with, the specific requirements of, clause-(a), of subsection-(1), of Section-No. 36, of the RPI Act; well;

(ii) e.g. the discretion granted, to the *chief executive*, pursuant to subsection-(2), thereof, is obviously, to be only an exception to the general rule-or very specific requirements (for public notifications) of the previous-or earlier then-Section-No. 34, to the effect of that, as a sort of primary-or standing-requirement, of the legislation, i.e. pursuant to, clause-(a), of subsection-(2), of Section-No. 34, *a regulation prescribes* that an application is a *notifiable* one, whereas, additionally[46], the very *chief executive*, himself, has a discretion to *give* ... an *applicant a requirement notice requiring the applicant to notify* an *application* concerned; and so;

(iii) well, e.g. the terms, in the clause-(a), of subsection-(2), of the said Section-No. 36, kind of tempering, that said discretion, with the requirement, to the effect of that, the *chief executive* first satisfy himself that *there is enough information...* (etc.), might just be read, in the context of, say, the references, in the provisions of, Division 6, of Part 3, of the RPI Act, to the seeking of *additional information*, by way of a *requirement notice*, to have been largely-or practically (i.e. in context) only-*about relevant matters for an application* that the *chief executive* had so additionally required be publicly notified, and not so much, if at all then, about, those, subject of, the said sort of standing, prescribed requirements, for public notification-i.e. as set down [pursuant to, the said sub-regulation-(3), of Regulation-No. 13] in the regulations then; moreover;

4. while, in these said sorts of circumstances then, there would, arguably at least, be a question, as to, whether or no, said clause-(b), of subsection-(1), of Section-No. 36, could be-i.e. further anyhow-applied, at all, i.e. given that, a proposed public notification, has purportedly been issued, already, herein, so;

---

[46] i.e. as provided for, like I say, separately, in the terms of, the said subsection-(4), of Section-No. 34, of the RPI Act (re: the *ordinary meaning*, of the term of, *also*, as set down, therein, then). ...

(i) while[47], even accepting, insomuch as, that, impliedly, anyhow, the provisions of clause-(b), of subsection-(2), of Section-No. 36, of the RPI Act, in certain circumstances, as contemplated, therein, then, would be seen to override, the otherwise strictly applicable requirement of subsection-(1), of Section-No. 47, of the RPI Act, to the effect of that, the *chief executive must consider and decide*, an *application*, *within the prescribed time frame*; and;

(ii) even if, the said clause-(b), of subsection-(2), of Section-No. 26, may be relied upon, e.g. wherein, there has been, at the very time-i.e. that the occasion (for the *chief executive* to consider to exercise the discretion[48]) arises, no public notification, of the application concerned, at all then; well;

(iii) I dare say, that, the legislator could not be easily taken, as if to, maybe, have contemplated, to the very effect of that, such provisions, might have been, kind of deployed, even wherein, like in the very circumstances, of this case, now, then, e.g. a proposed public notification, purporting to have put the matter, of an application-under the RPI Act, afoot, in the very public arena (as it were, anyhow), has been published, already; and;

(iv) that so much would be the case, seems to be evident from[49], the patent lack, of any provisions (i.e. whether expressly, or impliedly, then), for e.g. the kind of carrying over of, previous-or already received then-*properly made submissions*[50], into any later considerations[51], which;

seems to leave, in these very said sorts of circumstances then, only the one option, reasonably left open, to the *chief executive*, and that is to say, to exercise, the said discretion, granted under the said subsection-(2), of Section-No. 36, of the RPI Act,

---

[47] i.e. notwithstanding even, the provisions of Regulation-No. 20, and/or the related stipulations (or very item, pertaining to, the said Section-No. 47, in the RPI Act) in the Schedule 5, thereto. ...

[48] i.e. as granted, under the said subsection-(2), of Section-No. 26, of the RPI Act, then. ...

[49] and then, cf. subsections-(6)-and-(7), of Section-No. 53, of the Act. ... (re: also, Section-No. 4, of the AIA, which, as I seem to understand the law, includes situations, wherein, there is merely, an implied *intention* apparent, from an Act, read in the context of other enactments then...)

[50] i.e. that, in the meantime, anyhow then, would have been received, pursuant to, Section-No. 37, of the RPI Act, i.e. in respect of, a first-or initially-published, proposed notification, thereunder, then. ...

[51] i.e. of material *received*, subsequent to, the issuing of an additional-and/or superseding-sort of-notice, then. ...

only in accordance with, the power granted, in the very clause-(c), thereof, to determine that, the said application (of 20/07/22), has now, *lapsed*-absolutely then, you see ?

And, anyhow, or, that is to say, in my very own opinion, anyway, at all events though, one thing's for sure[52], and that is, that, at least in the context of the very said *line of authority*,

---

[52] and; even while, it might seem tempting, to just sort of quip, in short then, with something, along the lines of, that, like I say, in light of *Forrest* etc., not to mention, the said underlying purposes-i.e. of providing for only ESD then, the very sort of *threshold*, for the exercising of, the discretions, provided for, by way of, clauses-(a)-and-(b), of subsection-(2), of Section-No. 36, of the RPI Act, would, naturally then, be only considered to be, very great, indeed; well, really; or; in my very own view, anyway then; it's not so simple, as just, that, sort of thing, and gets, somewhat technical, on closer scrutiny, practically, to the point, where, it (or, the very statutory interpretation of, the provisions of, said Section-No. 36, that is) all, might just seem, to begin to, kind of breakdown, altogether then {and, well, with respect to, just what, the legislator might have meant, in each instance then, e.g. cf. the terms of, *complied with* section-No. *35 within the period...*, as set down, in the introduction to, subsection-(1), of Section-No. 36, of the RPI Act, and, those of, *complied with* [the said] *section*-No. *35 to the chief executive's satisfaction*, as set down in, the said clause-(b), of the subsection-(2), thereof?...}, and be that as it may, suffice it to say, to the effect of that, especially, with reference back to, what the Judges said, in the very two sentences, after the italicised text, in the second extract, out of *Forrest*, set down in, page-No. 16, above herein, then, well, while there are, no express provisions, on the very face of the instrument (of the RPI Act), to exclude-or overrule-such sorts of *common law* sentiments, nor is there, anything in, the only pertinent *extrinsic material*, intimating towards, such sort of intent, in brief then, it seems, to only, all come back to;

1. clause-(a), of subsection-(2), of Section-No. 36, of the RPI Act, as I say, most likely being, in context then, only about, certain *additional information*, that the *chief executive* may require, under the said provisions, of Section-No. 44, of the RPI Act, and/or, i.e. maybe even, then, public submissions being received, upon the matter of, the *chief executive*, alone, having exercised, the said seemingly sort of auxiliary power, under clause-(c), of subsection-(1), of Section-No. 44, thereof, for a particular application to be publicly notified, in accordance with, subsection-(4), of Section-No. 34, etc.; and;
2. clause-(b), of subsection-(2), of Section-No. 36, of the RPI Act, as I say, most likely being, in context then, intrinsically sort of linked to, the said clause-(b), of subsection-(1), thereof, and, what is more then, only coming into operation, in the instance of any particular application then, when, the very time, in question, arrives [i.e. in the context of; clause-(a), of subsection-(1), of Section-No. 36, at least twenty *business days after the day the assessment application*-in question then-*was made*; and/or; subsection-(2), of Section-No. 47, after, any final *closing day for submissions*...]; and be that as it may; like I say; even then; most likely, only being seen to be, limited to, the excusing of non-compliance with, a sort of mere executive decree, or, that is to say, the very *chief executive*'s own direction [i.e. under the said clause-(c), of subsection-(1), of Section-No. 44, of the RPI Act, for a particular application to be publicly notified, in accordance with, subsection-(4), of Section-No. 34, thereof (and cf. then, the ***Recommendation 9*** {i.e. as apparently never implemented then}, and how, the said committee, expressed the view, that, *suitable criteria should be included in the regulation for the chief executive to consider in determining whether an exemption from notification should be granted*, at page-No. 29, in the said Report-No. 35/14) {and, see also, especially how, the context of, the very original, subclauses-(3)-and-(4), of clause-No. 36, of the inaugural "Regional Planning Interests Bill 2013 (i.e. as tabled on 20/11/13), that, albeit, were, themselves, later omitted-by amendment-No. 35 (tabled on 20/3/14))]; and what is more; like I say; only in the absence of, the said sort of standing requirements-of the legislator (itself), by way of (the regulations and) the said clause-(a), of subsection-(2), of Section-No. 34, of the RPI Act, being applicable then; whilst; otherwise then;
3. clause-(c), of subsection-(2), of Section-No. 36, of the RPI Act, would seem to prevail, as the kind of *usual remedy*, for any non-compliance (i.e. even in respect of, a mere direction of, the *chief executive*, alone, for public notification), with the requirements, under the RPI Act, for the public notification of an application-in question then (i.e. despite the facts that, overall, or, in relation to the various would-be details, of the said Section-No. 36, of the RPI Act, such, might indeed, not appear, to have been, well thought out [a matter, that might just, sort of circumstantially then, also be evidenced {i.e. I might, kind of haver, to just add, only with all due respect, of course, then}, by the fact that, such matters, apparently, did not factor, as being of any great interest-or receiving any much comment {anyhow}, in the course of the said committee hearings etc. {cf. the very-(as I seem to be informed then) completely unanswered-***Point 4***, at page-No. 30, of the committee's said Report-No. 35/14}?...]

alluded to by the said Judges, in *Project Blue Sky*, one (or the very said *chief executive* then) would have to be, very sure that, any proposed exercising of, the very said discretions, granted under, Section-No. 36, of the RPI Act[53], would clearly-and compellingly then-have been authorised, by the very terms of such, lest such, be seen as, merely invalid, thereby jeopardising, any authority, the *chief executive* might otherwise have had, to finally decide the matter-or very application, in question, then, under Division 7, of Part 3, of the RPI Act, and, needless to say then, that, I for one, would not accept that, in these said sorts of circumstances, there would be, any such opportunity-or authority (or-if you like-*power*) then, e.g. for the *chief executive* to, purport to *excuse* (and/or waive, in any way then) the said defect-in the said proposed public notification (of 20/10/22), and/or, like, supplement, or supplant, such, with another-subsequently proposed-public notification, then, and, what is more then, it would be my contention, that[51], there being, no possibility, now, of the seemingly only necessary

---

[53] and that is to say, even, merely to the extent of, purporting to, maybe allowing for, further time, in which to comply, with the provisions of Section-No. 35, of the RPI Act.

[51] i.e. notwithstanding even, subsection-(1), of Section-No. 23, of the AIA (and cf. especially, the added note, in the brackets, in the footnote-No. 49, above, herein [not to mention, especially then, the very kind of related discussions, in the footnote-No. 52, above, herein]), or, e.g. the kind of string of cases, of, *Drake v Minister for Immigration & Ethnic Affairs* (1979) 2 ALD 60; 24 ALR 577, *Craig v South Australia* (1995) 184 CLR 163, and, *MZAPC v Minister for Immigration and Border Protection* [2021] HCA 17, not to mention, that of, *Minister for Immigration and Multicultural Affairs v Bhardwaj* [2002] HCA 11; (2002) 187 ALR 117, which, like I say, are not, in these very circumstances (etc.) then, authorities for, e.g. just simply proposing to amend, or rescind, and subsequently re-issuing then, and/or, supplanting or supplementing, the said defective (once proposed then) public notification (of 20/10/22), herein, for, as I say, while, the provisions of clause-(a), of subsection-(1), of Section-No. 35, of the RPI Act, and, sub-regulation-(2), of Regulation-No. 13, in the regulations, require the applicant to *publish* the *notice about a notifiable assessment application at least once in a newspaper circulating generally in the area of the land*, however, the very *ordinary meaning*, of the term, of *once*, therein, is obviously, specific to, the instance concerned [and, that is to say, especially given, how, subclause-(ii), of clause-(b), of subsection-(2), of Section-No. 35, of the RPI Act, specifies that, *the notice must state the* ***closing day***, as specified, by way of the formula set down in sub-regulation-(3), of the said Regulation-No. 13, pursuant to, subsection-(4), of the said Section-No. 35, then], or that is to say, the very one and the same public notification period, and while, the said Section-No. 35 (etc.), does not even imply, anything like, a power-or authority, to supplant, or kind of supplement even, a previous notice, with a later one, providing for, a different, and separate, nor even merely adjunctive-or additional-type of, public notification period, in relation to the one and the same matter-or application-then [and, as to the said *contrary intention* then, well, whereas, like I say, in these sorts of instances, i.e. wherein, there is the very overall context, of the legislative scheme, with the principles and objectives of ESD, such as, requirements for, meaningful *public participation in the decision-making processes of government* etc., to be considered, as part of, the very underlying purposes, of it all, then, and that is to say, even whilst, strictly speaking, it's not really about, a matter of, the very common law requirements, for *natural justice*, well, arguably, at any rate, it would not have been, what the very legislator envisaged, insofar as, the very public in general (then), maybe being confronted, in circumstances like these, even then, with, two (indeed, conflicting, i.e. if it were not for, both, being only *ultra vires*, each, in their own right, sort of thing, then, and but, as I was about to say, dual) proposed public notifications, about the very one and the same matter (presumably anyhow), purportedly published, under the said same provisions, of the RPI Act, like I say, in relation to, only, the same matter-or the said (once anyhow) proposed Application (No. RPI22/027), and so, faced then, with the sort of, unenviable (or, really, only quite improperly proffered, then) kind of (would-be then) *choice*, of having to, maybe, choose between the two, and/or, see only, one or another, of the said two proposed notifications then, as the real notification, and/or, get some formal *legal advice* (as such), about all of that, in order to just being sure, of whether or no, they might even have, a valid opportunity, to participate-in the very proposed decision-making process, then, etc., you see? ... [and, also, cf. how, subsection-(1), of Section-No. 23, of the AIA, literally concludes, saying that, *the function may be performed,*

condition precedent[55], to the exercising of the *chief executive*'s authority, to decide applications, under the said Division 7, of the said Part 3, of the RPI Act, in relation to this matter, the only thing, left, to do, is to agree, with myself, that the whole matter, of the very said application (of 20/07/22)-under the RPI Act (and with the Application-No. RPI22/027) then, has now, only irretrievably gone, *ultra vires*, *in toto*, and/or, effectively declare, i.e. either, forthwith-in accordance with-the very facts of the situation and/or-any applicable law then, or alternatively, at the pending time [i.e. in accordance with, e.g. the provisions of, the said clause-(c), of subsection-(2), of Section-No. 36, of the RPI Act]-and no later then, to the effect of that, the said application, has now (i.e. practically, as of, the very date of, your receipt of, this very set of written submissions), only *lapsed*, as I say, absolutely.

Oh, and, just in case, the chief executive might be tempted, to seek to kind of look to, other sorts of things;

---

or the power may be exercised, as occasion requires {underline added, for particular emphasis, herein, then}, which, well, obviously, I mean, only reasonably, was not meant to provide for, some sort of, absolutely unfettered, discretion, the likes of which, might be argued, to have just kind of allowed for, a statutorily granted power, to be exercised, like, willy-nilly, without even, due regard for, the very technicalities of its application-or what-have-you {or whatever}, but, well, the expectation, would only reasonably seem to be, to the effect of, that, something akin to-all good or-*due diligence*, would always be observed, e.g. to ensure that, unnecessary bungling-and suchlike, in the purported exercise, of such, power, would not occur, and thereby, you know, sort of frivolously necessitate, repetitive-proposed-exercises of, the very said statutory power-concerned, then... {and see, further, to that sort of point, how, Gleeson CJ, referred to, the doctrine of, the sort of, *working hypothesis*, inter alia, at paragraphs-[20]-and-[21], in the case of, *Electrolux Home Products Pty Ltd v Australian Workers' Union* (2004) 221 CLR 309 [at 329]; and also; cf. wherein, citing that said case, inter alia, Heydon J, at paragraph-[182], in the case of *Australian Crime Commission v Stoddart* [2011] HCA 47; 244 CLR 554, refers to, the very 'principle of legality [that] "governs the relations between Parliament, the executive and the courts"...'}, which, is to say that, well, like I say, without e.g. some sort of express provisions, having been set down in the RPI Act, itself, allowing for, say, *exceptional* circumstances-or what-have-yous, to be proven, the applicant, herein, would not (and, especially then, I might just hasten to add, for such, seemingly only, so dismissively, kind of *haphazard*, proposed reasons) seem to have, any-statutory (or other)-authority, to purport, in a so proposed, first, sort of instance, to issue, a public notice, under the said provisions, of Division 4, of Part 3, of the RPI Act, only to, later, turn around, and presume, that the very opportunity, to do, or, that is to say, *occasion*-i.e. under the said statutory provisions-for, that very sort of thing, might be seen to have, like, arisen, again, let alone, could, possibly, have been envisaged-i.e. by the very legislator then, to maybe, kind of arise, again, and again, and, like, perhaps even, again, or indefinitely, sort of thing, you see {and so, I would refer you to, the very legal principle-or doctrine-of *issue estoppel*, or, at any rate, a potential *true estoppel* (see e.g. at paragraph-No. 22, of the joint judgment of French CJ, and, Bell, Gageler, and Keane JJ, in the case of *Tomlinson v Ramsey Food Processing Pty Limited* [2015] HCA 28), insofar as, that, in any subsequent litigation, the applicant, and/or the very *chief executive*, in such sorts of circumstances, would be faced with, the (to say the very least then) unenviable kind of situation, of having to admit, that the first said proposed public notification, or, i.e. the one (of 20/10/22), herein, thus far, was indeed, some sort of ruse-or a blatant kind of abuse-of the (then anyhow) purportedly held statutory authority {and cf. e.g. the further discussions, in paragraphs-No. 23-through to-No. 26, in the said case of *Tomlinson v Ramsey Food Processing Pty Limited*), or otherwise, in arguing that, it was only, some sort of innocent mistake-as it were, but, like I say, only admitting-or (at least) running the risk of being seen to have admitted-then, to the effect of that, the very opportunity, to give a public notice, under the said provisions, of the RPI Act, would have only been, like, completely spent, on that said first try then, you see?...}].

[55] i.e. of there, having been, a public notification, pursuant to, Division 4, of Part 3, of the RPI Act, in respect of the said application (of 20/07/22), and/or, a validly concluded public submissions-period, subsequent to such sort of thing, herein, then.

1. well[56], as page-No. 17, of the initial *explanatory notes* to the RPI Act (i.e. tabled on 20/11/13)[57], explains, by going on to say that, the very exemption, that the *chief executive* may grant, under subsection-(3), of Section-No. 34, of the RPI Act, was merely intended to apply, wherein, e.g. *a resource activity has already been notified as part* (of) *the Environment Impact Statement process under the Environmental Protection Act 1994 and the information included in the Environmental Impact Statement detailed the level of impact on land in an area of regional interest*;

in my view then;

2. even, e.g. the, once proposed then, *Carpentaria Gold Pty Ltd Ravenswood Gold Mine Underground Water Impact Report for Buck Reef West Pit* (June 2020), would not suffice, in order to, maybe being seen as, some sort of relevant consideration, as if to justify, some sort of (belatedly made, or, at all, then) proposed determination, of the *chief executive*, under subsection-(3), of Section-No. 34, of the RPI Act, to the effect of that, Division 4, of part 3, of the RPI Act, might not be-or might not have been then-applicable, to the very matter of the said application (of 20/07/22), herein.

Express Information Privacy Reservations

Now, there's just one more matter, that, I guess, that I should, sort of just clarify, for your information, herein, before signing off, and that is to say, whilst[58], I shall not (and, i.e. neither

---

[56] and what is more, apart from how, while, at all events, and, even if, I might just say so, in hindsight, kind of thing, myself, then, well, as I was about to say, that said other matter, does not appear to have been, one, validly put afoot, under the then provisions, of clause-(e), of subsection-(3), of Section-No. 382, of the *Water Act 2000* (Qld), given that, whilst the proposed public notice, thereof, apparently only appeared, in the *Townsville Bulletin* - newspaper, on the 28th of July, 2020, it proposed that the submissions-period would only run to the very "COB (i.e. the *close of business*, presumably then)", on the 25th of August, 2020, effectively then, truncating the last *business day*, as if to reduce, the actual submissions-period, to one whole day (or, given that, a *day*-and even a designated *business day* [which, still has, the *ordinary meaning* of, *each of the twenty-four-hour periods, reckoned from one midnight to the next... corresponding to a rotation of the earth on its axis*], at law, includes the whole of that day, i.e. right up until midnight then, and so, at least, some hours, at any rate)?...

