



## Comments by the Queensland Murray-Darling Committee Inc. on the Nature Conservation and Other Legislation Amendment Bill 2012

19 December 2012

**Submission to:**  
Health and Community Services Committee  
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This submission is presented by the Chief Executive Officer, Geoff Penton, on behalf of the Queensland Murray-Darling Committee Inc. (QMDC). QMDC is a regional natural resource management (NRM) group that supports communities in the Queensland Murray-Darling Basin (QMDB) to sustainably manage their natural resources.

### 1.0 Background

QMDC's comments are informed by this region's NRM Plan which documents both the key natural resource assets and values of the region and targets for their management. They are also based on the urgent need to conserve biodiversity and ecosystems based on both regional as well as national aspirations and priorities.

The Queensland Murray-Darling Basin (QMDB) is home to a wide diversity of plants and animals including over 3,300 plant species, 97 mammals, 340 birds, 156 reptiles, 50 frogs, 18 fish and 120 butterflies. The region is also made up of over 170 identified regional ecosystems or vegetation communities.

It is QMDC's experience that the current changes in environmental protection legislation are contrary to national and regional biodiversity strategies and policies. QMDC does not support the promotion of "economic growth" over sustainable development. The Bill should be informed by specific regional information, expertise and regional NRM strategies which will better inform the State government on how legislation can address ecosystem vulnerability and thereby provide innovative management options for nature conservation.

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## 2.0 General comments

### 2.1 National Park protection and tourism opportunities

The Department of National Parks, Recreation, Sport and Racing (the Department) recognises that "Protecting the environment is one of the greatest challenges facing the world today". It also understands that Queensland's "economic and social well-being depends on a healthy natural environment."

[http://www.nprsr.qld.gov.au/managing/principles/parks\\_conservation.html](http://www.nprsr.qld.gov.au/managing/principles/parks_conservation.html)

The *Nature Conservation Act 1992*, and other legislation the *Nature Conservation (Administration) Regulation 2006*, *Nature Conservation (Protected Areas Management) Regulation 2006* and *Nature Conservation (Protected Areas) Regulation 1994* has been specifically enacted to protect land and wildlife in Queensland. These protected areas represent "Queensland's biological diversity, outstanding natural and cultural features and wilderness".

National parks are protected areas and are defined by the Department as "the cornerstone of Queensland's protected area estate."

[http://www.nprsr.qld.gov.au/managing/principles/parks\\_conservation.html](http://www.nprsr.qld.gov.au/managing/principles/parks_conservation.html)

QMDC in general supports the opportunity to advance ecotourism in the region. QMDC's position does not however support those opportunities if the potential disturbance and human impact will compromise the integrity of national parks. New eco-tourism opportunities and infrastructure therefore must be weighed up against the current capacity of the national park that will be affected to maintain its natural integrity should more infrastructure and higher human impact be permitted in its landscape.

The values the Department has adopted to protect these areas clearly seek a balance between protection and conservation and human impact caused by exploitation or occupation. QMDC is not convinced that the Bill has considered all possible impacts and their long term impact so that this balance is successfully reached.

QMDC recommends a full scientific investigation for each development proposal to ensure a balance can be maintained. It is clear an economic analysis on tourism opportunities outlines a potential increase in state income. An analysis on environmental risks and their management is also appropriate. A number of threatening processes, for example, still impact on the overall integrity of a national park including invasive species, fragmentation, and altered hydrological and fire regimes. In addition, a key emerging threat to the integrity of a national park is climate change, as with even a small increase in temperature, large declines in the range size for almost every endemic vertebrate species confined to the park may occur. Add to these existing threats - the impacts of building and infrastructure construction, increased human traffic and occupation, what will be the total cumulative impact?



### 3.0 Specific comments

#### 3.1 Impacts on national parks

National parks are defined by the Department as “special places which protect and conserve outstanding examples of Queensland’s natural environment and cultural heritage.” In keeping with this definition it is QMDC’s opinion that the Bill must clearly articulate how it will ensure development within a national park will not:

(a) destroy or threaten “the ecological integrity of one or more ecosystems for present and future generations” .(World Conservation Union (IUCN),1994);

(b) permit exploitation or occupation adverse to the purposes of designation of the area; and

(c) undermine “a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally compatible”.(World Conservation Union (IUCN),1994).

QMDC is concerned that the Bill by opening up national parks for permanent commercial tourist infrastructure for long term leases creates the opportunity for Queensland’s limited areas of national park to be exploited and/or occupied. Permitting the construction and establishment of new and a broader range of infrastructure may threaten the primary purpose of national parks – the protection and conservation of Queensland’s biodiversity.

