



Queensland
Conservation

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Agriculture, Resources and Environment Committee

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Date: 21st January 2013

Re: Submission to the Mining and Other Legislation Amendment Bill 2012

Dear Committee Secretary,

As the states peak community based environmental organisation, the Queensland Conservation Council (QCC) welcomes the opportunity to provide the following comments regarding the Mining and Other Legislation Amendment Bill 2012.

1. Key issues and recommendations

Proposed amendments to the *Wild Rivers Act 2005*

The MOLA Bill proposes to amend the *Wild Rivers Act 2005* to extend the exemption from having to comply with the Act that is currently applied to the proposed PNG gas pipeline proposal and the Aurukun project to include any new Aurukun projects that results from the Government's current Expressions of Interest (EOI) process for the development rights to the Aurukun bauxite resource on Cape York.

Although the current exemptions were introduced on the basis that both projects were of 'importance' to Government and had the 'potential to attract large investment interest', they are essentially an anomalous historical legacy of the previous government resulting from the insubstantial policy settings, vague economic assessment and political agendas of the time.

In addition to the vague basis underpinning the exemptions, affected indigenous communities strongly expressed their concerns regarding the potential adverse impacts to the environmental values of wetlands and the Archer River that could be caused by the projects that were given exemption from having to comply with the *Wild Rivers Act 2005*.

Given the vague policy settings and insubstantial economic assessment the current exemptions are based on, there is no rationale or justification for simply extending the current exemptions to included other proposed projects – particularly as any potential projects considered under the governments new approach to resource development on Cape York will be fundamentally different regarding their scale, economic benefit and numbers of operators compared to the two proposed projects that were the original catalyst for the current exemptions.

Rather than simply extending the exemption to comply with the Act to include other projects, the MOLA Bill should instead rescind the current exemptions due to the fact that they are entirely based on a flawed out of date approach and the political agenda of the previous government.

By rescinding the exemptions would remove an anomalous historical legacy of the previous government, enable the consistent application of the Act across all declared Wild River areas and would recognise the concerns raised by Traditional owners about the adverse environmental impacts that could potentially be caused to waterways and wetlands by projects exempted from having to comply with the *Wild Rivers Act 2005*.

Recommendation:

Amended the MOLA Bill by:

1. Deleting clauses 190, 191 and 192 of Part 11 of the proposed Bill
2. Inserting new clause 190 into Part 11, which should read as:
 - This part amends the *Wild Rivers Act 2005* by deleting sections 45 and 46 of the Act.

2. Conclusion

Queenslanders are privileged to retain some of the world's last free flowing and healthy river systems. These remaining wild rivers require a robust form of protection and management to ensure the ecological health of the rivers are maintained for the enjoyment and prosperity of future generations.

The *Wild Rivers Act 2005* provides a practical framework for protection of these priceless river systems by controlling environmentally destructive forms of development whilst supporting ecologically sustainable forms of economic activities. It is regarded as a light touch approach to regulating development activities in sensitive riparian areas and should be applied consistently across all resource projects located in declared Wild River areas.

In closing, there is nothing in the MOLA Bill, its explanatory notes or in documentation associated with the governments new approach to facilitating the development of the Aurukun bauxite resources that provides any rationale to justify extending the current exemptions under the Wild Rivers Act to include new projects – particularly as the current exemptions are entirely based on flawed out of date approach, insubstantial economic assessment, was driven by the previous governments political agenda and ignores the valid concerns of Traditional Owners.

Please contact Nigel Parratt in our office on 0407 962 652 should you require any further information or clarification regarding this submission.

Regards,

Toby Hutcheon
Executive Director
Queensland Conservation (QCC)