[57] i.e. which refers to, how, pursuant to subsection-(3), of Section-No. 34, of the RPI Act, the *chief executive may, on the written request of the applicant, grant an exemption from notification for an assessment application if the chief executive is satisfied that the activity the subject of the application has been sufficiently notified under another Act or law.*

[58] i.e. notwithstanding even; either;

(i) the reference, at the bottom of page-No. 4, in the said proposed departmental policy-or very so-called *Statutory Guideline 06/14* then, which proposes that, a*ll submissions will be published on the department's website*; or;

(ii) the express proposal, in the said proposed public notification (of 20/10/22), itself, to the effect of that, p*roperly made submissions will be published on the* department's *RPI Act website* and/or *made available for public inspection at the* department's *offices* at *Level 13, 1 William Street, Brisbane*; and;

expressly, nor impliedly) be taken, merely on account of, my having lodged these very said written submissions, with the department, to have, maybe, waivered upon, my primary sorts of rights, under the *information privacy principles*, set down in, the third schedule to, the *Information Privacy Act 2009* (Qld) [the IPA][59], I advise you that, in making these submissions, I shall not be taken, as if to have, maybe then, invited any prejudice, whatsoever, upon myself, and, that is to say, inter alia, perhaps, that, I shall not be taken, as if, to have maybe, waivered upon, my rights, to the confidentiality of, my *personal information* [contained herein, this very letter-or proposed *properly made submissions* then[60], or, for that matter, any information, that the department might be privy to, pursuant to Section-No. 383, of the *Water Act 2000* (Qld), or otherwise then, in respect of-or in relation [redacted] in relation to, the-once proposed-public notification, under the said *Water Act*, in relation to the said would-be *Carpentaria Gold Pty Ltd Ravenswood Gold Mine Underground Water Impact Report for Buck Reef West Pit*], under the very said *Information Privacy Principles*, in the third schedule to the IPA[61], in any way (i.e. neither, expressly, nor, impliedly, or, as I say, at all, whatsoever, then).

And, that is to say, that, whilst, like I say, there would not, in any event, appear to be, the required *condition precedent*, i.e. of a valid public consultation process (conducted, pursuant

---

with reference to, what I'm about to explain, i.e. about how the very provisions of, subsection-(2), of Section-No. 38, of the RPI Act, as literally read, would not appear to apply, in these very said sorts of circumstances then, moreover, that is to allude to, e.g. clause-(a), of subsection-(1), of Section-No. 21, of the SIA, i.e. read, with its *ordinary meaning*, in the very context of, e.g. subsection-(4), thereof, of course, then; and also; clause-(a), of subsection-(1), of Section-No. 22, of the SIA; not to mention; clauses-(a) especially-and then-through to-(d), of subsection-(5), of Section-No. 4, of the LSA; and again; cf. also, e.g. *Sydney City Council v Garbett Pty Ltd* [1995] HCA 2, moreover, *In Minister for Primary Industries & Energy v Austral Fisheries Pty Ltd* (1993) 40 FCR 381, wherein, as I say, e.g. Lockhart J stated that:

> "Delegated legislation may be declared to be invalid on the ground of unreasonableness if it leads to manifest arbitrariness, injustice or partiality; but the underlying rationale is that legislation of this offending kind cannot be within the scope of what Parliament intended when authorising the subordinate legislative authority to enact laws.".

[59] and that is to say, inter alia, that there shall not be, any argument, to the effect of that, some sort of implied consent, might have just arisen, herein, such that, might otherwise, have been relied upon, in relation to e.g. clause-(a), of subsection-(1), of the *Information Privacy Principle-No.10 (i.e.* **IPP 10—Limits on use of personal information**), and/or, clause-(b), of subsection-(1), of the *Information Privacy Principle-No.11* (i.e. **IPP 11—Limits on disclosure**), set down in the said third schedule-to the IPA.

[60] and, see then, the definition of the terms, of *properly made submission*, in Section-No. 37, of the RPI Act; although, like I say, of course, I do not purport to be, like, some sort of bush lawyer, just as if, proffering *legal advice* (as such), but merely express, my own (*unqualified*-if you like) personal opinions, herein. ....

[61] and; as regards; certain technicalities, that might seem to arise then, in relation to; the sorts of ambiguities; between; the explicit stipulations in the said definition of the terms of *properly made submission*, set down on the very face of, the primary enactment of, the RPI Act, as I say, in the very said Section-No. 37, thereof; and; certain proposed requirements, for public disclosures, of particular material, in e.g. subsection-(2), of Section-No. 38, of the RPI Act; well, please, be sure then, to just refer to, the details-or very legal argument (if you like) then, set down in, the following discussion, below, herein (i.e. this very letter of submissions). ...

to, the very provisions of, the said Division 4, of Part 3, of the RPI Act, then), in order to, the *chief executive*'s, sort of going ahead, now, to purport to decide the matter-of the said application (of 20/07/22), herein, under Section-No. 47, of the RPI Act, moreover, with the very *prescribed time frame*, for subsection-(2), of Section-No. 38, thereof, being literally prescribed, by Regulation-No. 20 in, and the corresponding item of the Schedule 5 to, the regulations, as "within 5 business days *after the application is decided* (i.e. with the italics added, for emphasis, herein, then)", and what is more, as I've explained above, the only possible resolution, to the said public notification issues, raised above, herein, being, to the effect of that, either, the *chief executive* promptly determining, pursuant to, clause-(c), of subsection-(2), of Section-No. 36, of the RPI Act, that, the whole process, thereunder, as, such might otherwise have related to, the said application (of 20/07/22), be deemed *lapsed*-absolutely then, and/or, the whole of the said process being seen to have only, now, gone, like I say, irretrievably *ultra vires*, *in toto*, anyhow, well, obviously then, the department, would never be in a position, to have permission-or authority then, pursuant to the said provisions, of subsection-(2), of Section-No. 38, of the RPI Act, to divulge my said *personal information*, to any other, let alone, obliged, to do that sort of thing, at all events then, and, well, I trust then, that the department, shall only respect my rights, in such regards, at all times then.

So, that, would conclude my submissions, herein, and, but, please[62], do not hesitate to contact me, if you should have any queries, as regards these matters.

Please though, do be sure, to promptly get back to me, in writing, so as to just confirm the department's very receipt of this letter of submissions.

Thank you then, for your consideration (in earnest, not to mention, the very public interest), of these, very important matters.

[62] i.e. I say, only without waiver, from anything else, said above, herein, and, of course, without prejudice, to myself, whatsoever, then.

Yours sincerely

ps. please, also see, the following five Endnotes.

Endnote-No. 1:

And see, as I say, e.g. the said case of *Forrest & Forrest Pty Ltd v Wilson* [2017] HCA 30 [especially, at paragraph-No. 81, of the joint judgment, of Kiefel CJ, Bell, Gageler and Keane JJ, therein], and especially then, the case followed, therein, of *Scurr v. Brisbane City Council* (1973) 133 CLR 242, insofar as[63], that, wherein, like, how, there are no specific provisions allowing for mere *substantial compliance*-or the like, statutory regulations, of these types-of legislative provisions, must be strictly adhered to, or else, matters simply become *ultra vires* (moreover, fatally [or, null and void, altogether, then], and, i.e. for even, the initial application {once made, anyhow}, in its entirety, then); and, what is more, to the very point-or said seemingly so damning points, then; even in respect of the said matter-or issue-of the lack of an *address for service* being specified, in the said proposed public notices then, there would seem to be, a kind of direct analogy, that may be drawn, from the pertinent case law (albeit then, with the *rationes decidendi*, therein, focusing, more simply, like, down on, matters of, sort of truncated proposed submissions-periods, but nonetheless, such-only reasonably then-seems, like, directly transferrable-on both counts, herein, and, as I was going to say), insofar as, see e.g. then, how, Wilson J said (albeit, as I say, more in particular then, in relation to, proposed submissions-periods, already judicially determined, to have been somewhat truncated), at page-No. 518, in the report of, the case of, *Pioneer Concrete (Qld) Pty Ltd v Brisbane City Council* (1980) 145 CLR 485;

> "One may never know whether a proper application, and adequate advertisements would have alerted other citizens who would have exercised their right to participate as objectors."; and;

what is more, to that very same sorts of points, and like (i.e. wherein, whilst it was argued, to the effect of that, *substantial compliance* would have been sufficient, therein, the-soon to be mentioned-case turned on, the very interpretation of, the plain intent of, Section-No. 84, of the *Environment Protection and Biodiversity Conservation Act 1999* {Cwlth}, in respect of its-similarly-making *minimum* requirements, for inviting public comments...), over and above, and beyond, the pertinent legislative schemes, herein (i.e. which, like I say[1], don't have specific provisions, for the waiving of, some *non-compliance*-or the like, i.e. of these very said sorts of statutory requirements, anyhow, on the basis of, so-called *substantial compliance*-or what-have-

[63] and see, the following **Endnote-No. 2**, then. ...

yous, or whatever then), well, Stein J said, at page-No. 130, in *Curac v Shoalhaven City Council* (1993) 81 LGERA 124;

> "The problem for the respondents on the issue of discretion is that while they can point to a lack of prejudice to the applicant, and many others, caused by the breach, they cannot be sure that some members of the public would not have come forward with objections if there had been compliance with the requirements of the statute. One would never know. As Mr Maston, appearing on behalf of the applicant, submits, it is the rights of the unknown objectors which the applicant presses.";

you see.

Endnote-No. 2:

For, like I say, these are no mere ordinary run-of-the-mill kinds of-or purely procedural sorts of-breaches of statutory requirements (or everyday examples, of so-called *noncompliance*-if you like), but indeed, fatal errors, bound up then, in the very substantive purposes, intrinsic in the very overarching legislative framework, for achieving only Ecologically Sustainable Development (ESD), or, *conditions precedents*-if you like, i.e. rendering the would-be development assessment process, in its entirety then, practically *ultra vires*, and (as I say) seemingly-technically speaking anyway-incurably, and, in terms of, the apparently only applicable case law, as I read such then, i.e. notwithstanding, the said supposed legislative intent, of sort of setting aside, the said problems-or hurdles (for the very powers of the Planning and Environment Court [the P&E Court] then), in particular types of instances (and, i.e. not to be confused with, then, any kind of more widely scoping legislative effect, of maybe, being seen, as if, to have-additionally-like-then, overturned, the very time-hounoured, and generally applicable then, fundamental common law principles, of e.g. the usual processes of statutory interpretation, applied, in such circumstances), of certain case law (i.e. e.g. as alluded to, in addition to the very case of *Maher & Anor v Fraser Coast Regional Council* [2012] QPEC 67 (*Maher*) then, by Rackemann DCJ, in footnote-No. 6, to paragraph-[38], in the report, in the case of *Beerwah Land Pty Ltd v Sunshine Coast Regional Council* [2016] QPEC 55 (*Beerwah*), or even, the case of *Lamb v Brisbane CC & Anor* [2007] QCA 149, for those sorts of matters then, to boot), that I'm about to refer to, below, and, that is to say, that, despite, things like, paragraphs-[70]-and-[174]-and-[175], in the report of *Bon Accord Pty Ltd & v Brisbane City Council & Ors* [2008] QPEC 119 (*Bon Accord*), wherein, Rackemann DCJ, seems to have, ultimately, proposed to determine, to the very effect of that, he might just have had, a discretion to exercise, under Section-No. 4.1.5A-and/or-No. 4.1.53, of the (now repealed) *Integrated Planning Act 1997* (Qld) [the IP Act], a determination, that, clearly appears, to have been made, *per incuriam*, i.e. with respect to, the very prevailing precedents, canvassed prior to that, by Rackemann DCJ, himself, in paragraphs-[56]-through to-[69], in the very said case, of *Bon Accord* (and see, especially at, paragraphs-[67]-through to-[69], thereof, then), for;

1. while, at paragraph-[66], in *Bon Accord*, Rackemann DCJ proposed, that;
   "The Court of Appeal did not, either in *Chang v Laidley Shire Council* or in *Gold Coast City Council v Fawkes Pty Ltd*, expressly overrule the earlier decision in *Oakden Investments Pty Ltd v Pine Rivers Shire Council*."; and;
2. it's true that, e.g. even in his judgement, delivered in *Gold Coast CC v Fawkes P/L & Ors* [2007] QCA 444 (*Fawkes*), de Jersey CJ (with whom Holmes J concurred completely then) did not, more overtly, in so many explicit terms, simpliciter, like, then, propose to have overruled, the pertinent principle, purportedly once found, in the said earlier case, of *Oakden Investments Pty Ltd v Pine Rivers Shire Council & Anor* [2002] QCA 470 (*Oakden*);

well, with de Jersey J, having first, referred to, *Chang & Anor v Laidley Shire Council* [2006] QCA 172 (*Chang*) etc., in paragraph-[6], of his reasonings, in *Fawkes*, and then, gone on, in paragraph-[8], thereof, to set out the said principle in *Oakden*, saying, more simply-like, then, that he "would not regard *Oakden* as determining the outcome of" the said case-of *Fawkes*, moreover, ultimately decided (at paragraph-[11], of Fawkes, then) that, the decision on appeal, ought to only be set aside, *on the basis* that *discretion* (i.e. whether under the new Section-No. 4.1.5A, of the IP Act, then in force, or, its predecessor, Section-No. 4.1.53, as previously in force, at the time in question) *did not arise because there was no "properly made application", in light of the particular provisions of* (the then) *s 3.2.1*, clearly then, the very Queensland Court of Appeal, had-i.e. in *Fawkes* then-already set aside, or, if you like, overruled, its own previous judgement, of *Oakden*, to the extent that, it might otherwise have been read, so as to provide that, the predecessors, to the now Section-No. 37, of the PEC Act, anyhow, i.e. said Sections-No. 4.1.5A-and-No. 4.1.53, of the IP Act, etc., might have allowed for, a discretion, to excuse noncompliance, with any and all requirements of the legislation-i.e. even if such failures effectively rendered the assessment manager concerned with no jurisdiction (or authority) under the statutory scheme (itself) [and where there would appear to be no {or no longer a} matter validly afoot, before an assessment manager, then] {and see, how, at paragraphs-[84]-to-[86] especially, in the case of *Barro Group Pty Ltd v Redland Shire Council* [2009] QCA 310 {*Barro*}, Keane JA (with, McMurdo P, and, Margret Wilson J, concurring) expressly states, ultimately, to the effect of that, for the very same reasons, "*Oakden* should no longer be followed"}; and so; whilst (i.e. compared with those alluded to herein then) the failure-of the applicants (Fawkes Pty Ltd and Ronbar Enterprises Pty Ltd) was (technically speaking anyhow) of somewhat of a different character, in *Fawkes*, then; moreover; notwithstanding even, the now, somewhat more particular provisions, of said Section-No. 37 of the PEC Act (as compared with, their predecessors, in the said old provisions, of Sections-No. 4.1.53-and/or-No.4.1.5A, of the IP Act, then), or even, how, e.g. at paragraphs-[45]-through to-[48] especially, in the case of *Ramsgrove P/L v Beaudesert SC & Ors* [2005] QCA 434 {*Ramsgrove*}, it seems to have been established, to the very effect of that, an exercise of, the Queensland Planning and Environment Court (the P&E Court)'s, discretions, may not necessarily be, like, an analogy for, how an assessment manager might propose to exercise a discretion, under, e.g. the said subsection-(3), of Section-No. 53, of the Act (moreover, despite, e.g. what Keane J [albeit, with, McMurdo P, and, Williams J, concurring, even then], ultimately, proposed to find, at paragraph-[43], in the report of, the said case of *Ramsgrove* {which, I hasten to add, as I'll just go onto explore, in greater detail, below, herein, is actually distinguished, from the modern day circumstances-of the very pertinent legislative provisions (and, see then, as discussed in, the **Endnote-No. 3**, the **Endnote-No. 4**, and, the **Endnote-No. 5**, below, herein)}, it is, of particular note, here, how, at paragraph-[34], of Keane J's reasonings {with, McMurdo P, and, Margret Wilson J, concurring then}, in the said case of *Barro*, it was declared, that *the authority of the P & E Court to decide an application is no more extensive than that of the local authority*}; well, as I was just going to say then, very similarly, and like I say (although, I hasten to just add, that, in saying as much, I'm not, at all, to be taken, as if to, maybe, be sort of agitating towards, and/or, inviting, the initiating of proceedings, in any Court-or tribunal, about such matters, and only quite to the contrary then...), these matters, would, only reasonably, I say, naturally, only with respect, i.e. for the very institution, of the P&E Court, itself, then, and, but, as I was about to say then, these matters, herein, seem to, only reasonably, be about, very special, and specific, literally made requirements, on the face of the said subsection-(4), of Section-No.53, of the Act, etc. (i.e. or, as I say, necessarily implied ones, inherent therein, then), which, especially on a purposive approach, in light of the said principles of statutory interpretation espoused by the High Court, in *Project Blue Sky Inc v Australian Broadcasting Authority* [1998] HCA 28; 194 CLR 355 (*Project Blue Sky*), etc., would not appear to be amenable, at all, whatsoever, really,

to the very-still (or I dare say then) only somewhat-generally applicable powers, of the P&E Court, itself, even, to otherwise excuse, any so-called *noncompliance*, whatsoever, you see... [and, see then, i.e. as pertinent context, to inform, as to, just where, the very limits, of the discretion granted by Section -No. 37, might only reasonably be seen to lie, e.g. subsection-(1), of Section-No. 7, and, clauses-(a)-and-(b), of subsection-(1), of Section-No. 11, of the *Planning and Environment Court Act 2016* (Qld) [the PEC Act]... (see also at paragraphs-[64]-and-[65] of the said case of *Barro...*)] {and see, also then, how, at paragraph-No. 21, of his Judgement, in the case of, *JP Whitter (Water Well Engineers) Limited (Appellant) v Commissioners for Her Majesty's Revenue and Customs (Respondent)* [2018] UKSC 31, Lord Carnwath [with whom Lord Mance, Lord Sumption, Lord LloydJones and Lord Briggs agreed] spoke of *the basic principle that any statutory discretion must be exercised consistently with the objects and scope of the statutory scheme*, in indicating, to the effect of that, no discretion, granted under an enactment, is truly completely unfettered (see also, the concluding comments, of Rackemann DCJ, in paragraph-[39], in *Beerwah*)}