QMDC asserts new development will certainly lead to the disturbance and mortality of protected species as a result of this Bill. What number of deaths or injuries is acceptable according to species type? What is the likely cumulative impact across the whole of Queensland should the proposed development occur?

What methodology will the Chief Executive use to consider “overall environmental sustainability”? QMDC asserts that an analysis or environmental audit of all mining, telecommunications and electricity transmission activities by a third party auditor should be required as part of such a consideration. The purpose of this environmental audit is a thorough and robust evaluation of an industry’s current compliance and non-compliance with *Nature Conservation Act* and *Environmental Protection Act* requirements related to the protection of national parks and biodiversity, fauna management, protection of MNEs, ESAs, REs etc.

The environmental audit needs to be a review of linear infrastructure development to ascertain whether operations and practices have met environmental protection requirements and legitimised a company’s social licence to operate. QMDC believes the objectives for this environmental audit include:

- providing community with confidence in the safety and integrity of the industry’s operations and activities for any future developments;
- verifying compliance with current Environmental Authority requirements;
- evaluating the effectiveness of in-place environmental management systems, and
- assessing risks both site specific and cumulative from regulated and unregulated materials and practices.

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For further information, contact QMDC on (07) 4637 6200 or visit [www.qmdc.org.au](http://www.qmdc.org.au)

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QMDC seeks this environmental audit report to not only encourage the use of environmental auditing by CSG, telecommunication and electricity transmission companies to help achieve and maintain compliance with environmental laws and regulation, but also to help identify and correct unregulated environmental hazards

The resulting environmental audit report must be supported by clear audit protocols which will provide detailed regulatory checklists that are customized to address specific issues pertinent to this Bill and key primary environmental management objectives for national parks and State forests.

All non-compliance of current EA conditions relevant to activities that will be permitted under this Bill need to be identified and a full analysis offered as to why there were breaches or non-compliance.

### **3.2 Impacts on State Forests**

The expanding CSG industry is forever invasive of more and more of the region's natural assets such as the State forests. QMDC does not support petroleum activities being undertaken in State Forests and Timber Reserves because of the likely risk and economic impact on forestry business and future tourism.

The Bill does not provide adequate assurance to regional communities that it has taken into consideration all costs, environmental and economic related to the proposed petroleum activities and other infrastructure development in State Forests. These include, for example:

- Risks associated with the impacts of climate variability and extreme weather events on a project's ability to successfully implement environmental management and contingency and emergency plans, rehabilitation strategies and any associated EA conditions;
- Risks associated with integrating operations and infrastructure across different sectors of industry;
- The creep of incidental activities into State Forests after an initial pipeline licence is permitted;
- Compensation for affected forestry businesses whether temporary interruption to business or more permanent alienation;
- The temporary and permanent loss of ecosystem services;
- Temporary and permanent surface and groundwater contamination;
- Any health impacts caused by, for example, mental health issues, respiratory problems resulting from long term exposure to contaminants released to the air; and
- Potential impacts on the socio-economic well-being of regional communities caused by unsustainable CSG practices, both local and global.

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QMDC asserts all these issues need to be addressed so that a full cost benefit analysis can be conducted and information made available on the potential loss for the forestry industry, the State and public interest should state Forest suffer environmental degradation and be subject to land use competition by the telecommunications, electricity transmission and CSG industries.

### 3.3 Hazards and risks to National Parks and State Forests

QMDC argues that the Bill has not adequately assessed the potential severity of the impact for each possible accident or failure such as fire, spillage of contaminants, soil erosion, weed infestations etc, associated with the construction and operation of each type of infrastructure permitted by this Bill, such as:

- the size and nature of potential area affected;
- the number of people at risk;
- the type of risk (physical harm, toxic, acute, chronic);
- long-term residual effects;
- impacts on environmentally sensitive areas;
- financial consequences; and
- consequential secondary risks and impacts.

The probability of occurrence should be assessed, either qualitatively or using a quantitative assessment. Points to consider include:

- the probability of individual events;
- the probability of simultaneous events (such as an earthquake resulting in rupture of a pipeline); and
- complications from unique environmental considerations, such as severe terrain, location on a floodplain, fire hazard conditions and so on.

