

**From:** [REDACTED]  
**To:** [Agriculture and Environment Committee](#)  
**Subject:** Submission: Environmental Protection (Chain of Responsibility) Amendment Bill 2016  
**Date:** Wednesday, 30 March 2016 12:45:04 PM

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Dear Committee Members,

I wish to make the following submission to the Committee to warn of unintended consequences of the proposed above legislation.

This is really bad legislation and must be prevented from becoming law in its present state.

The unintended impact of this legislation in its present form is likely to be the extinction of any private investment in Queensland in any business that has an environmental risk in its activities, which surely covers all agriculture, manufacturing, tourism development, real estate development infrastructure development and mining in Queensland.

Obviously the legislation is designed to lock Clive Palmer into liability for environmental management at Queensland Nickel, but its wider impact will be to extinguish private investment in and thus destroy the industries that form the economic backbone of the State.

This draconian legislation contains no exoneration of liability for any shareholders in a company that could be in breach, inadvertently or otherwise, of an environmental protection order. Even if a shareholder sold the shares in a company the legislation is retrospective and therefore all shareholders past and present in companies at risk could be liable. There is no demarcation in the legislation of who is a "related person". A major shareholder who is completely independent of company management and simply an investor could be liable in the case of a breach and the judgement of who is a related person is simply up to DEHP, with no provision for appeal. For example, all shareholders in BHP could be liable if this company were to breach an environmental protection order.

Corporations would have to insure Directors, Management and shareholders against liability in order to continue their activities in the State that have an environmental risk. Potentially this awful legislation has the capacity to wipe out private investment in any company in Queensland whose business carries an environmental risk that is unable to fund this insurance.

Lastly, it is probable that this legislation conflicts with the Corporations Act in the area of liability of directors, management and shareholders and is likely to become a "lawyers' picnic" of appeals before it is thrown out as absolutely not in the interests of Queensland.

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