Endnote-No. 3:

and, I'll just hasten to add then, whilst, like I say, not seeking to invite, any proceedings, in any Court, whatsoever then, moreover, only with all due respect, for such institutions, and their own powers, and discretions etc., then, of course, well, to the effect of that, at all events, there would appear to be, no useful purpose, in the BSC (nor any other then), now proposing, to go, sort of running off, to such, in order to, so belatedly, maybe curing, these seemingly only so fatal defects, in the said (once anyhow) proposed assessment processe; for; e.g. notwithstanding even, things like, what I said, in the very **Endnote-No. 2**, above, herein then, about, paragraphs-[45]-through to-[48], in the report of, the case of *Ramsgrove*, in making comparisons, between, the now, albeit somewhat more particular-and broadly ranging then-provisions, of said Section-No. 37 of the PEC Act, and, their predecessors (of the said old provisions, of Sections-No. 4.1.53-and/or-No.4.1.5A, of the IP Act), for, as I also alluded to, in that said **Endnote-No. 2**, it is, of particular note, how, at paragraph-[34], of Keane J's reasonings {with, McMurdo P, and, Margret Wilson J, concurring then}, in the said case of *Barro*, it was declared that, t*he authority of the P & E Court to decide an application is no more extensive than that of the local authority*, moreover, well, I would tentatively (i.e. not the least of all, because, it refers also to, the case of *Oakden*, which {as I also noted- in the said **Endnote-No. 2**} was overruled, by the earlier case of *Fawkes*, as confirmed in-the later one of-*Barrow*, then, but anyhow, as I was about to say, I would still cautiously) allude (further then) to, the seemingly somewhat analogous (said then) case, of *Lamb*, wherein, at paragraphs-[50]-and-[52], thereof, the judges, ultimately, seem to have found, to the effect of that, an *occasion for the exercise of the discretion conferred (albeit) by* the old preceding provisions of Section-No. *4.1.5A* of the IP Act, had *not arisen*, on account of, there having been, no opportunity, for the assessment manager concerned, to exercise, any powers-or authority, under the legislation, in the very first place, then, and, whilst, as I say, despite having, all but seen the light, at paragraph-[69], in *Bon Accord*, after a detailed examination, of the said points, in the previous cases, of *Chang* and *Fawkes*, and notwithstanding, the more vague sort of, proposed considerations, alluded to, in paragraphs-[70]-[71], in *Bon Accord*, while, it seems that, it may be inferred, anyhow, to the effect of that, in *Bon Accord*, Rackemann DCJ's proposed judgment, might only erroneously have been rested upon, things like, a more quiet kind of assumption that, *Oakden*, itself, might have only remained as, *good law* (so to speak), well, despite, neither, the Court of Appeal's said judgement, in *Barro*, nor, Searles DCJ's decision, in *Barro Group Pty Ltd v Redland Shire Council and Others* [2009] QPEC 9, before it, making any express mention, of *Bon Accord*, in all probability, *Barro*, would only be seen to have overruled, any precedent, in point, that

might, otherwise have been argued, to arise, out of *Bon Accord*, moreover, while, (and, notwithstanding then, the-likely only correct-assumption, by Rackemann DCJ, at paragraph-[41], in *Beerwah*, that, such notes, were only referencing, the said case of *Maher*; I say, only without waiver then, from e.g. the particular sort of concluding arguments, in point, set down in, the very **Endnote-No. 4**, below, herein) it seems arguable, to the effect of that, the particular sort of finding, at paragraph-[48], of the Court's reasonings, in *Lamb* {i.e. which may not necessarily be presumed to have been overcome by, the insertion of the said old Section-No. 4.1.5A, into the IP Act, on account of how, at the heart of it, it was not about, what would, then, have been seen as, a requirement of the legislation, and see at paragraph-[50] thereof then}, would, now, no longer, support a case, against the application of Section-No. 37 of the P&C Act, on account of, the discussions, about its ambit, in pages-No. 23-and-No. 24, in the explanatory notes, thereto, tabled on 12/11/15; well, I might refer, all the way back then, to things like, paragraph-[77], in Kean J's said leading judgment, in *Chang*; or even, paragraph-[50], in *Lamb*, and/or, the very last sentences especially, in paragraphs-[57]-and-[62], moreover, e.g. paragraphs-[58]-[59]-and-[61], of *Barro*, then, not to mention, i.e. notwithstanding the distinctions (as regards these very matters then), that may be drawn, on the basis of, the comments in, paragraphs-[42]-and-[43], thereof, paragraphs-[29]-[36]-and-[40], in Jerrard J's said leading judgement, in *Fawkes*; in order to, alluding to, the said maxim, of statutory interpretation (i.e. so cited in paragraph-[61] of *Barro*, and, obviously alluded to, in paragraph-[36], in *Fawkes*), of *generalia specialibus non derogant*, even in respect of, the said more expansive modern provisions, of Section-No. 37, of the PEC Act, to say, again, that, these sorts of matters, would, only reasonably seem to be about, very special, and specific, literally made requirements, on the face of the said subsection-(4), of Section-No.53, or (as I say) necessarily implied, therein; which; especially on a purposive approach (and that is to say, as so reinforced then, by the said fundamental elements, of ESD-{as I say} requiring meaningful *opportunities* for public participation, evidenced in, the very overarching legislative framework etc.), in light of the said principles of statutory interpretation espoused by the High Court, in *Project Blue Sky Inc v Australian Broadcasting Authority* [1998] HCA 28; 194 CLR 355 (*Project Blue Sky*), would not appear to be amenable, at all, whatsoever, really, to the very-still (or I dare say then) only somewhat-generally applicable powers, of the PEC Court, itself, even, to otherwise excuse, any so-called *noncompliance*, whatsoever (and see, again then, the further comments, in the last set of brackets, in the **Endnote-No. 2**, above, herein), which, I'll just hasten to add, would seem to see, things like, the very case of *Lewani Springs Resort P/L v Gold Coast CC & Anor* [2010] QCA 145 (*Lewani*), not to mention, the string of cases (i.e. *Grummitt Planning Pty Ltd v Gold Coast City Council* [2009] QPEC 47, *DTS Group Queensland v Brisbane City Council* [2005] QPEC 085, and apparently also, *Ramsgrove Pty Ltd v Beaudesert Shire Council & Ors* [2005] QPEC 101, moreover, *Lagoon Gardens Pty Ltd v Whitsunday Shire Council* [2006] QPEC 14, *Kunapipi Springs Pty Ltd v Whitsunday Shire Council* [2006] QPEC 34, *Consolidated Properties Group Pty Ltd v Brisbane City Council* [2008] QPEC 87, *Stockland Developments Pty Ltd v Thuringowa City Council* [2007] QPELR 430 at 441-442, and, *Jahnke v Cassowary Coast Regional Council* [2009] QPEC 36 at [30]; [2009] QPEC 39), cited at paragraphs-[66]-and-[72], of Atkinson J's judgment, in *Lewani*, and even, *Burnett v Isaac Regional Council* [2008] QPEC 71 (albeit, like I say, already, *per incuriam* etc.), *Stevens & Ors v Pine Rivers Shire Council & Anor* [2005] QPEC 112, and, *Rathera* (i.e. to the extent that it might have assumed the sort of jurisdiction and powers that the primary judge purported to exercise-at first instance-then), moreover, *MIJ Accommodation Pty Ltd v Gladstone Regional Council* [2012] QPEC 79, *Multus v Rockhampton Regional Council* [2013] QPELR 301; [2012] QPEC 85, and, *Warner Village Pty Ltd v Moreton Bay Regional Council* (No 2) [2014] QPELR 1; [2013] QPEC 74, more or less, sort of swept aside, as binding precedents, anyhow, and, that is to say, that, whilst, I might just accept, that, by explicitly enacting, the very terms of,

the subsection-(3), of Section-No. 37, of the PEC Act, into the legislation itself-i.e. on the very face of the instrument then, the legislator, effectively responded to, the very problem, with the wordings of the previous Sections-No. 440-and-No. 820, of the SPA, identified, at paragraphs-[17]-through to-[19], of Andrews SC DCJ's reasonings, in *Maher*, and that is to say, for the purposes of like cases, the current power, of the said Section-No. 37, to provide *relief against non-fulfilment of a provision...* (i.e. put in the very form of Andrews SC DCJ's words, at paragraph-[14], of *Maher*) *would arguably* assist, however, I would only hasten, to note, how (just prior to those words), in the first part of paragraph-[14], of Andrews SC DCJ's reasonings, in *Maher*, literally said;

> "Notably, the explanatory notes suggest the power in ss 440 and 820 is exercisable to relieve against **non-fulfilment** of a provision or non-compliance with a provision. SPA ss 440 and 820 each refer to provisions not "complied with" but neither refers to a provision not "fulfilled". ... (and, it is to be noted that, the emphasis-or very bolded text, herein, was indeed, as it reads, in the original)"; and;

whilst, no doubt, some will say, to the effect of that, it might be only, an exercise in, sort of *splitting hairs* (although, I would counter, saying that, what we're doing here, is interpreting law, and what is more, while some may say-or just quip then, to the effect of that, its oft only to be seen as, a pedantic sort of process, to boot, at times, overly concerned with technicalities, well, I would hasten, to suggest, that it's, more of matter of, precision-or *good jurisprudence* then...), and, I'll just add, only with respect, of course, that it, does seem, like, unfortunate, that a more concise sort of grammar, wasn't used, well, an argument appears to arise, to the effect of that, where, in that passage, Andrews SC DCJ says, *but neither refers to a provision not "fulfilled"*, he's not merely alluding to, the immediately preceding words-in the same sentence then, of, *SPA ss 440 and 820 each refer to provisions not "complied with"*, but, arguably, at any rate, both, the said Sections-No. 440-and-No. 820, of the SPA, and also, *the explanatory notes*, thereto, that he previously referred to, in the said passage, then, you see, uh, and so, in that very sort of light then, while, as I say, they're apparently, only really, going around in circles (i.e. on account of how *Maher* was apparently only wrongly decided-i.e. *per incuriam* the true provision of *requirement*-i.e. the said subsection-(4) of the old Section-No. 3.5.21 of the IP Act), still, neither, the current provisions, of the said Section-No. 37, of the PEC Act, nor, the explanatory notes, thereto, expressly-or otherwise-provided the P&E Court with a power to excuse a failure to comply with a provision-or requirement (in the Act, itself, or the regulations, thereunder, then)-that has simply *not* been *fulfilled* at all then (whilst, I hasten to just add, further then, whether we're talking about, one day, or some number of days, i.e. practically adding up to, most of the required notification period, and/or, the period for which material is required to be publicly notified, under the regulations, then, well, those sorts of things, would, all, only reasonably, be veritably seen as, instances of the said legislative requirements being *not fulfilled*, ultimately, i.e. despite the very purportedly prescribed provisions of, Section-No. 31, in Part 7, of the so-called "Development Assessment Rules-Version 1.3 {the DAR}", the very said defects, identified herein, are only, not curable, at all then), so, it seems like, that, we've only kind of gone, full circle, and, all the way back then, to the very laudable principles, first espoused in, the said case of *Scurr v Brisbane City Council* (1973) 133 CLR 242, i.e. with even *Ridgewood Development Pty Ltd v Brisbane City Council* [1984] QSCFC 115 effectively set aside, by the said legislative developments (see also, paragraphs-[51]-to-[52]-and-[54]-[55], in *Zappala*, the last sentence in page-No. 23 {i.e. paragraph-[81]}, and at page-No. 24, in *Forrest & Forrest Pty Ltd v Wilson [2017] HCA 30*, paragraphs-[73]-and-[75], in *Fox*, etc.), and what is more, with even, the considerations, for so-called *substantial compliance*, alluded to in paragraphs-No. 24-through to-No. 31, in *Scurr*, being now beyond the P&E Courts jurisdiction, i.e. seeing how e.g. the said preceding provisions, of Section-No. 4.1.5A, of the IP Act, where once entitled, ***How court may deal with matters involving substantial compliance***, i.e. thereby, effectively seeing,

such matters, once now, codified into, the very statute law (i.e. as in, *covering the whole field*-as they say), and but, which have, now, been removed (at least, as regards, the very said sorts of issues, at stake, herein then), you see, ma'am. ... (and, please, hasten to just refer, further, then, to the very details of, the **Endnote-No. 4**, set down, below, herein)

Endnote-No. 4:

Moreover, as to, subsection-(12), of said Section-No. 53, of the Act, well, I'll just, sort of haver, to note, i.e. only without prejudice, to myself, whatsoever, then, how; whilst, it might seem, very tempting then, on this very point, to just, sort of, more simply, allude to, the very context of, the provisions of, subsection-(3), of Section-No. 37, of the *Planning and Environment Court Act 2016* (Qld) {the PEC Act}, which, are apparently proposed then, to overturn certain principles-of statutory construction, in particular {then preceding} case law (and, see then, the references to, later amendments, and, the case of *Maher & Anor v Fraser Coast Regional Council* [2012] QPEC 67 {*Maher*}, at paragraph-No.41, in Rackemann DCJ's reasonings, in the report of, *Beerwah Land Pty Ltd v Sunshine Coast Regional Council* [2016] QPEC 55 {*Beerwah*}), in order to, just arguing, to the effect of that, even a definition-or defining provisions {that, the very said subsection-(12), may just be argued (by some), to merely be (i.e. read only in isolation) then...}-may be seen to be, one-or ones-containing, a *requirement* of the Act {i.e. to be complied with-or *fulfil*led then}; well, the truth is, that, with all due respect, and whilst, moreover then, I'm not convinced, myself, that, as Rackemann DCJ proposes, in the very footnote-No. 6, to paragraph-[38] in the report of *Beerwah, the legislature* might have *acted to* further *broaden the scope of the power and to remove constraints*, in enacting the preceding Section-No. 440, of the *Sustainable Planning Act 2009* (Qld) [the SPA], *including those which the Court of Appeal found to be inherent in its immediate predecessor*, in e.g. the very case of, *Metrostar Pty Ltd v Gold Coast City Council* [2007] 2 Qd R 45 {*Metrostar*}, in particular, at any rate (for, even Jerrard J, at paragraphs-[20]-and-[21], in the report of *Metrostar*, seemed to acknowledge, that there was some confusion, as to what was actually under consideration, cf. at the paragraph-No. 34, thereof, and the orders ultimately made, therein, also then [and, see also, the introduction to, the very **Endnote-No. 5**, set down, below, herein then]), but anyhow, in regards to how, Rackemann DCJ, proposed to go on then, and refer to, the very comments of, the then Minister for Infrastructure, Local Government and Planning, The Honourable Jackie Trad, at pages-No. 23-and-No. 24, in the explanatory notes (i.e. tabled on 12/11/15), relating to the (then still not commenced) provisions of, Section-No. 37, of the PEC Act, and even, that is to say, taken only somewhat in isolation, and out of the context of the very preceding words in that paragraph etc. then (and, see then, the discussion of; the use of, the term of, *prescriptive*, as regards, the former portions of the old *integrated development assessment system* [or IDAS], i.e. in the notes to, Section-No. 297, of the [now repealed] *Sustainable Planning Act 2009* (Qld) [the SPA], not to mention, Section-No. 3.4.4, of the [now repealed] *Integrated Planning Act 1997* (Qld) [the IP Act], cf. the notes to, Sections-No. 298-and-No. 3.4.5, to each said old legislative scheme, respectively then; at footnote-No. 77, etc., below, herein), the would-be unqualified-or (by design perhaps) seemingly potentially more generally ranging then-sort of throwaway line, in page-No. 24, of the said notes, to the effect of that, *the intent is to include other matters that may not otherwise by valid, for example, timeframes that have not been complied with...* (etc., i.e. what-in context-appears to merely be, a-inconsequential [herein] then-reference, back to, the contents of, the *Development Assessment Rules*, etc. then [cf. the reference to *timeframes* in, the second paragraph, to the

notes about, *Clause 68*, moreover, those about, the sixth paragraph, to *Clause 29*, the third paragraph to, *Clause 64*, *Clause 58*, and, the definition of the ***appeal period,*** in Schedule 2, i.e. in the Explanatory Notes to the Planning Bill 2015-tabled on 12/11/15, and, whilst, those to, *Clause 257,* would be distinguished, what is more, there is no mention of, the word of, *timeframe*, at all, in relation to, the very *Clause 53*, therein, nor-for that matter-in the pertinent supplementary explanatory notes then) [and, see also, the latter set of points, set down in, the said **Endnote-No. 5**, below, herein, then], and, whilst I would agree, to some extent, anyhow, with the previous assertion, in *Beerwah* then, of Rackemann DCJ, to the effect of that, the preceding Section-No. 440, of the SPA, conferred *a... broad discretion*, and, was somewhat, then, *the product of a process of evolution from its predecessors under previous legislation* (although, even there, the cases cited, i.e. in the footnote-No. 6, to the paragraph-[38], in *Beerwah*, may not necessarily seem to be on point, e.g. see how, ultimately, Rackemann DCJ, himself, seems to have had. all the powers necessary, to make the orders, that were most just and equitable, in all of the circumstances then, in *BBDM Pty v Brisbane City Council* [2012] QPEC 30? ...), moreover, that the case of *Maher*, was most likely the primary sort of focus of, the sort of tweaking up of, the more particular sorts of provisions, ultimately put into, the subsection-(3), of the said Section -No. 37, of the PEC Act, well, I would only respectfully disagree with, things like, the very approach of, Andrews SC DCJ, in *Maher*, insofar as, it only logically seems, in hindsight anyhow, to have been unnecessary, for him to, go to, the very lengths, that he did, in proposing to consider, as to, whether or no he had power, to excuse non-compliance with, the (even then) repealed subsection-(7), of Section-No. 3.5.21, of the IP Act, whereas, the real issue, to my mind, would seem to have been, that the applicants (i.e. the Mahers then), had actually failed to comply with, the preceding subsection-(4), thereof, for, as Andrews SC DCJ himself alluded to, at paragraph-[20], in *Maher*, and, as Barwick CJ, and, M'Tiernan and Taylor JJ, advised, in paragraph-[10] in *Gibb v Federal Commissioner of Taxation* (1966) 118 CLR 628, while, *such* defining *clauses are... no more than an aid to the construction of the statute, and do not operate in any other way*, and *the function of a definition clause in a statute is... to indicate that when particular words or expressions the subject of definition, are found in the substantive part of the statute under consideration, they are to be understood in the defined sense* (*or... taken to include certain things which, but for the definition, they would not include*), and, like I say then, it was the preceding subclause-(4), of the old Section-No. 3.5.21, of the IP Act, read, only as so modified, by the latter subsection-(7), thereof, that was, really, the operative clause, to be addressed (despite even, the Applicants' mistake, in focusing down, otherwise, in their submissions then), and, in my view, while, that sort of argument, would only remain *good law* (so to speak), to the very day, in any analogous circumstance (like those herein then), well, the said additional purview, of the said now Section-No. 37, of the PEC Act, would largely seem to be, of no real consequence-or maybe even somewhat confused and impracticable (or irrelevant anyhow)-in any event then, however, as I think I've already alluded to, in the very **Endnote-No. 3**, above, herein, i.e. at the very kind of crux, of certain matters, all of that's, not to say that, the very exercise, in paragraphs-[14]-through to-[19], in *Maher*, might not represent *good law*, nor, for that matter, as I'll endeavor to explain, in more detail, below, herein, to the very effect of that, the observations-or very (kind of set of) complications, that Andrews SC DCJ proposed, in the said paragraph-[14], in *Maher*, would now (i.e. even-or especially so then-in light of Rackemann DCJ's comments-or observations [or *advice*, maybe then], at paragraph-[40], in *Beerwah*), be seen to be, like, entirely overcome, by the enactment of, the said Section-No. 37, of the PEC Act, then. ...

Endnote-No. 5:

So, beginning, where I sort of, left off, in about the middle, of the very **Endnote-No. 4**, above, herein[61], saying then, that;

> ... the truth is, that, with all due respect, and whilst, moreover then, I'm not convinced, myself, that, as Rackemann DCJ proposes, in the very footnote-No. 6, to paragraph-[38], in the report of *Beerwah, the legislature* might have *acted to* further *broaden the scope of the power and to remove constraints*, in enacting the preceding[65] Section-No. 440, of the *Sustainable Planning Act 2009* (Qld) [the SPA], *including those which the Court of Appeal found to be inherent in its immediate predecessor*[66], in the very case of, *Metrostar Pty Ltd v Gold Coast City Council* [2007] 2 Qd R 45 (*Metrostar*), in particular, at any rate... ;

well, whilst;

1. firstly, I would only hasten to note, with all due respect, to the effect of that, in the context of, the very immediately preceding words, in the text, in the said paragraph-[38], Rackemann DCJ, was merely proposing, his own opinions, that the very cases cited, in the said footnote-No. 6, might have been the intended targets, of the said amendments[67], and be that as it may, what is more then[68], there does not appear have been, any express, nor even necessarily implied, references, in the very explanatory notes[69], to the Sustainable Planning Bill 2009 (which was ultimately enacted to become the SPA), to the said cases[70], cited at the said footnote-No. 6, for, all, that the said notes, provided, in point, were far more generalised references, such as[71], e.g. at page-No. 229, the references to the old Section-No. 440, of the SPA, appeared, saying;

---

[61] and see, also then, at the conclusion to, the **Endnote-No. 3**, above, herein. ...

[65] i.e. to Section-No. 37, of the PEC Act.

[66] i.e. Section-No. 4.1.5A, of the IP Act.

[67] i.e. up to the very point of, the enacting of, the old Section-No. 440 etc., in the SPA.

[68] moreover, the exercise, overall, i.e. of purporting to give consideration for, the then, yet to be commenced provisions, of Section-No. 37, of the PEC Act, was merely a hypothetical one, at best. ...

[69] i.e. which were tabled, by The Hon. Stirling Hinchliffe, on the 19th of June, 2009, then.

[70] i.e. *Metrostar Pty Ltd v Gold Coast City Council* [2007] 2 Qd R 45, *Gold Coast City Council v Fawkes Pty Ltd* [2008] 2 Qd R 1, and, *Barro Group Pty Ltd v Redland Shire Council* [2010] 2 Qd R 206, then.

[71] i.e. as I'll just go on to outline, with underlines added, for emphasis-or particular note-then.

