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Morningside 4170

Research Director  
Agriculture and Environment Committee  
Parliament House  
BRISBANE QLD 4000

Sent via email to: [aec@parliament.qld.gov.au](mailto:aec@parliament.qld.gov.au)

Dear Mr Chair and Committee Members

### **Submission on Environmental Protection (Chain of Responsibility) Bill 2016**

We welcome the opportunity to make this submission on the Environmental Protection (Chain of Responsibility) Bill 2016 (**Chain of Responsibility Bill**).

**Brisbane Region Environment Council is a regional group . BREC wishes to make a submission because of resource development impacts particularly of a thousand kilometers of Coal mining open cuts water voids and spoil embankments , but also because of other environmental harm generated by Extractive Industries and deleterious downstream impacts from Land Clearing particularly Priority Development Areas at Flagstone and potentially Yarabilba. Access to these sites is difficult. and prosecution, remediation and rehabilitation harder.**

We recommend that the Committee supports the passing of the Chain of Responsibility Bill.

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.

#### **MINING**

This issue has been long standing, with 15,000 abandoned mines currently existing in Queensland. Just last year the **Texas Silvermine**<sup>1</sup> 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 which 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:

#### ***Queensland Nickel Yabulu refinery***

This 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.<sup>2</sup>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.<sup>3</sup>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.

<sup>1</sup><http://www.abc.net.au/7.30/content/2015/s4322068.htm>

<sup>2</sup><http://www.smh.com.au/business/mining-and-resources/new-queensland-environment-law-takes-aim-at-clive-palmer-20160315-gnjjsn.html>; <http://www.abc.net.au/pm/content/2016/s4422784.htm>; <http://www.theaustralian.com.au/national-affairs/industrial-relations/queensland-nickel-jobs-hang-in-the-balance/news-story/1911b0a7663514867fe93695d90b42cd>

<sup>3</sup><http://www.brisbanetimes.com.au/queensland/clive-palmers-queensland-nickel-sales-not-licensed-20160309-gne8kd.html>

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

#### EXTRACTIVES

**The Barro Quarry at Mt Cotton has rainforest , Old Growth and Koala Habitat in its environs and on mine paths. Logging and mining of public roads has been a feature here. Access is a problem in order to provide evidence for the Committee.**

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.

We recommend the Committee supports all of the amendments provided for in the Bill.

Yours sincerely

Edward Fensom Coordinator BREC 

(Authorised to make submissions)