QMDC recommends that a specialist team should be appointed to inform the Bill on the above matters. For example do all National Parks and State Forests have the resources to facilitate and carry out appropriate practices and procedures to deal with risks, emergencies and accidents. These include:

- established criteria for triggering an emergency and contingency plan and alarm signals, with backup;
- clear reporting procedures both internally and upward in the organization, and externally to appropriate authorities;
- communications equipment that can reach all potential affected parties, such as mobile phones, pagers, short-wave radios, depending on location;
- media contacts and a media relations strategy, including relevant descriptive material of the operation;
- specialised hazard monitoring and training, such as dealing with chemical fumes or water pollution;
- adequate emergency equipment for spill containment or collection, such as additional supplies of booms and absorbent materials;

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- alerting the public and co-ordinating evacuation using sirens or other warnings, with well-rehearsed warnings, evacuation procedures and easily reached shelters;
- clear roles of participants in different areas of response, such as firefighting, community protection;
- alternative drinking water supplies in case usual supplies are contaminated;
- rapid test kits for chemical spills;
- readily available access to information on dealing with chemical hazards; and
- examination of options for cleanup following the accident – both immediate actions to be taken and the approach that would be taken to a longer cleanup programme.

The Bill needs to illustrate how emergency and contingency plans dealing with the risks associated with the proposed new infrastructure will be integrated to:

- ensure that any newly developed plan is consistent with any regional or national disaster plans;
- ensure their consistency with legislation and any codes that are relevant to emergency planning and community engagement;

The Bill needs to put in to place checks and balances that ensure these plans are robust in relation to all identified risks and emergency scenarios and in relation to response tasks, resources, roles and accountabilities to ensure there are no weak components.

### **3.4 Disturbance to Land – Environmentally Sensitive Areas**

QMDC asserts that the State government should be prepared to say no to petroleum activities such as the siting of pipelines or Microwave Repeaters within a 500m ESA buffer zone because such disturbance and infrastructure does not satisfy international, national and regional or local biodiversity policy objectives. All CSG, telecommunications, and electricity transmission projects must be scoped and considered against the need nationally and regionally to implement long term and effective conservation strategies for the benefit of future generations.

### **3.5 Disturbance to Land – Endangered and Of Concern Regional Ecosystems**

QMDC asserts that the Bill should not permit development projects to clear regional ecosystems mapped as 'endangered' or 'of concern' protected under the *Vegetation Management Act 1999*, or listed ecological communities under the *EPBC Act*. Assessment of the disturbance to land caused by the proposed petroleum activities must consider the cumulative impacts of small-patch clearing, where such clearing is currently permitted under state or federal legislation to avoid further fragmentation of the landscape. Biodiversity Planning Assessment data that classifies vegetation under a number of value systems i.e. local, regional and state values is a valuable tool available to help the Bill consider ecological sustainability.

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QMDC asserts the State government must enforce a rigorous overarching legislative framework for development within the QMDB that acts to create resilience and thereby prevent any adverse impacts to the region's and state's natural resources, community, and economy in the short and long term caused by economic developments and activities.

The Community know all too well the number of development projects in Queensland that have been approved to clear vegetation including remnant vegetation, and sections of Endangered or of Concern ecosystems. Biodiversity strategies with reference to regional planning instruments such as Regional NRM Plans and Regional Growth Management Strategies need to be reflected in the Bill. Such consideration will align, for example, the *Vegetation Management, EPBC and EPA Acts* to more rigorous institutional and regional planning mechanisms, for example, threshold limits and standard conditions. This in turn will enable the identification both regionally and nationally if appropriate areas actually exist within a region for an expanding CSG development project.

Identifying a project's inconsistencies with existing land uses and long-term policy frameworks addressing biodiversity for the area would help to clarify earlier in the legislative process whether the proposal conforms to national, state, regional and local plans for an area. It is essential the Bill sits within a legislative framework that clearly articulates the cumulative upper and lower threshold limits for changes to natural resource asset condition and function in defined zones and timeframes to protect the integrity, health and value of the asset, and productive capacity, of those zones. Exceeding such limits should not be permitted under any circumstance, and should be an offence to do so.

The below table illustrates the extent of area and number of parks and forests that may be affected by this Bill. Surely the extent of the Bill's reach requires a serious scientific, economic and regulatory investigation into its potential impacts. Industrial benefits must not outweigh community and public interests. Consultation with community must be robust on this Bill and all future proposed developments in these protected areas.

<b>Queensland's Queensland Parks and Wildlife Service managed reserves</b>	<b>Number</b>	<b>Area (hectares)</b>
<b><i>Current Gazettals as at 18 December 2011</i></b>		
<b><i>Nature Conservation Act 1992</i></b>		
National parks	320	8,253,001
Conservation parks	224	68,232
Resources reserves	43	341,511
Forest reserves	99	192,698
<b><i>Forestry Act 1959</i></b>		
State forests	411	2,984,105
Timber reserves	9	67,559

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