"**How court may deal with matters involving non-compliance**

Clause 440 provides the court with broad discretionary powers to relieve against any non-compliance, partial non-compliance or non-fulfilment of any provision of the Bill."; and;

continued then, at page-No. 230, saying;

"This clause enables the court to give relief in response to proceedings commenced for that purpose or in the context of other proceedings; and to give that relief notwithstanding any other provision of the Bill, including provisions which would otherwise provide that an application had lapsed.

The purpose of this clause is to ensure a person's rights to hearings are not compromised on the basis of technicalities concerning processes. The term "provision" is intended to be interpreted broadly and is not limited to circumstances where there is a positive obligation to take a particular action.

The court's power is not restricted to proceedings before it. This allows access to the court for declarations and orders about procedural disputes which do not form part of wider proceedings.

Subclause (3) makes it clear that the clause applies in relation to a development application which has lapsed or is not a properly made application."[72]; and;

---

[72] and whilst, clearly, the latter comment, about the said subsection-(3) then, is apparently, albeit, in such general terms then, directed at, things like, the said cases *Fawkes* (and those, other cases, e.g. *Chang*, relied upon, therein) and *Barro*, or even *Lamb* (which, I'll just hasten to note, Rackemann DCJ did not so reference, expressly, anyhow, although, I hasten to add, that, like *Maher*, *Lamb* seems to have only been made *per incuriam* , and, likely then, wasn't so much, in the legislator's sights [so to speak], anyhow), moreover, even *Metrostar* might-conceivably (and, in part then, at any rate) anyhow-be seen to be caught, by the preceding reference, to *where there is a positive obligation to take a particular action*, well, *Ramsgrove*, is not necessarily, at issue then; moreover; like I say, these supposed changes, do not set aside, the fundamental common law principles, of statutory interpretation, and/or, the basic logic, and reasonings, underpinning the said cases [of e.g. *Barro*, *Chang*, *Lamb*, and, *Fawkes*], but merely, change the legislative policy, itself, to the extent that, provides additional powers, for the P&E Court, to kind of move things along, regardless, in particular instances then (which, by the bye, may-or may not-have certain implications, insofar as, arguments about *the institutional integrity* {cf. the so-called *Kable* principle, summarised, at about paragraphs-[122]-through to-[135] in *Assistant Commissioner Michael James Condon v Pompano Pty Ltd* [2013] HCA 7}, of the very District Court, itself, may be concerned, I only haver to add, in the very public interest, and, of course, with all due respect then, but... well, that's another matter then, I guess).

further, at page-No. 370;

> "**Proceedings for particular declarations and appeals**
>
> **Clause 820:** Subclauses (1) and (3) are intended to give the Planning and Environment Court the same broad excusatory power, in relation to transitional issues, as clause 440."; moreover;

in case you're just wondering then, at page-No. 155, the said notes said;

> "**Assessment manager may assess and decide application if some requirements not complied with**
>
> **Clause 304** provides discretion for an assessment manager to assess and decide a development application even if there has not been full compliance with the requirements of this division. The assessment manager may only exercise that discretion if the assessment manager considers the non-compliance has not:
>
> • adversely affected the awareness of the public of the existence and nature of the application; or
> • restricted the opportunity of the public to make submissions during the notification period."; that is;

continuing, at page-No. 156, then, with;

> "The notification requirements are detailed and prescriptive. It is considered that unnecessary and costly litigation could result from technical non-compliances even though no one has been adversely affected by the non-compliance.
>
> *Example - The notices published in the newspaper and sent to adjoining owners correctly showed the property description of the land, but the notice placed on the land contained an error in the description. In this*

case, the assessment manager might consider exercising the given discretion because the sign was located on the correct land, all other notices were correct and the application clearly applied to the land on which the notice was erected.

Subclause (2) makes it clear that, unless a lapsed application is revived, the assessment manager cannot assess and decide that application.";

whereas, whilst, as I say, such sorts of provisions, have now been removed, altogether, from the legislation, as you would no doubt only reasonably appreciate, yourself then, ma'am, even, those latter said references, in the notes to the SPA, did not make any express reference to, an assessment manager being empowered to, sort of carry on, with *business as usual* (as they say)-or as if then (anyhow), wherein, there had been, a failure to comply with, the very Section-No. 298, of the SPA, i.e. setting out the notification periods-for applications thereunder then[73];

---

[73] cf. then, at page-No. 151, of the said notes, wherein, in relation to, the then IDAS-process (i.e. under the SPA), it was said, further;

> "**Part 4 Notification stage**
> **Division 1 Preliminary**
> **Purpose of notification stage**
>
> **Clause 294** describes the purpose of the notification stage. Public notification under this part gives a person the opportunity to make submissions about a development application, and also secures for that person the right of appeal to the court about the assessment manager's decision.
>
> Public involvement in the planning and development assessment system is an essential component of the system.
>
> The Bill provides many opportunities for public involvement in the overall system. For example, the processes for making planning instruments include opportunities for public involvement in framing these policy and regulatory instruments.
>
> This part sets out the requirements for formal public notification in relation to development applications. IDAS has been designed to reflect this high level of public involvement in planning and development assessment."; and;

further, at page-No.152;

> "Applications that are specified to require assessment of the environmental effects of the development (i.e. impact assessments) require public notification."; and;

also, at page-No. 153;

> "**Applicant or assessment manager to give public notice of application**
>
> **Clause 297** describes the requirements for public notification. In the interests of consistency and certainty, the requirements are prescriptive.

2. secondly then, similarly, the provisions of, the former Section-No. 3.4.4, of the IP Act, provided, expressly, for how notices were to be given, for the purposes of publicly notifying development applications, whilst, those of, the former Section-No. 3.4.5, thereof, explicitly provided for, the minimum notification periods, in respect of such matters, and, whereas, at page-No. 108, of the explanatory notes, to the Integrated Planning Bill 1997 (i.e. which were tabled, by the then Minister for Local Government and Planning, Di M'Cauley, on the 30/10/97), it was said;

> "**Notification period for applications**
>
> *Clause 3.4.5* specifies the "notification period". It must be not less than 15 business days and it does not include the period immediately before and after Christmas. The latter requirement has been included to overcome any reduced effectiveness which may result from notification over this

---

> Provision is made for the assessment manager to carry out the notification on behalf of the applicant.
>
> For the purposes of subclause (1)(c) (giving notices to adjoining owners), the term owner is defined. It is a more specific definition that overcomes potential uncertainties regarding who is an adjoining owner in certain situations, particularly situations where there are complex titling and ownership arrangements in place.
>
> The applicant or, with the applicant's agreement, the assessment manager, must carry out the notification. If the assessment manager carries out the notification for the applicant, the assessment manager may require the applicant to pay a fee.
>
> **Notification period for applications**
>
> Clause 298 specifies the notification period. Generally, it must be at least 15 business days. However, the notification period must be at least 30 business days if any of the following apply:
>
> - there are 3 or more concurrence agencies;
> - all or part of the development is assessable under a planning scheme and is prescribed under a regulation;
> - all or part of the development is the subject of an application for a preliminary approval mentioned in clause 242.
>
> The notification period does not include the period immediately before and after Christmas to overcome any reduced effectiveness which may result from notification over this significant holiday period."; and;

it is of particular note then, how, whilst, the word of, *prescriptive* (i.e. as similarly employed, in the said discussion about, Section-No. 304, of the SPA, at page-No, 156 of the said notes, which, whilst not necessarily conclusive then, obviously, to some extent, anyway, would be somewhat informative of, the very scope of the powers, granted to the P&E Court, itself, under Section-No. 440 etc. ...), well, otherwise, it is only used, in reference to, Section-No. 297, of the SPA, then, and, that is to say, the literally provided for, specific requirements, for the notification periods, are set down, separately, in the Section-No. 298, then, you see!?! ...

significant holiday period."; and;

at page-No. 107, it was said;

"Public notice of applications to be given

Clause 3.4.4 describes the requirements for public notification. In the interests of consistency and certainty, the requirements are prescriptive.";

whilst, the only other reference, to the term of *prescriptive*, therein, was, in relation to *a measure of discretion for an assessment manager* to waive non-compliance with the *division*- of the legislation-concerned, overall then, at the bottom of page-No. 108-over to-the top of page-No. 109, therein, saying;

"Circumstances when applications may be assessed and decided without certain requirements

Clause 3.4.8 provides a measure of discretion for an assessment manager to assess and decide a development application even if there has not been full compliance with the requirements of this division. The assessment manager may only exercise that discretion if the assessment manager considers the noncompliance has not:

- adversely affected the awareness of the public of the existence and nature of the application; or
- restricted the opportunity of the public to make a submission during the notification period.

The notification requirements are detailed and prescriptive. It is considered that unnecessary and costly litigation could result from technical noncompliances even though no one has been adversely affected by the noncompliance. An example of such a noncompliance might include a situation where the notices published in the newspaper and sent to adjoining owners correctly showed the property description of the land, but the notice placed on the land contained an error in the description. In this case, the assessment manager might consider exercising the given discretion because the sign was located on the correct land, all other notices were correct and the application clearly applied to the land on which the notice was erected."; and;

what is more;

3. even when the *Integrated Planning and Other Legislation Amendment Act 2001* (Qld) [the IPOLA Act] later replaced the said Section-No. 4.1.53, with, the (sort of revamped then) Section-No. 4.1.5A[74], whilst, at page-No. 3, of the explanatory notes, thereto[75], under the heading of, ***Adverse effect on rights and liberties (including retrospective application)***, it was said;

> "Many provisions in the Bill are designed to clarify and enhance the rights and liberties of individuals. Examples include: ...";

before continuing on, in the very third dot-point, at page-No. 4 then, saying;

> "The powers of the Planning and Environment Court to make findings of substantial compliance with procedures have been expanded to apply to all proceedings, instead of only appeal proceedings (section 4.1.5A). This will ensure person's rights to hearings are not compromised on the basis of technicalities concerning processes.";

while, moreover, at page-No. 79, it was said;

> **"New section 4.1.5A (How court may deal with matters involving substantial compliance)**
>
> *Clause 28* inserts new section 4.1.5A to provide the Court with the power to deal with any proceeding before it, if the Court is satisfied there has been substantial compliance with procedural requirements.
>
> In particular, the Court may have before it an appeal about a development decision and may become aware that some procedural requirement for the application has not been complied with, for example, the proponent may have failed to comply in some respect with the public

[74] i.e. with *Fairkes*, *Chang*, *Barro*, *Lamb*, etc., coming later then, ...

[75] i.e. tabled, by the Hon. Nita Cunningham, on 28/11/2001.

> notification requirements of IDAS. Provided the Court is satisfied that despite any failure in compliance, the public has been made sufficiently aware of the existence and nature of the proposed development and has had the opportunity to make submissions, the Court may proceed to decide the appeal."

moreover, for what it might be worth then, under the heading of, ***Amendment of s 4.1.52 (Appeal by way of hearing anew),*** at Page-No. 86, the said notes added;

> "*Clause 42* omits s 4.1.53. The effect of this section has been effectively replaced and superseded by the more general power under section 4.1.5A which allows the Court to deal with any matter of non-compliance, including in an appeal, if the Court is satisfied no persons rights have been compromised."; and;

well, so, whilst, that, is all, obviously, somewhat anyhow, to be informed by, the-(as I say) somewhat so restricted[76]-powers of assessment managers, again, there's no explicit mention of, power to excuse failures (i.e. no matter what) to satisfy the minimum notification requirements, of the then Section-No. 3.4.5, of the IP Act[77], and, well, at all events, on the basis of the reasonings in *Maher*; similarly, whilst the said notes may be excluded, and, the amended provisions, only, literally said, what they said, which has been ruled upon in the said cases[78], while, I'm not aware, myself, of any cases, of any great substance anyhow, that were taken, to the P&E Court, let alone the Court of Appeal then, in the interim[79], i.e. between the enactment

---

[76] i.e. apparently, not so as to include, power to waive non-compliance, with the then Section-No. 3.4.5, of the IP Act. ...

[77] see also, in the second line, at the top of page-No. 3934, of the Queensland HANSARD, of the 28th of November, 2001, wherein, in her maiden speech, to the Bill, which ultimately became, the IPOLA Act, the then Minister for Local Government and Planning, the Hon, J. I. Cunningham, merely referred to, how

> "The bill includes several minor changes to enhance the clarity and efficiency of dispute resolution processes. For example, the powers of the planning and environment court to excuse minor non-compliance with procedures has been expanded to apply to all proceedings under chapter 4 of the IPA, not merely appeals. (underline added, for emphasis, accordingly then)".

[78] e.g. *Fawkes*, *Chang*, *Barro*, *Lamb*, etc., coming later then. ...

[79] well, the latter, anyway, whereas, whilst, as I say, such would only seem to be practically set aside (as once were precedents) now (see, the mentions of same, in the **Endnote-No. 3**, above, herein), just quickly, for what the very exercise, of it all, might just be worth, and, naturally, only with all due respect, then, I might refer to, the very matters of;

1. *MLJ Accommodation Pty Ltd v Gladstone Regional Council* [2012] QPEC 79, i.e. which, whilst seemingly only erroneously (or *per incuriam* then) relied upon, in *Townsville City Council v Queenston Pty Ltd; Townsville CC v Lautaret Pty Ltd* [2017] QPEC 68, was;
   (a) notably, somewhat rushed and confused, being only-purportedly decided-*ex tempore*, apparently at very short notice, with the orders-purportedly made-by consent, then; and what is more;

of the SPA, and now, as regards, any dispute, about the length of a notification period[80], under the legislation (i.e. the SPA or the Act), moreover, as I say, the introduction of, Section-No. 37, of the PEC Act, did not, itself, seem to address, nor be impliedly directed at such matters, well, arguably anyhow, it only seems to logically follow, then, to the very effect of that, there was, no existing power, as such, of like nature, to be expanded upon, or even merely carried over, therein, you see, ma'am? ...

(b) there was apparently, no conclusion to the matter, afterwards-or none that I could find (online anyhow)-with the matter apparently having never gone any further then; whereas;

(c) according to the third order, so purportedly made therein, the appeal was listed for review, on the 14th of December, 2012, however, it seems to have only merely disappeared-from the courts' lists, altogether then;

2. *Multus v Rockhampton Regional Council* [2013] QPELR 301; [2012] QPEC 85, i.e. in which;

(a) well , whilst contrary to, the sorts of implications in, things like, the comment in the conclusion to the said paragraph-[81] in *Forrest & Forrest Pty Ltd v Wilson [2017] HCA* 30, Long SC DCJ, seems to have kind of descended into the arena, in *Multus v RRC*, as if to act as, some kind of apologist for, both, the proponent/applicant (Multus P/L), and/or, the very legislator (i.e. raising further questions then, as regards, the constitutionality of, the delegation of legislative powers...), insomuch as, that, he appears to have purported to practically excuse, everything and anything, in a great sort of saga-or a veritably long list of breaches of the very ordinary statutory requirements then; and;

(a) whilst, similarly, these were consent orders, more importantly, there is really, no way of knowing, if there might, otherwise have been, other objectors (see at paragraph-No. 180, of Spigelman CJ's judgment, delivered on behalf of the entire Court, in *Smith v Wyong Shire Council* [2003] NSWCA 322, wherein, quoting from Stein J, out of, *Curac v Shoalhaven City Council* 81 LGERA 124, it was reiterated;

> "The problem for the respondents on the issue of discretion is that while they can point to a lack of prejudice to the applicant, and many others, caused by the breach, they cannot be sure that some members of the public would not have come forward with objections if there had been compliance with the requirements of the statute. One will never know. As Mr Maston, appearing on behalf of the applicant, submits, it is the rights of the unknown objectors which the applicant presses. (underline added)"; moreover;

(b) this matter was purportedly decided under, the now defunct provisions, of Section-No. 820, i.e. somewhat distinguished then, even from, those of, Section-No. 440, of the SPA (see at, paragraphs-[50]-and-[51]-and also-[53], in the report, not to mention, how, the cases, relied upon in, the very footnote-No. 60, thereto, like I say [see in the **Endnote-No. 3**, above, herein, then], have apparently already been set aside, by subsequent legislative developments, now); and finally;

3. *Warner Village Pty Ltd v Moreton Bay Regional Council* (No 2) [2014] QPELR 1; [2013] QPEC 74, i.e. in which;

(a) while it seems to have been, only a, kind of blasé decision, itself, i.e. 'without reference to *Maher*; and what is more, with little-or no-regard for e.g. what Rackemann DCJ said, at paragraph-[39], in *Beerwah* (and see, also, paragraph-[40], thereof, then), i.e. obviously intimating, to the every effect of that, no discretion, is ever fully *unfettered* then; well

(b) e.g. whatever happened to, *Pioneer Concrete*, and, *Scurr*, etc., then!?!

[80] or, for that matter, even said the said provisions of, clause-(a), of subsection-(1), moreover, clause-(c), of subsection-(5), of Section-No. 264, of the Act (etc.).

Department of State Development, Infrastructure, Local Government and Planning
By Email: RPIAct@dsdilgp.qld.gov.au

RPI Act
Development Assessment Team,
PO Box 15009
City East QLD 4002

4 December 2022

RE: RPI22/027 – Ravenswood Gold – Ravenswood Gold Mine: Expansion and Buffer Reduction PLA

Dear Government & Assessment Members,

I wish to provide my public submission of material to consider as part of the application that has currently been submitted for expansion and buffer reduction within the Priority Living Area (**PLA**) within the Ravenswood township, Queensland, Australia. I am a resident of Ravenswood, living at [redacted] with significant issues having occurred as a result of living at this property to date, and subsequently having been informed to the mine operator in relation to operations impacting to my property with the existing mining operations considered unsuitable at times, at the current levels of buffer within the PLA to resource activities. Complaints, pollution incident lodgement with the Department of Environment & Science and issues with [redacted] (the exact exposure source of the various exposures – lead and arsenic – which has not been fully determined at this stage) have meant that concerns and issues have been raised with the applicant and various departments including Department of Resources – RSHQ, Department of Health and Department of Environment & Science, DES.

[redacted] faced with dust issues escalating in the prior weeks and specifically following activities the weekend of 12&13 March 2022, [redacted] in the hope that operations had sufficiently improved. [redacted] a secondary factor was in finding that the mine had not resolved issues I was facing satisfactorily at the time, and I have found this continues to be the case [redacted] I believe the ongoing meetings and communication with the operator in current issues has not achieved appropriate resolution in respect to issues being faced. As a result of the significant issues experienced during March 2022, [redacted] and subsequent advice and observations made by a geologist that attended during March and April, [redacted]

[redacted] existing operations continue to be unsuitable due to the significant noise, dust and continuing blasting fallout occurring and appearing to be present due to the already inappropriately low buffer zones between properties and the resource activities (as per existing resource operations). I make this submission to inform you that any further reduction in the buffer is entirely incompatible with the legislative requirements. I feel certain claims made by the applicant as part of their submission are inaccurate, and instead will outline my own findings that have occurred due to the significant issues faced in the previous 12 months. As part of this submission, I outline the reasons why I believe that the applicant is deficient in meeting the requirements of a RIDA application per buffer zone reductions in a PLA as per their application made for expansion of activities and reduction of buffer zones to adjacent properties.

