



Fraser Island Defenders Organisation
FIDO — The Watchdog of Fraser Island
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Aim: *To ensure the wisest use of the natural resources of Fraser Island*

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Research Director
Agriculture and Environment Committee
Parliament House
BRISBANE QLD 4000

Sent via email to: aec@parliament.qld.gov.au

Dear Mr Chair and Committee Members

Submission on Environmental Protection (Chain of Responsibility) Bill 2016

I welcome the opportunity to make this submission on the Environmental Protection (Chain of Responsibility) Bill 2016 (**Chain of Responsibility Bill**) on behalf of the Fraser Island Defenders Organisation Limited, an organization that has dealt intensively with Fraser Island issues for the past 45 years. Our first major campaign was a six-year campaign to stop sandmining on Fraser Island. During the Commission of Inquiry given in 1975 expert witnesses presented evidence stating that “*it would take at least 500 years if ever before a natural ecosystem could be re-established as a result of sandmining.*” On Tuesday of this week I stopped to assess the impact of mining on the very first mined areas of Fraser Island and the evidence is proving the experts of 1975.

Since 1971 I have taken an intense interest in the impact of mining across Australia and its environmental legacy as I annually led safaris in every state and saw many mines as for 22 years I annually saw more of Australia from the ground than 99.99% of Australians. The Australian landscape is littered with abandoned mines that continue to adversely impact on the environment decades or even more than a century after the operators walked away. We see that as the size of mining and mineral-processing increases in scale the challenge of rehabilitation increases exponentially.

While the environmental legacy was bad I believe that the mining industries socio-economic legacy on many former mining communities is far greater.

This organization recommend that the Committee supports the passing of the Chain of Responsibility Bill. It is an overdue measure to deal with get-rich-quick and fly-by-night operators

This Bill is essential to help ensure that those who profit from, or are responsible for, the operation of activities which pose a risk of environmental harm are able to be held responsible for the financial implications of remediating or avoiding that environmental harm.

This issue has been long standing, with 15,000 abandoned mines currently existing in Queensland. Just last year the **Texas Silver mine** went into voluntary liquidation, reportedly leaving four large storage ponds containing cyanide and other heavy metals at risk of even low levels of rain causing leakages from the ponds into the Murray Darling Basin. Who will pay for the clean-up given the company is in liquidation?

The need for this Bill has increased in recent years through the downturn of the mining sector and the consequent number of operators that have gone into administration and abandoned their sites, leaving high risks of environmental harm.

The most public outcry has been over the Queensland Nickel Refinery exemplifies the urgent need to avoid enduring disasters such as the impact of the former Mt Morgan mine. *Queensland Nickel's Yabulu refinery* sits in close proximity to the Great Barrier Reef Marine Park and World Heritage Area, and went into voluntary administration in January 2016, causing significant job cuts and leaving concerns that tailings dams reportedly containing potentially toxic matter were left without sufficient staff to manage the environmental risk posed by these dams. No financial assurance was held by DEHP for the refinery. Ownership was transferred to Queensland Nickel Sales, which reportedly is run by Mr Palmer and controlled by two of his entities. Without passage of this Bill, the Department of Environment and Heritage Protection (**DEHP**) would have limited power to ensure that those who profited from the refinery are held accountable for any environmental harm that the activities may cause, and the State may therefore incur responsibility for managing this potential harm.

This Bill provides vital powers to DEHP to help ensure that companies such as those involved in the above described operations, including those people who have profited from or held control of these companies, cannot avoid liability for the environmental harm posed by their activities. These powers include:

- providing DEHP with the power to issue environmental protection orders (**EPO**) to a party that has some relevant relationship to the company that is in financial difficulty (for example a parent company or executive officer). For example, the Bill will ensure that persons 'related' to a company, for example, a person who has received financial benefit from the company's operations or been in a position to influence the company's environmental conduct, can be issued with an environmental protection order to require that person to undertake or fund the necessary activities to avoid or remediate environmental damage from the activities.
- enabling the amendment of an environmental authority (**EA**); for example where an EA is transferred to a new entity, to require the provision of financial assurance where none was previously required under the EA, or where an environmental protection order has been amended or withdrawn;
- ensuring that DEHP officers have power to access sites no longer subject to an EA or where an EA is no longer being utilised;
- providing the power to compel persons associated with companies in financial difficulty, including employees, to answer questions in relation to alleged offences committed and providing more powers to DEHP to access information for evidentiary purposes; and

The Bill helps to ensure that companies and directors take their environmental obligations seriously and cannot bypass these obligations through selling or trading out of their activities prior to fulfilling their responsibilities.

Queenslander's and our environment deserve legislation which empowers DEHP to ensure that those who profit from and are responsible for exploiting our environment are the ones who remain responsible for avoiding or remediating environmental harm caused by these operations.

FIDO recommends the Committee supports all of the amendments provided for in the Bill.

I would be happy to appear before the Committee in their hearing into this inquiry if the committee thought that this could assist its deliberations.

Yours sincerely

John Sinclair, AO
Honorary Secretary and Honorary Project Officer.