



Submission No. 65

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Research Director
Agriculture and Environment Committee
Parliament House
Brisbane QLD 4000

By email: aec@parliament.qld.gov.au

Dear Chairperson and Committee Members,

Environmental Protection (Chain of Responsibility) Amendment Bill 2016

The Environmental Defenders Office of Northern Queensland Inc. (EDO NQ) welcomes the opportunity to provide a submission to the Agriculture and Environment Committee on the *Environmental Protection (Chain of Responsibility) Amendment Bill 2016 (Chain of Responsibility Bill)*.

For 19 years community groups and members of the public have made use of the EDO NQ's free or low-cost environmental law legal service. As well as making submissions on over 300 law reform and policy changes and presenting 200 legal education projects, EDO NQ has assisted over 1,300 clients with 9,000 information advices; 4,170 legal advices and nearly 600 cases.

EDO NQ assists conservation groups, members of the public and landholders to protect the places they love, their health, and the wider natural environment. In particular, in 2012 EDO NQ represented the Walsh River Environment Group in their efforts to deal with the environmental harm and harm to their health caused by the operation and failings of the Baal Gammon Copper mine near Watsonville in far north Queensland.

The facts, in short, relate to the operation of a copper mine under a mining lease, held by Monto Minerals who contracted Kagara Limited to carry out mining operations, and an environmental authority held by another related company. Conditions of the permissions were breached when a tailings dam failed and toxic chemicals poisoned the Walsh River and its tributary, Jamie Creek, from which the community obtained their domestic water and stock watering supply. The holders of the mining lease and the environmental authority were two separate, but related, companies that had argued over which of them was responsible for paying the multi-million dollar financial

assurance required by the conditions of the permissions. The result being that the assurance was never paid to the State.

Following court proceedings initiated by the local community and conducted by the EDO NQ, the mining company was obliged to clean up the community water supply and carry out works to ensure the integrity of the mine's infrastructure. Despite the community's success in Court, the mining company went into liquidation and walked away from the mine leaving its environmental problems unresolved.

The provisions of the Chain of Responsibility Bill would assist the Department of Environment and Heritage Protection (DEHP) by:

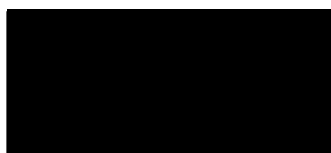
- providing DEHP officers with the power to issue environmental protection orders to both the company that holds the environmental authority and the related company that holds the mining lease or other related companies that are in a position to influence the company's environmental conduct;
- enabling DEHP officers to amend an environmental authority to require the provision of a financial assurance in circumstances where the environmental authority is transferred to a new entity, such as a company receiver or administrator;
- providing DEHP officers with the power to access sites where the environment authority is no longer being relied upon for business activities;
- providing DEHP officers with 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 officers to access information for evidentiary purposes.

Further, the Bill helps to ensure that companies and company officers take their environmental obligations seriously and cannot bypass these obligations through selling or trading out of their activities prior to fulfilling their responsibilities.

For these reasons, EDO NQ supports the provisions of the Chain of Responsibility Bill and recommends the Committee supports all of the amendments provided for in the Bill.

Please contact me with any queries.

Yours sincerely,



Tania Heber

Principal Solicitor