1. Historic Mining Use Footprint in Respect to PLA Area

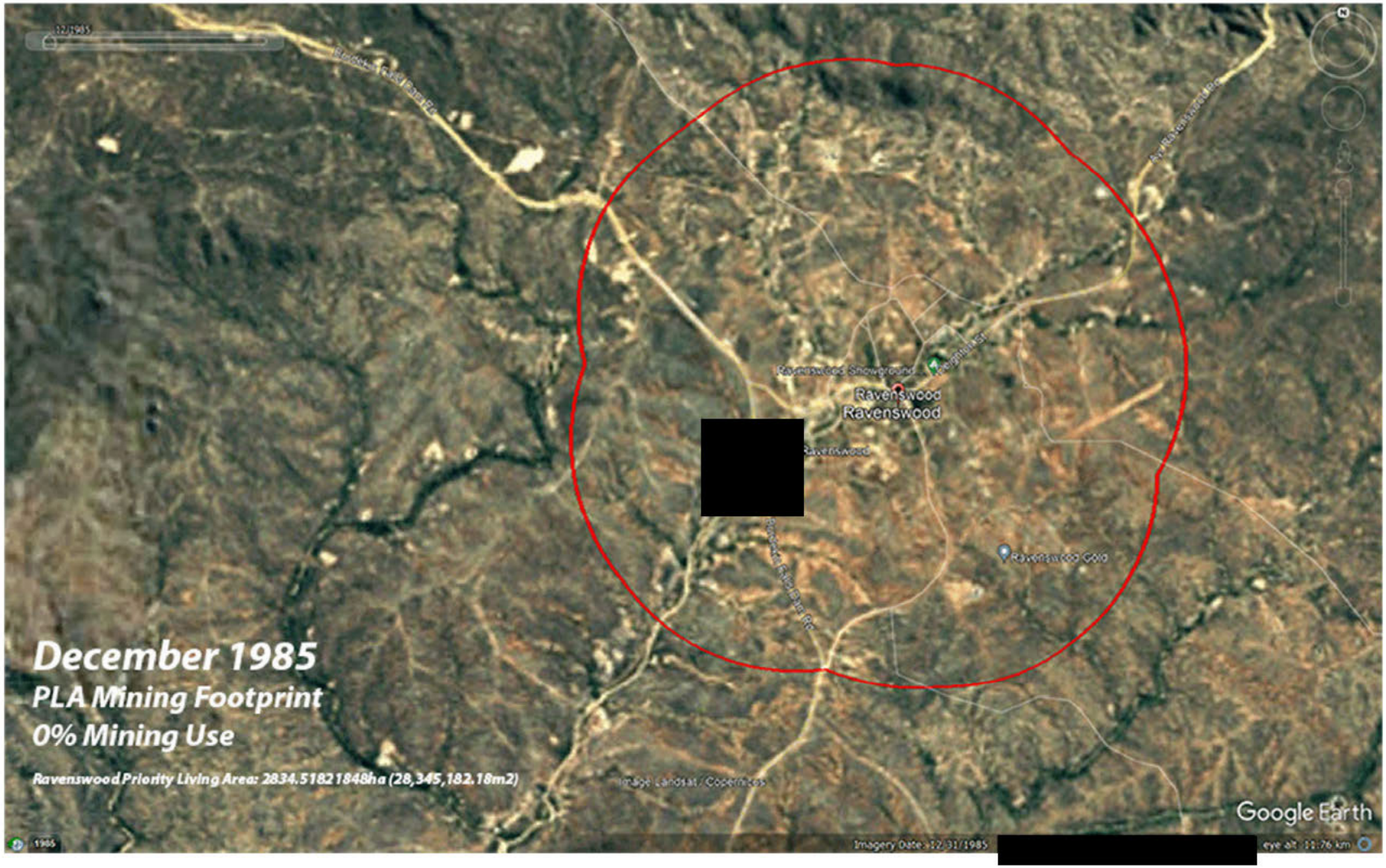
December 1985	0%
June 2006	13.42%
October 2011	13.42%
October 2013	13.51%
October 2018	14.24%
August 2020	14.56%
December 2021	20.54%
Current RIDA	23.74% (as per Proposed Application)

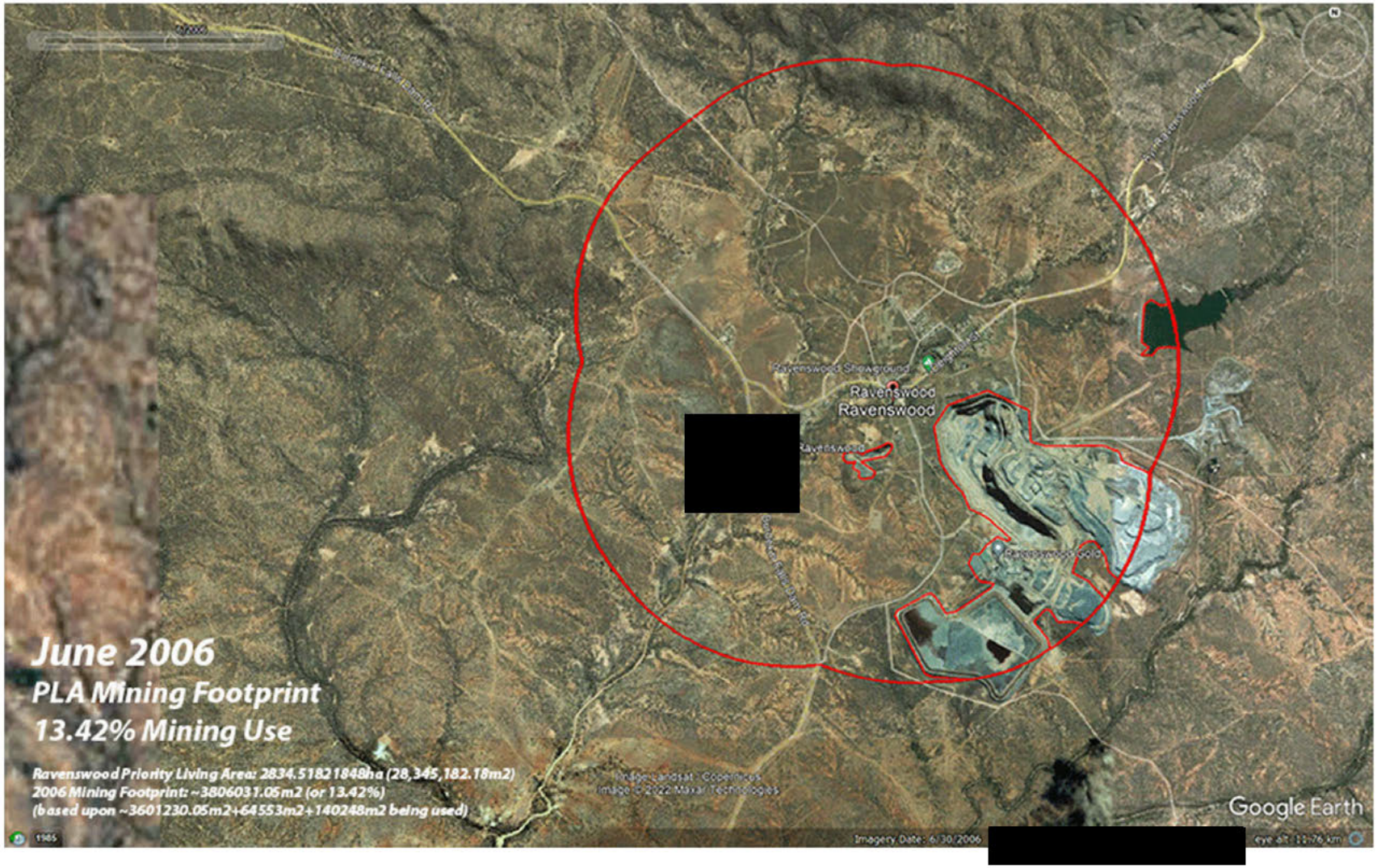
These details are particularly valid to consider given that the intended purpose is for the township purposes and somewhat incompatible with a significant resources' usage due to future planning. Between the period of June 2006 and August 2020, the portion of land within the PLA that could not meet with the intended use of the Priority Living Area increased from 13.42% to 14.56%, however since the time of inception of the Ravenswood PLA (was it February 2020 ?), significant expansion by the mine operator has caused significant increase in the non-intended use of the PLA for resources activities to 20.54% by December 2021, and currently what has been presented would increase non intended use as per resource activities to 23.74% as per the RIDA application presented.

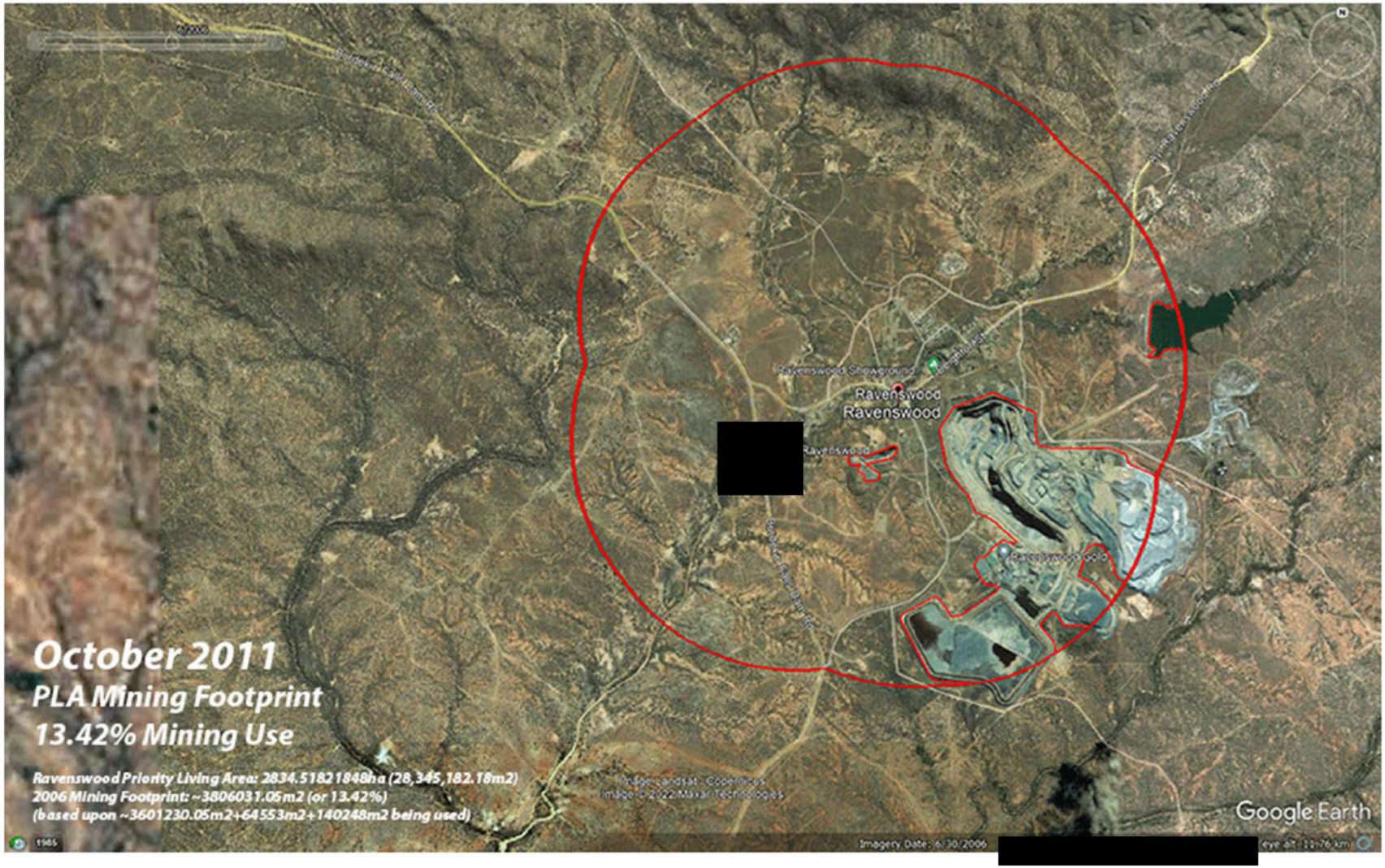
Where is the limit in respect to the proportion of the PLA when activities are deemed to have failed the primary objectives of the PLA – is it at 25%? 30%? 35%? 50?% Or has it failed already given the inability for previous mining areas to ever be used for public enjoyment and township expansion?

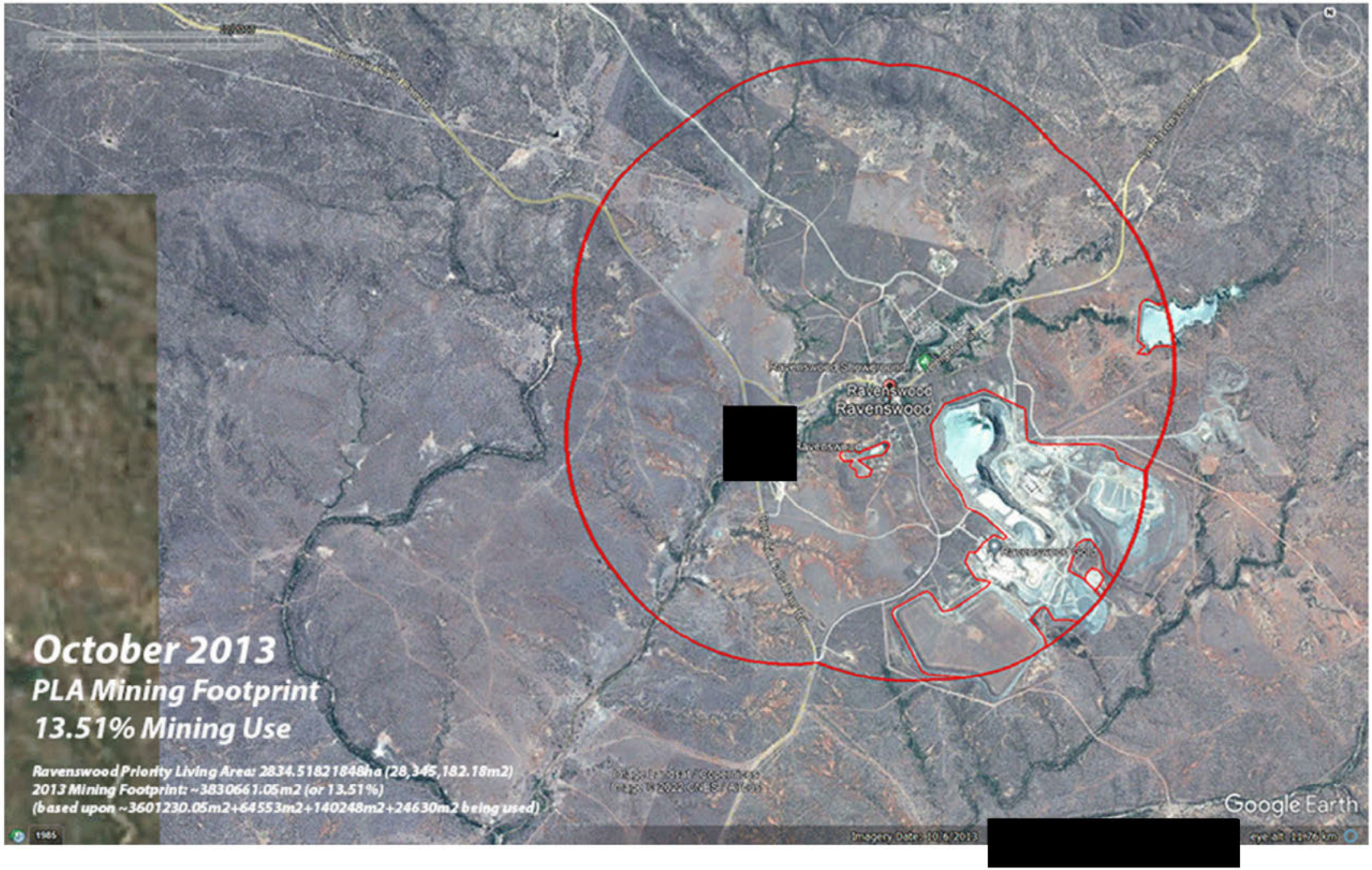
This comes as a significant concern for some members of the township, once the land has been set aside for resource activities, it is unlikely to meet with the intended use in future. You can't exactly build houses and provide recreational areas for the community on ex-mine erected walls, waste dumps, and significantly deep open mining pits which may possibly become dams in future.

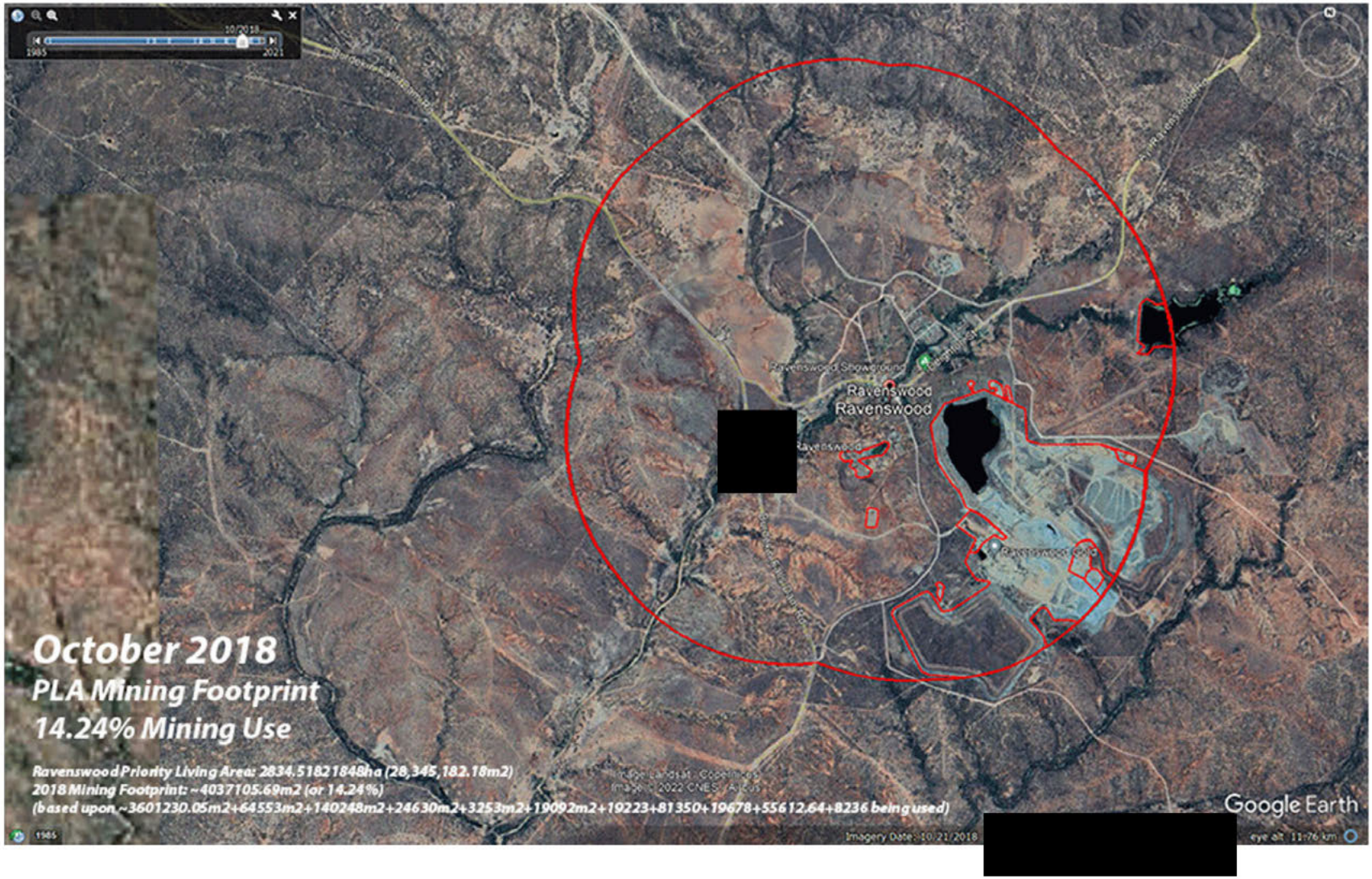
It is highly likely in future, mining operations will cease, and what's left may be historic abandoned ruins and a possible eyesore for the residents left within the township. The significant expansion has already affected certain properties, and impacted aesthetics which need to be considered in respect to properties and other issues. Significant erasure of compliant use of land within the PLA has already impacted aesthetics considerably to properties inside the PLA. *Note - The indications of percentage in slides following has been calculated measuring approximate shapes of unusable land due to mining pits, dam and infrastructure, however excludes water treatment & accommodation.*

