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Research Director

Agriculture and Environment Committee

Parliament House

BRISBANE QLD 4000

The Darling Downs Environment Council inc (DDEC) is pleased to make a submission to this enquiry.

DDEC is an incorporated body and is a peak organisation for environmental groups in the Lockyer, Downs and Maranoa regions.

DDEC has members and affiliates who have been affected by the activities of mining and gas extraction including Hopeland Community Sustainability Group at Chinchilla and the Oakey Coal Action Alliance. These groups and others are impacted by mining activities and will eventually face the consequences of deficiencies in any rehabilitation programmes. In particular, abandonment due to the financial failure of operators is a present problem with ongoing consequences on the Southern Downs.

The voluntary administration of the companies behind the Twin Hills Heap Leach Silver Mine at Texas Queensland is an example where highly contaminated tailings dams abutting a sensitive waterway. These have been left unmanaged by the ostensible owners with no redress by the public who otherwise have been left with the costs of management and remediation along with any resultant environmental harm. It was noted by DEHP at the time that just 40mm of rainfall would result in an overflow and toxic spill into the Dumaresq river. The consequences of such a spill would be shared with NSW. It is not inconceivable that private and public interests in NSW would be harmed and potentially seek redress from the Queensland Government.

As a result of issues such as this it is vitally important for the final bill to reflect two principles;

- That bonds lodged are sufficient to cover the full costs of remediation
- That these bonds be redeemable through a chain of responsibility that links present owners with corporate parent entities by way of guarantee or otherwise through assignment or insurance.

In short, unless full and sufficient bonds to cover remediation are collected and held in trust at the commencement of a project they should be guaranteed by controlling corporate entities, not merely subsidiaries engaged in the mining who might have less financial capacity and are more likely to. The parent entity will generally have greater financial capacity to do so. If not, or if the operator is a small independent show, insurance against a failure to remediate should be required.

DDEC supports 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) as proposed by the bill. We support as a general concept statutory authority to lift the corporate veil and identify true interests, command and control.

We support 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.

We strongly support the extension of DEHP officers power to include access sites no longer subject to an EA or where an EA is no longer being utilised. We note that the lack of this statutory authority has led to inefficiencies and anomalous barriers to assessment and investigation.

We support coercive powers associated with investigations into alleged environmental offences as proposed by the bill and support improved statutory disclosure by entities proposed by the bill. We support measures that make companies and directors take their environmental obligations seriously and not allowing these obligations to be avoided through selling or trading out of their activities.

We note that there are current and concerning circumstances regarding the obligations of unconventional gas explorers and miners. We note that all of the entities currently operating in unconventional gas in Queensland are subsidiaries of larger resource companies. There is a present and inherent danger that the failure of any of these companies would result in any remediation obligations that they may have had falling to the Queensland Government. This would be despite parent companies having had the benefit of the gas extracted. We support the proposed bill insofar as it seeks to address these problems. We support the bills objectives overall.

We once again thank you for this opportunity to input into the proposed bill and we look forward to its introduction into the Parliament.

Yours sincerely

Lee Mason

Secretary - Darling Downs Environment Council