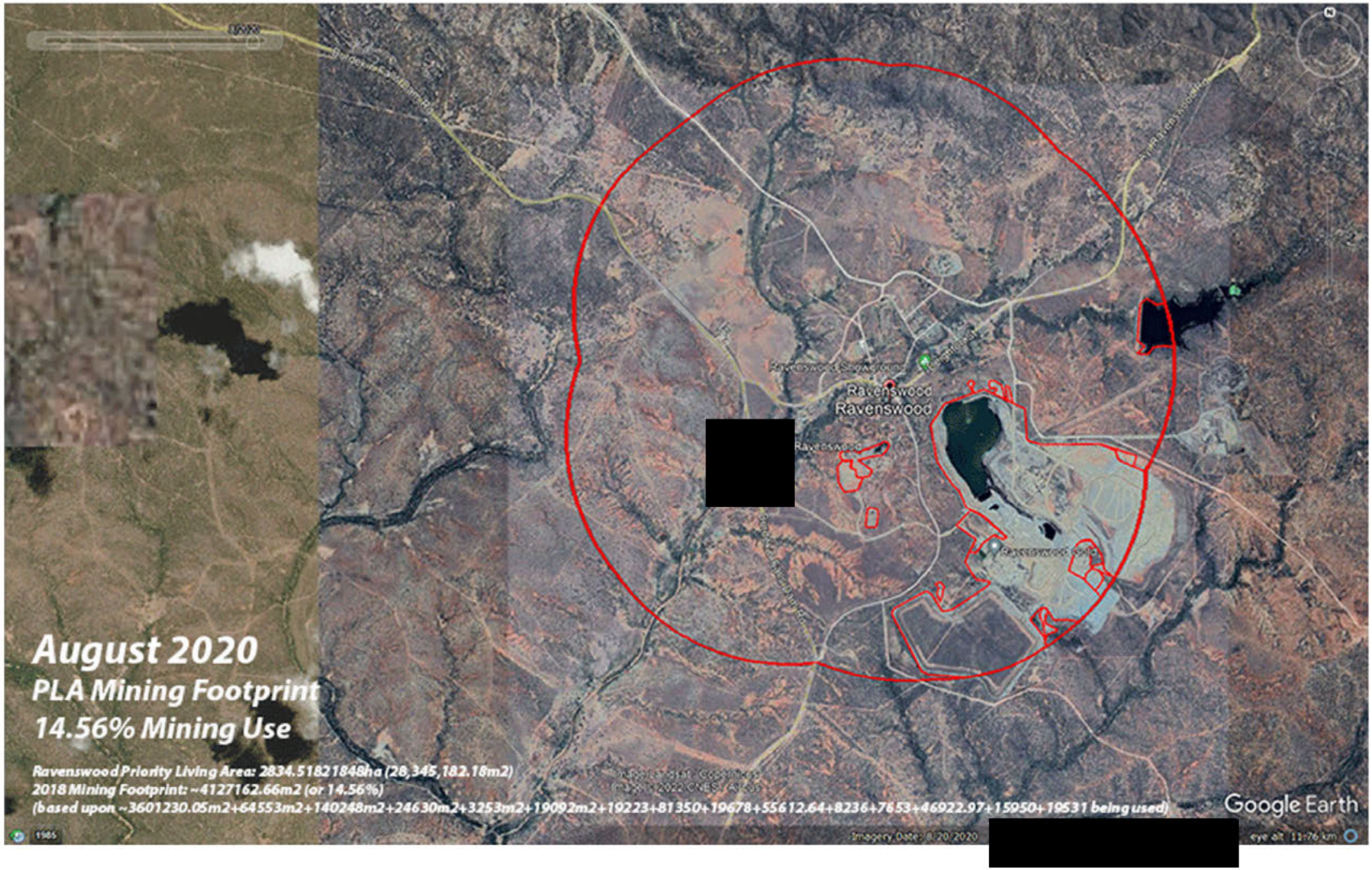

December 1985
PLA Mining Footprint
0% Mining Use
Ravenswood Priority Living Area: 2834.51821848ha (28,345,182.18m2)
Ravenswood
Ravenswood
Ravenswood Cem
Image Landsat / Copernicus
Google Earth
Imagery Date: 12/31/1985
[redacted]
eye alt 11.76 km

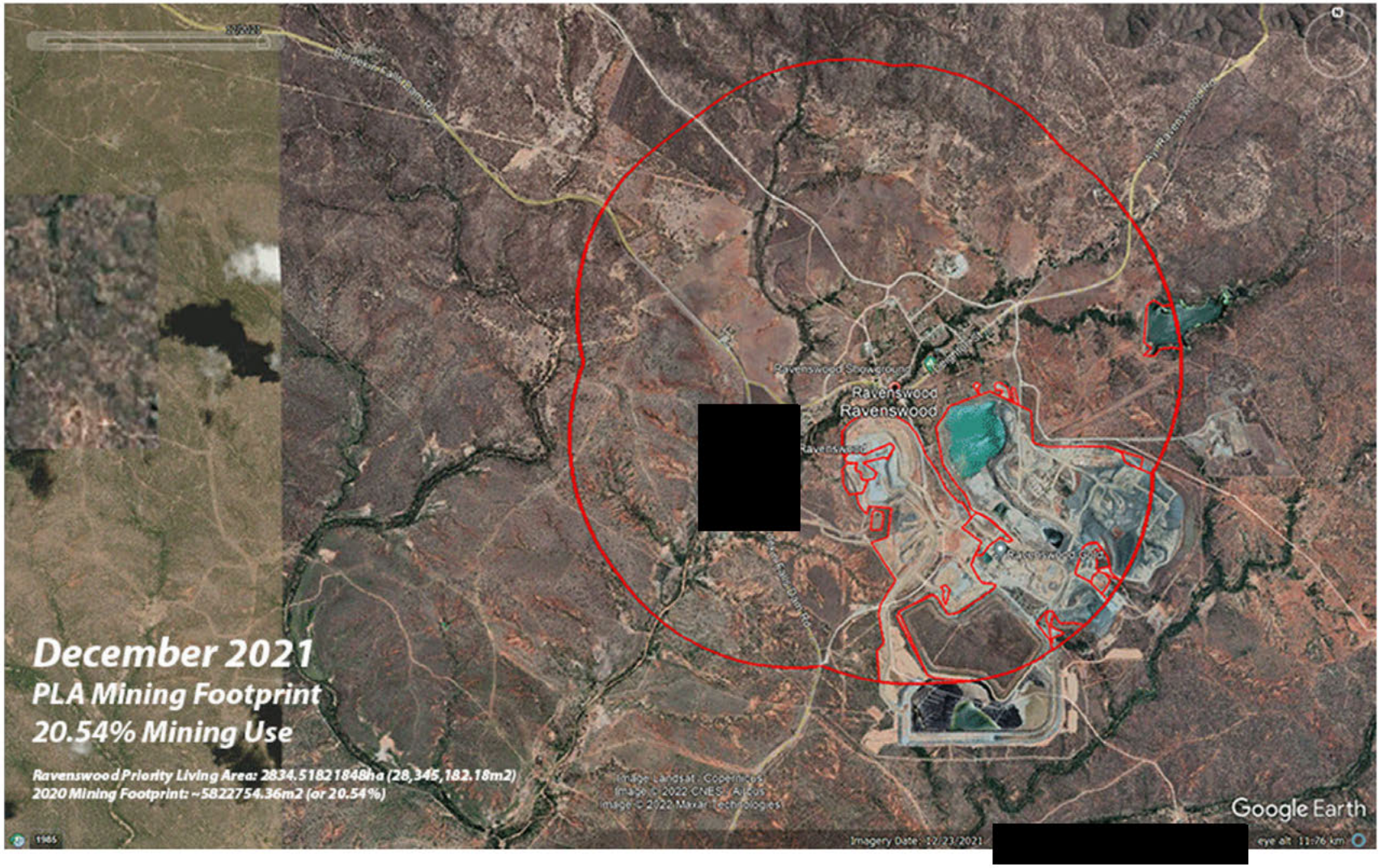

June 2006
PLA Mning Footprint
13.42% Mining Use
Ravenswood Priority Living Area: 2834.51821848ha (28,345,182.18m2)
2006 Mining Footprint: ~3806031.05m2 (or 13.42%)
(based upon ~3601230.05m2+64553m2+140248m2 being used)
Ravenswood Showground
Ravenswood
Ravenswood
Ravenswood
Ravenswood Gold
Image Landsat / Copernicus
Image © 2022 Maxar Technologies
Google Earth
Imagery Date: 6/30/2006
[redacted]

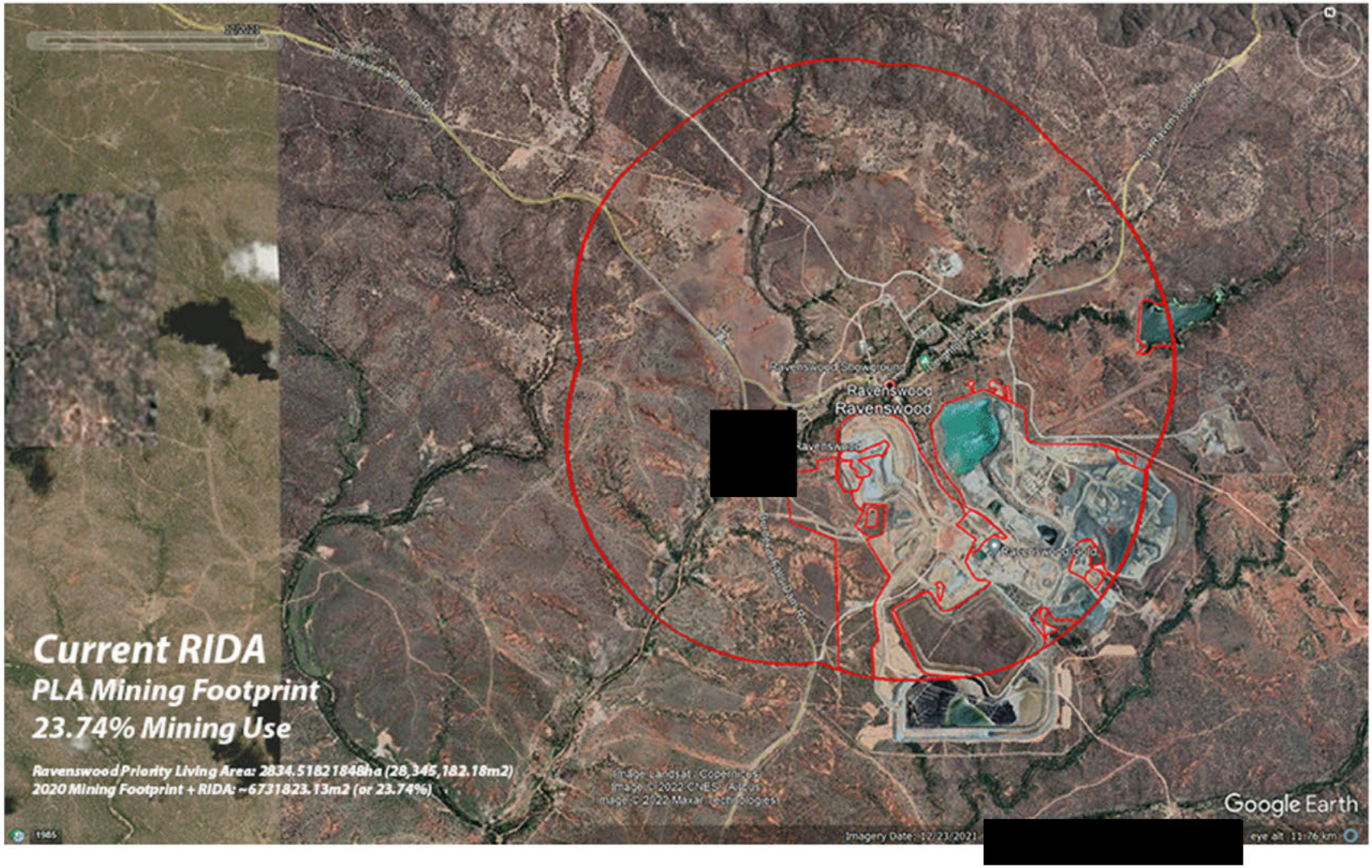

October 2011
PLA Mning Footprint
13.42% Mining Use
Ravenswood Priority Living Area: 2834.51821848ha (28,345,182.18m2)
2006 Mining Footprint: ~3806031.05m2 (or 13.42%)
(based upon ~3601230.05m2+64553m2+140248m2 being used)
Ravenswood
Ravenswood
Google Earth
Imagery Date: 6/30/2006


October 2013
PLA Mining Footprint
13.51% Mining Use
Ravenswood Priority Living Area: 2834.51821848ha (28,345,182.18m2)
2013 Mining Footprint: ~3830661.05m2 (or 13.51%)
(based upon ~3601230.05m2+64553m2+140248m2+24630m2 being used)
Ravenswood
Ravenswood
[redacted]
Google Earth


October 2018
PLA Mining Footprint
14.24% Mining Use
Ravenswood Priority Living Area: 2834.51821848ha (28,345,182.18m2)
2018 Mining Footprint: ~4037105.69m2 (or 14.24%)
(based upon ~3601230.05m2+64553m2+140248m2+24630m2+3253m2+19092m2+19223+81350+19678+55612.64+8236 being used)
Ravenswood
Ravenswood
Google Earth
[redacted]


August 2020
PLA Mining Footprint
14.56% Mining Use
Ravenswood Priority Living Area: 2834.51821848ha (28,345,182.18m2)
2018 Mining Footprint: ~4127162.66m2 (or 14.56%)
(based upon ~3601230.05m2+64553m2+140248m2+24630m2+3253m2+19092m2+19223+81350+19678+55612.64+8236+7653+46922.97+15950+19531 being used)
Ravenswood
Ravenswood
[redacted]
Google Earth
[redacted]


December 2021
PLA Mining Footprint
20.54% Mining Use
Ravenswood Priority Living Area: 2834.51821848ha (28,345,182.18m2)
2020 Mining Footprint: ~5822754.36m2 (or 20.54%)
Ravenswood
Ravenswood
Google Earth


Current RIDA
PLA Mining Footprint
23.74% Mining Use
Ravenswood Priority Living Area: 2834.5182 1848ha (28,345,182.18m2)
2020 Mining Footprint + RIDA: ~6731823.13m2 (or 23.74%)
Ravenswood
Ravenswood
Google Earth
[redacted]

The below figure indicates the areas the application impacts and areas in reduction of buffer zones;

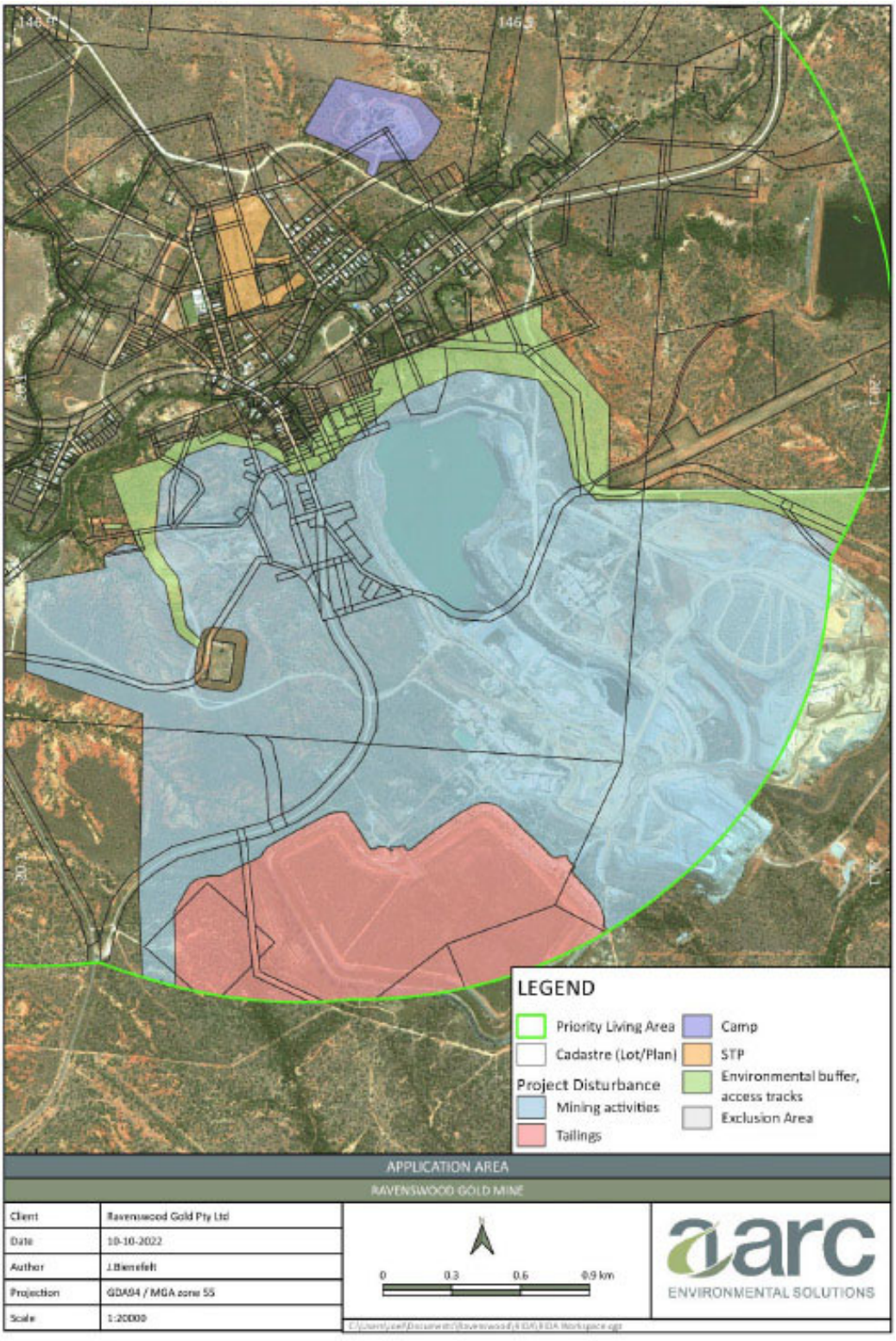


Figure 2. Total application area for which approval is being sought.

Figure – The RIDA Application Submission Documentation Includes Significant Buffer Zone Reductions in Between Areas of Resource Activities and Properties (Referred to as "Mining Activities")

For a RIDA application for a resource activity within a PLA to be successful, it requires to fulfil the following required outcomes as part of legislative requirements;

- **Part 3 – Priority Living Area – Section 6 Required Outcome**
- *"The location, nature and conduct of the activity is compatible with the planned future for the priority living area stated in a planning instrument under the Planning Act."*
- The application is incompatible with the requirement of the RPI Act and RPI Regulation, as insufficient data has been presented by the operator as part of the application to provide for **conduct** of its expansion activities, including in respect to mitigation techniques for dust, blasting operations, noise mitigation and measurement apparatus to be installed at sites that would become increasingly affected by the expansion within the PLA.

As such, applicable data to consider regarding the **conduct**, requires to consider the existing conduct of the operator and its abilities to function in performing operations to suitable community satisfaction. This is particularly significant to consider given the substantial reduction of buffer zones from resource activities to nearby properties, including my own and the problems we currently face.

1.1 Dust

- I do not believe the existing EA imposes strict dust mitigation techniques (in fact, there are many deficiencies that appear to be present and require update in the EA to enable suitable living conditions and far less impact from the existing operations) on the operator and the fact remains that mining operations causes significant dust, reduced visibility (less than 20km visibility) on repeated occasions, requires consideration based upon;
- Items of concern being provided in the closure of a pollution incident ticket earlier this year, where information provided by members of the Department of Environment and Science, when closing off the pollution incident review for "Air quality and noise concerns";
    - *"DES have noted that the [Operator of] (the mine) environmental authority number EPML00979013 (the **EA**) do not require metals analysis in their air quality monitoring requirements, and do not have associated compliance limits listed within the EA.*
    - *Other published limits for Lead and Arsenic in air are identified as annual averages values in acknowledgement that long term exposure to these elements are what is likely to have an environmental impact.*
    - *The mine proactively analyse their dust deposition samples (required under the EA) for heavy metals, however **it is noted that on many occasions the bottles do not collect enough of a sample for heavy metal analysis**.*
    - *Excluding heavy metals analysis, the EA requires the mine to monitor air quality impacts through the use of a number of instruments, and have relevant air quality limits specified in the EA that are associated with acceptable environmental impact.*
    - *The EA also requires the mine to conduct noise monitoring, and also specifies noise limits.*
    - *If the mining activity was to cause an exceedance of these specified limits in the EA, the mine are required to notify DES. If any breaches of conditions occur, DES will follow up with a compliance response in line with the DES Enforcement Guidelines."*
- I would ask how does the mine operator conclude if it had breached any conditions, when it has not taken steps to install effective noise monitoring apparatus at properties that continue to have significant noise and dust issues, and by the material provided by DES

suggests that in most instances, dust monitors have insufficient material to allow for any heavy mineral analysis? Is this to be considered appropriate or normal in Queensland?

- The Environmental Authority (**EA**) does not require heavy metal analysis on dust content; I as a community member have not been provided any evidence nor sufficient information relating to my enquiries in relation to any potential exposure to arsenic, arsenic-compounds, sulphide compounds and other hazardous materials, and as such, the application should be refused until the operator has been able to amend its EA to include stricter conditions, including heavy metal analysis of all dust monitoring points in and around the operations, which I believe should also be regularly scrutinised for potential hazards and provided to the RSHQ for further consideration.
- As such, and until EA conditions have been improved, any application that significantly reduces buffer between operations and property locations should be refused, on the possibility of public health impacts due to operations occurring closer to property locations.
- It has been informed to me by historic staff of the mine, that the previous operator (Resolute) had strict requirements in relation to dust mitigation techniques, which included the use of truck mounted water cannon to thoroughly wet blasted material ore prior to the loading, transport and subsequent unloading of this ore. In the times where I have conducted viewings of operations from within the pit, I have only seen water carts wetting the road areas of the pit, and in the occasions when I was viewing it was only for limited periods. [redacted] the current mine operations do not provide for this requirement offering an explanation why the dust levels have increased since the activities of the previous operator. Any application as part of RIDA encroachment on buffer zones to properties within the PLA with things as they stand, would be considered unsuitable, given the operator does not sufficiently employ suitable dust mitigation techniques to provide for effective use of properties within the Priority Living Area, in respect to a significant buffer around its own operations, to ensure its operations do not affect properties adjacent and surrounding its operations within the PLA.
- The problem is considerable and easy to see for residents, when you consider we walk outside our properties at night time with a torch which enables to point up and see the significant dust content of the air, which we believe is directly resultant by the mine operations, even at the present level of buffer zones to mining operations. Unfortunately attempts to photograph this does not sufficiently show in these photographs, so it's been rather difficult to have others fully understand the exact issues we are facing in our town. As such, any encroachment is considered unsuitable given the existing operations and EA conditions, and this will unsuitable affect nearby properties in a higher degree, thus the application should be rejected (or possibly placed on an extended hold) until suitable remedy can be made for the existing issues being faced by residents before these escalate by operations occurring in nearer vicinity and reduction in buffer between properties and the resource activities.
- In fact, if I can share an experience - items were so bad earlier this year when the mine had lights positioned up into the sky, that you could see the dust from its operations reaching the cloud layer consistently (meaning almost every single night) at night time. Whilst the significant dust has continued, the lights have been positioned down, possibly to reduce public comments about the significant amount of dust being generated by activities.
- I have concerns about any potential hazardous materials in respect to public health as part of the continued issues with dust and blasting fallout (which may include some hazardous compounds that the dust contains as well as hazardous nitrous fumes from ammonia blasts),

namely arsenic (as a result of any areas of mining operations containing arsenopyrite gangue in the ore), lead (as a result of any areas of mining operations containing galena gangue in the ore) and accessory pyrite and pyrrhotite sulphide content (see ***Section 5 - Geological Information***). These were first highlighted when a geologist colleague visited the township and provided some observations including his own on the day, and also his recollection from a tour of historic operations within initial open pits at Ravenswood during the 1990's. I would feel that the questions that I have asked of the existing operator, have not been answered to date in respect to the potential health impacts, and further I have not seen any information or evidence in how the operator is able to ensure that there is no possibility of its operations ensuring the public cannot be affected by any such possible hazardous components in dust and blasting fallout which continues to affect properties (including hazardous noxious gases). I continue to await a response from the operator in these items.

- "The canopies of trees act as a physical filter, trapping dust and absorbing pollutants from the air. Each individual tree removes up to 1.7 kilos every year. They also provide shade from solar radiation and reduce noise." - https://www.westtorrens.sa.gov.au/Environment/Trees/Benefits-of-trees
- I do not believe suitable improvements have been introduced to reduce impacts of existing mining operations that continue to affect residents for current operations, and thus any expansion cannot meet with legislative requirements that cause a reduction in buffer levels to existing properties. I believe reasonable improvements would include (1) effective monitoring to ensure operator compliance at the locations where it is known that noise issues continue to exist and (2) Planted significant trees to use as a sound and dust buffer between areas of current operation and affected properties. (3) Modification to scheduling of operations and only performing noisy activities during reasonable hours only.
- Given the conduct of the operator, the area not having any tree buffer between properties and the proposed mining operations, unless and until stricter conditions are introduced on the EA that sufficiently supress dust causing operations, blasting fallout and limiting noise to reasonable hours only by the mine operator to nearby properties, the conditions have not been met by the application in respect to **conduct** in relation to dust causing activities and as such the application should be rejected.

1.2 Noise Impacts

- Currently, the EA does not limit operating hours of the site, and operations occur 24x7, in line of sight to properties, including my own. My location is particularly sensitive, given I am one of the properties that has heavy machinery operating 24x7 in line of sight to my property. There are no trees installed between my property and the expansion area of operations that would provide a reduction of dust / noise and thus a reduction in buffer to operations from the current levels (800-850m) to approximately half (400-450m) is quite unsuitable given the issues being experienced.
- It is unsuitable to expand the PLA unless a prior amendment to the operator EA provides for hours of operation between reasonable hours (as an example between the hours of 7am-7pm). Without this, any possible consideration of expansion within the PLA should be refused as it cannot meet with the requirements of the RPI Act and RPI Regulation, nor considers the mental health and wellbeing aspects of the community and owners living in near vicinity to operations.

- Existing operations are unsuitable for the intended use of the PLA due to the hours of operation being unrestricted and noise and activities occurring 24x7, with heavy machinery (including dumping of material in line of sight to my property) occurring at all hours. [redacted]
- The problem is significant enough that in a recent period of four weeks, [redacted] was impacted on at least 5 occasions (one was cicada noise at over 75dB –I cannot verify if the cicada noise was resultant due to any potential increase in noise from the mine and my equipment being used is not calibrated), two of these periods were for quite considerable extended periods. I have asked if the operator can install suitable noise monitoring at my property, and I currently await response on a number of requests.
- Information has been provided on a number of occasions to the mine in respect to the possible breaches of the EA & EPP conditions for a period of more than 12 months in respect to noise at my property. It has not been remedied to satisfaction by the operator within this time period, nor has it taken steps to enable monitoring of true noise levels at my property.
- Noise impacts are significantly compounded by the mine operations due to affected wildlife in the region. When noise from mine operations is significant enough, it affects the wildlife (birds & cicadas), and in some instances the wildlife noise (which is believed to be affected by the significant mine noise occurring at times) has been measured at up to 78dB when at my property. Often, the noise from mine operations has caused birds and other wildlife to become awake at unusual hours (2am -3am), causing considerable difficulty [redacted] at my property on a significant number of occasions.
- The noise issues have been discussed with the mine operator for extended periods, and yet noise has affected my property for over a year since making the operator aware of the issues. This has been informed to the operator on multiple occasions and still interruptions [redacted] have continued on a significant number of occasions.
- The operator has been either unwilling or unable to install effective noise monitoring apparatus that would provide the ability for it to monitor its own noise pollution to properties that continue to be affected by the operations and are located in areas of line of sight to the operations that occur 24x7. My property is affected, however I believe there is no noise monitoring apparatus at or near my property (or anywhere else that would enable to monitor the noise levels for these properties that are in full visibility of the line of sight operations for that matter), with the nearest noise monitoring apparatus informed to me as being located at Henry Street, where at this location, I do not believe it has line of sight to the heavy machinery and operations that continue to have been occurring 24x7, and thus insufficient to monitor the monitor the operators own noise pollution levels at my property.

1.3 Blasting Fallout

Figure – Picture Provided by Another Resident – Advised Blast Fallout Affecting James Street 27/03/2022

Figure – Picture Provided by Another Resident – Advised Blast Fallout Affecting James Street 27/03/2022

- Blasting activities continue to cause considerable angst, with blasting last week (22/11/2022) affecting properties again. The problem has been significant and has not achieved successful resolution sufficiently to date. In my communication to the legal representative of the mine operator later that day, I wrote: *"As another note – today's blasting occurred just prior to the wind direction changing. In this instance, it came over the wall toward my property……. ….. and then as it came just beyond the wall (let's say within 50m or so), the wind direction changed and it drifted entirely through the properties on Henry Street, main township and in the valley behind Top Camp (possibly even through the rear area where campers stay at Top Camp), at surface level. Whilst today didn't affect my property, it goes to show how the wind direction causes significant impact also.".* After reviewing the area that the blasting fallout was seen to affected on that occasion, I believe it affected numerous properties at surface level for properties located within James and Henry Street, in a similar fashion as displayed in the photos provided from a similar event earlier this year, similar in that the blasting "cloud" enveloped properties, though the height of the blast material on 22/11/2022 was somewhat less than in the photos shared above from earlier this year.
- DES has advised it is not responsible to monitor (nor rectify) issues with blasting fallout & hazardous gases caused by blasting activities, as per the pollution review request earlier this year. Given this being the case, the existing EA is insufficient to allow any potential expansion of activities within the PLA nor reduction of buffer zones to existing properties. The matter should be concluded with refusal until after amendments to the EA provide for healthy and free use of adjacent property, and ensuring that no nuisance is possible from mine operations in respect to blasting and potentially hazardous gas fallout onto properties.
- [redacted] has been approached and currently awaiting a response on the existing issues with blasting operations of the operator, being unsuitable as part of operations within a PLA.
- Blasting continues to mobilise dust and possible toxic compounds, well beyond the height of the protecting walls surrounding the mine operations. Given that [redacted] the level being worked within the pit is some 60m below surface, an estimate of the walls being 20m high, it is a reasonable estimate to inform that the blasting practices of the operator mobilise dust from the ore being blasted well in excess of 100m into the air.
- In my email to the legal representative of the applicant, dated 22 November 2022, I wrote: *"There are significant issues if the material is mobilised in instances at 50m, 60m, 100m vertically into the air and allowed to go off the lease areas. I would believe that the perimeter wall is absolutely useless when the explosives, charging and layout pushes the material two or three times the height of the wall into the air. Once suspended, the material can travel for kilometres. "*, I'd further say that it does, when the blasting cloud gets out of the perimeter walls, it does travel for kilometres in whatever direction the wind takes it, and it's a case of pot luck and unfortunate when it happens to affect your property, especially when your property is in near vicinity of the pit perimeter and mining operations.
- This makes the buffer zones and any possible reduction extremely valid to consider in light of the existing operations and conduct of the applicant.

1.4 Potential Adverse Health Effects

Figure – Water Tank [redacted] - Considerable Sludge Potentially from Resource Activities (Possible Dust & Blasting Fallout) – Cleaned 7/11/2022

- My property is reliant on rainfall capture, which is particularly problematic given the levels of dust and any blast fallout over the roof (rainfall capture areas).
- My property has no connection to a permanent water source.
- The proposed activities under the RIDA and reduction in buffer within the existing buffer zone of the PLA is entirely inappropriate when considering the current dust and blasting fallout occurring by the operator.
- [redacted]
- It is my belief that the conduct of existing operations, existing EA conditions and any existing approved operations resulting in buffer reduction within the PLA is entirely inappropriate and should be refused, specifically given the resolution of a number of issues outstanding.

1.5 Arsenic, Arsenic Compounds & Sulphide Compounds

- I would refer you to ***Section 5 - Geological Information*** to provide you certain basis for these concerns, which are available at the end of this document.
- On multiple occasions the operator has been approached regarding concerns over possible health concerns in relation to lead, arsenic, arsenic compounds, sulphides and components of dust particulate, in my opinion has not sufficiently provided information that would be considered appropriate in my enquiries and in sharing my concerns.
- I feel it would be necessary for the operator to adequately measure the potentially hazardous, toxic (including carcinogenic) compounds that affect existing properties, prior to any buffer zone reduction within the PLA being considered.
- I have included some information in relation to the arsenic, lead and other hazardous sulphides, and also have concerns about the potential for toxic gases in blasting fallout when the blasting cloud affects properties.
- The concern in respect to sulphide content as a component within dust particulate was made aware from discussions with senior members of the South Australian Environmental Protection Agency, which suggested it may be possible for sulfur & sulphide content of dust particulate having the potential to become transformed on the lungs to sulfuric acid with simply the addition of moisture (humidity).
- Until any EA conditions are introduced to safeguard the public health risks of mining operations, which I feel currently provide insufficient safeguard, there can be no consideration of any possible buffer reduction within the PLA.

Figure – Satellite Image of Existing Operations & Buffer Zones Within PLA (Satellite Image Dated 23 December 2021)

2. Buffer Zones

As outlined above, due to existing conduct, and inappropriate deficiencies as part of the conditions relating to the applicants EA, any reduction of buffer zone between resource activities and affected properties is considered unsuitable until improvements are made in the EA and the operations of the operator. Under the application made, if it were to be successful, the following buffer zones are currently being reduced as per information contained in the RIDA Application;

Property	Existing Buffer	RIDA Application Proposed Buffer
[redacted]	550m	0-50m
	800-850m	400-450m
	1000-1050m	500-550m
	1300-1350m	650-700m

- I believe one possible reason for my property being highly sensitive to noise (and other properties affected), may be that mining operation noises echo from the main pit and off the second wall, as displayed in photos below.
- Another factor that may come into play is the location and distance of our properties potentially reducing the effectiveness of any noise protection offered by the walls.
- It certainly would also include line of sight and noise generating operations continuing 24x7.

I would again highlight I am one of the properties that is in full line of sight to heavy machinery operating 24x7. There is no significant tree cover located between the proposed expansion area and my own property, and as such there are no ways to significantly reduce dust, nor noise between the areas of proposed activities and properties. This also does not factor an increase in blasting fallout issues occurring in closer and more frequent nature to properties affected. This has not been considered under the application proposed, and as such should be rejected, until significant amendments can be made to the application, the EA and operations of the mine operator.

In fact, in a recent conversation with [redacted] we both identified that we are able to hear people talking at each other's properties, and in fact one morning recently I thought a handyman had begun working early on my property as the sounds of hammering sounded like they were on my property, when in fact they were located some 300-400m on the [redacted].

Any reduction in buffer is entirely unsuitable and not within the Act and Regulation terms, as outlined above.

As you can see, the existing operations have a significant impact on the immediate vicinity of the activity, and thus similarly it can be concluded that any expansion and reduction of buffers within the PLA will similarly have an adverse impact on the land in the immediate vicinity of the activity as well as the land in the priority living area generally, as per proposed under the RIDA application.

The application does not meet with legislative requirements as the application requires to ensure;

(a) the activity is unlikely to adversely impact on development certainty—
(i) for land in the immediate vicinity of the activity;

and

(ii) in the priority living area generally;

(b) carrying out the activity in the priority living area, and in the location stated in the application, is likely to result in community benefits and opportunities, including, for example, financial and social benefits and opportunities.

For many residents, the current issues faced causes considerable angst and concerns. Many residents have been affected by the mining operations for a number of years, and it was pointed out in last month's community meeting that some of the same repeated issues are being brought up in each meeting, without any action points being presented by the mine operator to provide any final resolution for the various issues faced by residents.

I would believe this displays some issues that require resolving, prior to any consideration of activities within the PLA and the reduction of buffers to properties within the Priority Living Area, should be deferred until existing issues have been resolved. I would believe that the Operations Team of the operator have been provided knowledge of existing deficiencies, and their application does not consider the substantial known issues that are faced by residents and visitors alike.

This is particularly problematic as certain properties are affected in a higher degree due to operations not being sufficiently behind protecting walls that shield impacts of operation.

I would submit that it's unsuitable to remove the buffer between their properties and the mine operations, or significantly reduce the buffer as per the application being considered. Doing so, may cause the properties to be unsuitable due to blasting practices and operations, significant noise & dust issues and increase any potential for public exposure to hazardous materials under the existing application.

I submit my communications with their legal representative dated 17/11/2022:

[redacted]

In all seriousness though, [redacted] *was aware of the noise impacts to my property some year ago. I'm now faced with the reality of installing my own independent sound monitoring devices and dust monitoring since they haven't been able to make appropriate changes to satisfy requirements of ensuring good quality sleep, nor have they informed that they have installed a monitoring point that provides them with the ability to scrutinise noise levels at properties that have less degree of protection to noise pollution (as an example, my property).*

Failing a plan and resolution / remediation including adequate communication, my possible next steps are to install independent noise and dust monitoring apparatus at my property. Though a flashing strobe and sign may be something in future that needs to be considered, I believe it's prudent to adequately show the noise levels and impacts as part of a further noise pollution review. Whilst I had not wished to go down this path, your client has not shared what they have done to reduce the noise, nor has it become reasonable and conducive to a good healthy sleep."

Figure – Photo from [redacted] veranda, bedrooms are located at areas of highest Sensitivity to mine operations given 24x7 operations and line of sight to resource activities, including the dumping of material over walls

Figure – Photo from [redacted] Location to existing mine operations (on the right is the [redacted]), which I believe displays the lack of tree protection in offering any suitable sound and dust reduction, and toward the areas where expansion of mine activities has been proposed under the RIDA Application / buffer reduction.

3. EA (Environmental Authority)

I am a little unsure in relation to the "correct" environmental authority (EA), as there appear to be three "in force" authorities displayed for the EA mentioned in the application, all with different take effect dates on the Department of Environment & Science website, however I include some excerpts from what appears to be the most recent EA with effect date of 5 August 2022. These three EA's are available on the DES website at the following URLs and attached: https://apps.des.qld.gov.au/public-register/pages/ea.php?id=103294. The application may be making reference to what appears to be a previous EA (going by a newer EA and take effect date), however I will consider the notes based upon the newest version, becoming effective 5 August 2022;

A1 This environmental authority authorises environmental harm referred to in the conditions. Where there is no condition or this environmental authority is silent on a matter, the lack of a condition or silence does not authorise environmental harm.

A2 Contaminants with the potential to cause environmental harm must not be released directly or indirectly to the receiving environment, except as permitted under the conditions of this environmental authority

Table E1 – Authorised contaminant release points

Release Point (RP)	Location (GDA 94 - Zone 55)		Release source	Monitoring point	Receiving waters description
	Easting	Northing			
RP1	489650	7778179	Reverse Osmosis Treatment Plant	Reverse Osmosis Permeate Tank	Upstream of SW057_SAR, Suhrs Creek
RP2	489895	7775300	Sediment Dam Nolan's West	Dam spillway	Sandy Creek
RP3	490947	7775480	Sediment Dam Waste Rock Dump South	Dam spillway	Sandy Creek
RP4	489641	7775512	Sediment Dam Processing Plant	Dam spillway	Sandy Creek
RP5	482138	7783961	Mt Wright Dam	Dam spillway	Tributary of Kirk River
RP6	488183	7775800	Buck Reef West Waste Rock Dump	Dam spillway	Elphinstone Creek

E3 The release of contaminants to waters must only take place in accordance with all criteria for release specified in 'Table E2 – Contaminant release criteria and recording'.

Table E3 – Contaminant release limits

Contaminant[3]	Release Limits for RP1[15]	Release Limits for all other release points in Table E1 [10][15]		Monitoring Frequency
		T <=48 hrs	T>48 hrs	
Electrical conductivity (µS/cm)	650[1]	M[12,13] x 150[11]		Every 15 minutes during a release
pH (pH Unit)	6.5-8.5[8]	6.5-8.5[8]		
Turbidity (NTU)	7.5[1]	For interpretation purposes		
Total Suspended Solids	N/A	620[2]		**For all release points** Daily during release (the first sample must be taken within 2 hours of commencement of release) **For RP1 only** Once a week after seven days consecutive release
Sulfate	TBD[1]	TBD[1]		
Aluminium	0.055[5]	M[12,13] x 0.15[9]	M[12,13] x 0.055[5]	
Arsenic	0.013[5]	M[12,13] x 0.14[9]	M[12,13] x 0.013[5]	
Cobalt	TBD[1]	TBD[1]	TBD[1]	
Copper	0.0014[5]	M[12,13] x 0.0025[9]	M[12,13] x 0.0014[5]	
Manganese	1.9[5]	M[12,13] x 3.6[9]	M[12,13] x 1.9[5]	
Molybdenum	0.034[4]	0.034[4]	0.034[4]	
Uranium	TBD[1]	TBD[1]	TBD[1]	
Zinc	0.008[5]	M[12,13] x 0.031[9]	M[12,13] x 0.008[5]	
Cyanide (as un-ionised HCN, measured as [CN])	0.007[5]	M[12,13] x 0.018[9]	M[12,13] x 0.007[5]	
Nitrate (as N)	2.4[6]	M[12,13] x 6.9[7]	M[12,13] x 2.4[6]	
Major ions	For interpretation purposes			
Hardness				

Notes:

I respond that it is my belief that public members have not been adequately made aware that the applicant is authorised to flush contaminants including arsenic, in particular to Elphinstone Creek given that I am aware water connections to it are used from time to time for water at properties that have no connection to a permanent water service, which may affect a number of properties and take up points. I believe that use has been conveyed to the operator on a number of occasions, including in my own communications surrounding water sourcing issues.

Personally, I have informed the operator in relation to a historic water connection to the Creek still being present at my property and that it is believed to have been severed by their team when they installed a track to a water monitoring point at Elphinstone Creek, and there has been some communication in respect to possible remediation, which was recently followed up and yet factors relating to potential approved contaminant release have remained unknown until I read that specific EA condition. I do not believe I have ever received any guidance from the operator to inform that the use of this Creek would be inappropriate given approved flushing of contaminants. I believe the operator is aware of some of the other connections that are in place to water take up from Elphinstone Creek by others, I do not believe these members of public are aware of these factors either, else it would have come up in conversations. Why has the operator not informed me regarding this information (and potentially other users of Elphinstone Creek) that it is licensed to release contaminants, releases contaminants from time to time, or otherwise may do so anytime? It's important to be provided accurate information when you're reliant on water and don't have any connection to permanent water.

A14 The environmental authority holder must record all environmental complaints received about the activities and provide to the administering authority on request, including:
a) name, address and contact number of the complainant;
b) time and date of complaint;
c) reasons for the complaint;
d) investigations undertaken;
e) conclusions formed;
f) actions taken to resolve the complaint;
g) any abatement measures implemented; and
h) person responsible for resolving the complaint

Considering the A14 condition displayed above, would you be able to make the request to be provided the entire log of resident complaints regarding environmental matters as part of material to consider under the application that has been made? I believe there would be a significant number of concerns, issues and complaints I and others have made with the operator in the preceding 12 month period including when attending the monthly community meeting organised by the applicant. Are there similar conditions of the ML leave approval via Department of Resources that requires the operator to log complaints in respect to all matters that may be similarly requested by you to form a basis in your consideration of the current lease application?

A16 The environmental authority holder must:
a) by 5 March 2024, obtain from an appropriately qualified person a report on compliance with the conditions of this environmental authority
b) obtain further such reports at regular intervals, not exceeding three (3) yearly intervals, from the completion of the report referred to above; and
c) provide each report to the administering authority within 90 days of its completion

What are we able to consider in respect to this condition? Why hasn't DES already required the operator to provide and name a qualified person to act as a suitable consultant on-hand currently in respect to compliance activities and the current issues being faced in respect to operator compliance? Wouldn't a report of compliance (particularly given the existing issues being experienced by residents) be particularly important and reasonably required to be submitted by the applicant as part of any application of exploration activities within a sensitive area (PLA) and with community consultation to ensure any potential unresolved issues or matters of any suspected potential non-compliance can be considered diligently and brought to light? Three years between compliance checks is a very long time for most when you have to live in a town experiencing issues. From discussions with various members in respect to operating within Strategic Environmental Areas and Environmental Consultants, I believe it may be considered appropriate to enforce annual compliance reviews, in particular given the significant number and variety of issues being faced by residents and to satisfy risk objectives if any case were to become apparent of a breach of a public health nature and was found afterward that an excessive time between compliance checks was a cause of impacts being far greater than otherwise would have been. Surely that's absolutely necessary when working in such close proximity to residents, their families and their children.

Without annual compliance checks providing satisfactory risk analysis, the application for extension of activities within the PLA does not provide sufficient risk framework and any secondary checks and

balances that may assist to identify any compliance breaches and satisfy risk levels to public health and environmental factors in terms of expansion activities in a PLA area, of which residents are located in extremely close vicinity. Given the EA conditions, there appears to be no certainty that the operator is operating in full compliance with the conditions of the EA (this may extend to a similar scenario of ML conditions, without checking – who exactly knows?). Wholeheartedly I believe the EA requires significant improvement and addition of numerous conditions to satisfy the risks, wellbeing and general health function devoid of nuisance before any expansion of activities and buffer reduction is considered appropriate.

I have raised concerns in respect the Environmental Protection Air Policy - Air Quality Objectives, relating to arsenic and arsenic compounds (measured as the total metal content in PM10) of 6 nanograms/m3 annual limit (this is not an hourly limit) with the operator (via their legal representative) and DES, given it has been advised to me that the operator has insufficient material to test for heavy metals on most occasions, the ongoing and significant issues experienced with dust and blasting fallout having been occurring for extensive periods, and in light of arsenic compounds being informed to be present within a proportion of the ore being mined and thus potentially also being present within the dust particulate and blasting fallout (and other hazardous compounds).

[redacted] asked if conditions had improved in relation to blasting fallout. His response to me was that it was his belief that from the last dozen or so blasts, on six occasions the blast fallout had come over his property, or otherwise alongside where his water tanks are located. It is unsuitable to contemplate any application whilst these extremely significant matters remain unresolved.

4. Impacts

27 When does a resource activity or regulated activity impact an area of regional interest
In this Act, a resource activity or a regulated activity has an impact on an area of regional interest if the impact—
(a) affects—
(i) a feature, quality, characteristic or other attribute of the area; or
(ii) the suitability of land in the area to be used for a particular purpose; and
(b) relates to a matter mentioned in the following—
(i) for a priority agricultural area—section 8(1)(a);
(ii) for a priority living area—section 9(b);
(iii) for the strategic cropping area—section 10(1);
(iv) for a strategic environmental area—section 11(1)(a)

As outlined in my submission, many impacts are caused by the operations as part of the application, in particular due to (1) – Features – Aesthetics and ability to resell property in nearer vicinity to operations; (2) Quality – The current quality of surrounding properties to activities reduce the quality in respect to value, noise, dust, blasting fallout, and potential hazards of a health factor; (3) Characteristics – Visibility, Nuisance in Respect to Noise, Dust, Blasting Fallout & Health & Safety and (4) Compliance and assessment of compliance in respect to EA and tenure. The regulations also require that the expected impact of the activity on— (a) the opportunity to protect and enhance the land for urban development; and (b) the amenity of, and the community in, the priority living area.

I do not feel that the application meets with these requirements of legislative framework, since the introduction of the PLA (was it February 2020?), there has been significant encroachment on buffer zones between homes and resource activities in the area, causing considerable distress to some residents. There have been occasions where I (and apparently others) have requested for council representatives to be present during monthly community meetings, so that they're fully aware of the issues we are facing. [redacted] The requests have been rejected by council for attendance.

Given the significant issues with the existing buffer zone setbacks, I would strongly feel that a simple notice in the paper is entirely inappropriate and insufficient to communicate information on potential impact to properties adjacent to planned operations and would request any RIDA applications that significantly affect buffers to the properties in the area would reasonably require public consultation, and request that letters in future are also distributed to allotment holders of adjacent properties (or within a vicinity of 2km of resources) that may be affected by expansion.

There are numerous issues that continue to be faced by residents, myself included, as such I believe that all the matters mentioned in this submission are fully known to both the applicant and/or via their legal representatives. Numerous follow ups have occurred to the operations team, as well as their legal representative. At time of writing this submission, I have not seen any sufficient reply in response to a great number of questions raised in the past year with the applicant.

I also enclose some background information to provide some basis for the possible factors in relation to public health in the ***Section 5 - Geological Information*** for reference.

I ask for your consideration in refusing the existing application based upon the deficiencies of the application and matters put forward in this submission, and further request that if you do consider it appropriate to continue in the consideration of the application, that you consider holding a public session to allow community ability to share all concerns and be involved in a suitable expansion plan that includes action points and timelines for resolution of current matters remaining unresolved prior to any possible expansion activities being approved.

Thank you for taking the time to read my comments and concerns as best known at the time regarding the application, activities at the location as presented in this submission.

[redacted]

5. Geological Information

To provide basis and reference data in relation to geological data (metalliferous mineralisation) in relation to any possible public health concerns regarding sulphidic dust content & blasting fallout (including lead, arsenic & arsenic compounds) please refer to the following material and source data;

PorterGeo Database (2017). Ore Deposit Description – Ravenswood. Sourced from https://portergeo.com.au/database/mineinfo.asp?mineid=mn1681 on 1 December 2022.

Ravenswood

The 424 Ma Late Silurian Jessop Creek Tonalite pluton of the Pama Igneous Association hosts the Ravenswood deposits. The pluton also includes up to 500 m across bodies of gabbro, interpreted to be either roof pendants or large xenoliths. There is an outward zonation from the gabbro bodies into the main phase tonalite, from gabbro → diorite → quartz-diorite → tonalite and granodiorite which also occurs as bodies within the tonalite. Cross-cutting felsic dykes of microgranite, aplite and pegmatite are dated as Late Silurian (U-Pb zircon), suggesting they are the latest phase of the crystallisation sequence. Minor andesite dykes of undetermined age cut the Jessop Creek Tonalite and occur within some of the major structures that were reactivated during the mineralising event (Lisowiec and Morrison, 2017).

Minor albite marks the earliest recognised pre-mineralisation alteration at Ravenswood, followed by more extensive biotite-actinolite-magnetite which predominates in the mafic units and major structures around Sarsfield, the northern half of the NNW-SSE trending main open pit. Epidote-albite-chlorite alteration with minor epidote veining is also widespread throughout the district. Other pre-mineralisation features include steeply dipping to subvertical faults that are often several kilometres long and which typically have a complex history of activity, mostly strike-slip kinematics, as indicated by subhorizontal slickensides and S-C fabrics. These structures have associated chlorite and biotite infill and alteration, and include the east-west Buck Reef Fault that has been traced along the northern margin of the Ravenswood mining area between the Sarsfield and Buck Reef West mining areas; and the Area 4 and Nolans Faults, in the Sarsfield and Nolans areas respectively.

A complex vein network characterises the occurrence of gold mineralisation at Ravenswood. This network is controlled by a combination of reactivated pre-existing structures and a coincident, broadly NW-striking conjugate quartz-sulphide vein array related to an initial WSW-ENE to SW-NE shortening followed by localised extension. Subvertical structures, e.g., the pre-existing east-west Buck Reef and NNW-SSE Area 4 faults, have been subjected to by chlorite and biotite alteration, overprinted by amorphous silica and pyrrhotite. These faults are are often brecciated, suggesting continued fault activity, and are typically mineralised near the intersection with cross-cutting, gently-dipping structures. Mineralisation comprises an assemblage characterised by relict early pyrrhotite with pyrite and marcasite-sphalerite-chalcopyrite. These zones, which can be locally 20 m or more wide, are surrounded by a halo of intense chlorite and biotite alteration, persisting for up to 10 m or more from the structure. Biotite alteration dominates at Sarsfield, with chlorite after biotite more common elsewhere.

Moderate to shallow dipping quartz-sulphide veins, which host the majority of gold in the mineralised system, are found adjacent to and locally overprint the steep, mineralised faults. The

structures hosting these veins have often undergone reverse shearing, and are regularly clustered in zones or sets up to 10 to 20 m wide with variable orientations that form lodes. At Sarsfield, the bulk of the veins dip ENE, although several major lodes dip WSW. At Nolans, the southeastern continuation of the Sarsfield pit, the dominant vein sets dip NW or SW, resulting in a NW-SE trending stockwork. At Buck Reef West, 500 m west of the northern section of the Sarsfield pit, the majority dip ENE to ESE, although broadly W-dipping veins are also encountered.

Three main types of mineralised quartz-sulphide vein have been recognised in the network:
i. Pyrite-dominant with only minor to no quartz;
ii. Quartz-dominant with pyrite ±sphalerite-pyrrhotite-chalcopyrite. These veins typically have selvages of fined-grained white mica and chlorite or white mica-carbonate alteration envelopes, which can vary from several millimetres up to 50 cm in width. The white micas immediately adjacent to mineralised veins typically have elevated Fe+Mg contents. Similarly, chlorite is indicated to have higher Fe contents adjacent to major mineralised structures, with intermediate Fe-Mg contents elsewhere;
iii. Carbonate-base metal which is siderite dominant ±quartz-pyritesphalerite-chalcopyrite-arsenopyrite-galena. These paragenetically late carbonate-base metal veins often include clasts of earlier veining, suggesting they may occupy reactivated earlier mineralised structures. These latter veins were the source of much of the historic production, with strike lengths of over 100 m, widths of up to 1 m and grades of >30 m g/t Au.

Whilst these three vein types are distributed throughout the Ravenswood deposit area, pyrite-dominant veins are concentrated around Sarsfield, with quartz-pyrite veins the most abundant and hosting most of the gold. Gold, which is free milling with a fineness ~820 to 920, is typically found along grain boundaries or in fractures in sulphides, and locally has associated native bismuth and bismuth tellurides. Ore-stage fluid inclusions indicates salinities of 7 to 10 wt.% NaCl equivalent, and homogenisation temperature of 200 to 300°C at Buck Reef West, and 300 to 400°C for Sarsfield (Bertelli et al., 2019). Stable isotope compositions suggests a mostly magmatic origin for these mineralising fluids, whilst Ar-Ar analysis of alteration-related muscovite from mineralised veins gave an age of ~310 Ma (Perkins and Kennedy, 1998).

A series of post-mineralisation faults are common in the deposit area (e.g., the Jessop Creek Fault), although the degree of displacement is unclear due to the absence of marker units. These structures have a reverse or strike-slip kinematic history, where displacement can be measured, and vary from 0.3 to 5 m in width. They are variably healed, either with poorly consolidated clay-carbonate gouge, or calcite cement and alteration. In the Buck Reef West area, such structures have locally offset the mineralised Buck Reef Fault by as much as 80 m.

References & Additional Information
Selected References:

Derham, D.J., Chang, Z. and Lisowiec, N., 2014 - Geology of the Buck Reef West Au deposit, Ravenswood district, Queensland, Australia: in SEG 2014, Building Exploration Capability for the 21st Century, Keystone, Colorado, 28 to 30 September, 2014, Proceedings, 2p.
Lisowiec, N. and Morrison, G., 2017 - Ravenswood and Mount Wright gold deposits: in Phillips, G.N., (Ed.), 2017 Australian Ore Deposits, The Australasian Institute of Mining and Metallurgy, Mono 32, pp. 705-710.

Society of Economic Geologists (2014). *Geology of the Buck Reef West Au deposit, Ravenswood district, Queensland, Australia.* Corresponding author: David J. Derham, EGRU (Economic Geology Research Unit), James Cook University, david.derham@my.jcu.edu.au , Co-authors: Zhaoshan Chang, EGRU (Economic Geology Research Unit), James Cook University, zhaoshan.chang@jcu.edu.au Nick Lisowiec, Carpentaria Gold Pty Ltd / Resolute Mining Ltd, nlisowiec@rml.com.au. Sourced on 1 December 2022 from https://www.segweb.org/seg/events/conference-archive/2014/conference-proceedings/data/papers/abstracts/0393-000156.pdf#:~:text=The%20Buck%20Reef%20West%20%28BRW%29%20Au%20deposit%20%28~0.4,north%20Queensland%20is%20related%20to%20the%20Kennedy%20intrusions.

The Buck Reef West (BRW) Au deposit (~0.4 Moz production) is in the >5 Moz Ravenswood gold field in north Queensland, Australia. The deposit is within the Ravenswood Batholith, predominately comprised of Early-to-Middle Ordovician granitoids (Macrossan Igneous Association), Silurian to Devonian granitoids (Pama Igneous Association), and minor Carboniferous to Permian intrusive and volcanic rocks (Kennedy Igneous Association). The majority of Au mineralisation in north Queensland is related to the Kennedy intrusions.

The BRW deposit is hosted in Devonian tonalite. The ENE-trending Buck Reef Fault (BRF) is the dominant feature in the deposit. It is a sub-vertical fault zone >2 km long. The structure has a complex history, with both dextral and sinistral movements.

The mineralization at BRW has two styles. Approximately 20% of the Au occurs in the BRF, whereas the remaining 80% occurs in veins cutting across the fault. The breccia ores occupy ~400 m of strike length of the BRF, where the fault is up to 20 m wide, and ~300 m down dip from current surface.

The breccia is mostly matrix supported, with sub-angular to sub-rounded clasts of tonalite, with minor clasts of quartz. The clast size varies significantly, from ~0.1 to ~200 cm. The size generally becomes larger away from the mineralized zone. The cement is mainly composed of chlorite, pyrrhotite, lesser very fine-grained quartz, carbonate, pyrite, marcasite, sphalerite, and minor chalcopyrite and arsenopyrite. Away from mineralized zone, the cement is mostly carbonate with only minor sulphides. The clasts and tonalite immediately adjacent to the BRF typically have strong chlorite alteration, with minor epidote, sericite, and sulphides (pyrrhotite, pyrite). Gold grades broadly correlate with sulphide abundance, up to ~20 g/t.

The veins cut across the BRF over a ~400m strike length, where the breccia-style ores occur. The veins have variable density, but in general are grouped into three broadly N-S lodes. The lodes are up to 1000m long, dip moderately to the east and cut the BRF at roughly 100m intervals. The lodes are centred on major fault veins up to 1m wide with minor veins on their sides. Veins with other orientations form a broad stockwork in the vicinity of the lodes. The veins are narrower where they cut the breccia ores and wider immediately outside of the breccia zone/fault. The veins are composed of mainly quartz, pyrite-marcasite, pyrrhotite, +/- carbonate, sphalerite, chalcopyrite, arsenopyrite, and minor galena, and Bi-sulfosalts. The Au grade in the main lodes is typically >30g/t Au, and is generally correlated with the abundance of sphalerite-arsenopyrite-Bi-sulfosalts. The veins have narrow halo of strong sericite and chlorite alteration, typically < 5m, beyond which the alteration is much weaker. There are also minor narrow (1-4mm) barren quartz-epidote veins with a red hematite dusted albite and chlorite halos, which are earlier than the mineralized veins. These veins are found

throughout the area, but are generally absent immediately around the BRF. Barren, late calcite veins cross cut all earlier phases.

The unusually abundant pyrrhotite indicates reduced conditions. Analytical work is being undertaken to infer the genesis.

-- ENDS.

[redacted]

Subject: RE: Public Submission (Updated #2) in Response to RIDA Application - RPI22/027 - Ravenswood Gold - Ravenswood Gold Mine

[redacted]

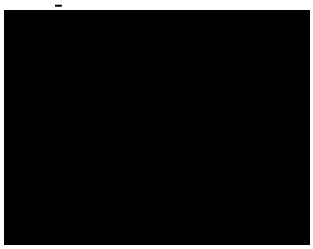
Please find attached various local members that have confirmed they are impacted or concerned by the local resource activities, and request a community session to be held by your department, as part of the any potential further activities within the Ravenswood PLA (Priority Living Area).

The purpose that was communicated to members that signed was for provision to your

department as part of any applications that affect the PLA, and calling on public session(s) to be held.

We would ask that any private details (if published), are removed, including names, addresses and signatures.

-



Ravenswood Township - Resource Activities & Impacts - Community & Residents Affected by Existing Resource Activities

By submitting my details ~~before~~ BELOW, I wish to advise I currently live or reside in Ravensood, and would like to inform that I am being impacted by the current resource activities in the region, and ask should any further expansion within the Priority Living Area (PLA) occur, I ask community consultation sessions are held giving opportunity to share concerns & feedback in issues faced.

Date	Name	Address	Impacts / Concerns / Notes	Initials or Signature
4/12/22	[redacted]	[redacted]	NOISE, DUST, HEALTH CONCERNS, BLASTING FALLOUT, INSUFFICIENT COMMUNICATION & ANSWERS	[redacted]
4/12/22			Noise, Dust & Blasting.	
4/12/22			NOISE, DUST, BLASTING, HEALTH CONCERNS INADEQUATE COMMUNICATION IN REGARDS TO THE ABOVE	
4/12/22			Noise, dust, vibration from blasting	
4/12/22			DUST, BLAST VIBRATIONS, HERITAGE BUILDING	
			ANNUAL CHECKS ON HERITAGE BUILDIN APPEAR NOT OFTEN ENOUGH TO CHECK	
			FOR DAMAGE	
4/12/22			HEALTH, NOISE, DUST. IMPACT TO BUSINESS	
7/12/22			Dust, Impacton Building.	
7/12/22			Damage to building	
〃 〃			〃 〃 〃	
〃 〃			Damage to my Home From Blasting	
7/12/22			Dust haul Road.	
7/12/22			〃 〃 〃	
9/12/22			Ravenswood: Noise/dust/infrastructe issues	