

Environmental Protection and Other Legislation Amendment Bill 2022

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Submitter Recommendations:

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To the Committee,

RE: Submission into the Health and Environment Committee's inquiry into the Environmental Protection and Other Legislation Amendment Bill 2022. (EPOLA)

Thank you for the opportunity to submit this comment.

Congratulations as my first response on amending some of the glaring issues with the Act. I understand this will be an ongoing process, and it is gratifying to note that proposed amendments are heading in the right direction.

I refer to the Explanatory notes, and s49 of the *Environmental Protection Act 1994* (EP Act) with amendments to implement various efficiencies, address miscellaneous issues, and aimed to support industry, streamline and clarify regulatory processes, better protect the environment and improve community input and transparency.

I want to draw your attention to what I consider to be loophole in the Act that can be fixed under this Amendment and relates to the proposed amendment that the EIS should lapse 3 years following approval if no action is taken. This is good, but incomplete.

Recommendation 1 – Because any ‘extension’ to the EIS would be at the discretion of the Chief Executive, it may allow developments to proceed when during the interim, we have accumulated greater knowledge of climate, water, endangered species, altered ecological values or other impacts that were less obvious, or unavailable at the time of first approval. Extending the EIS approval might allow the ‘conditions’ to remain the same as those on the original approval. I would prefer the language to be changed from ‘lapsed’ to ‘withdrawn’, and any development by the proponent which has not been accomplished in the allowable 3 years would require submission of a new EIS, (no extension) and not allow resubmission of the previous one. I call this the ‘use it or lose it’ amendment.

Recommendation 2 – Because I could not see that this legislation would be retrospective, though that would be best practice if the intended purpose is to hold only approvals that are actively pursued, that for the zombie proposals (those not yet operational), the 3 year clock starts on the day that the amendments are approved through the parliament. I have called this the ‘second best option’ amendment.

I would like you to consider for example the mines in the Galilee Basin, some of which commenced the approvals process as early as 2005, with approvals granted in 2011 – 11 years ago. Since then, the world has literally and figuratively ‘turned’. For example, Gina Rhinehart still has at least 2 zombies - Alpha and Alpha west, Clive Palmer’s Waratah has North Alpha and the Galilee Coal Project encompassing the 3 components of coal, rail and port still unsettled, and Adani retains approval to mine 60mtpa, a sixfold increase on current extraction. In a statement, the Queensland resources minister, Scott Stewart, said the “development of any specific project is a matter for the relevant company”. Not true. This view allows for an ‘ad hoc’ plan for Queensland resources. The economic and environmental rationale for coal has changed, and while some projects have been voluntarily withdrawn by the proponent, (MacMines, Vale, Walton etc), it is inappropriate for the Queensland Government not to take control of our resources and determine their best use. With consideration of global heating and climate catastrophes, the Independent Energy Agency (IEA) report and the Intergovernmental Panel on Climate Change (IPCC) report, not to mention the evidence of our own lived experience of drought, bushfires, floods and cyclones, the best use for coal is to leave it in the ground.

Recommendation 3 - Withdraw approvals that should never have been granted in the first instance. I have called this the ‘right the wrong’ amendment. I refer to the [Abbot Point Coal Terminal Expansion Stage 3](#) which has been rebranded as the North Queensland Export Terminal (NQXT). The EIS for this proposal (2005/2154) was made in 2005. In 2011, Adani took out a 99 year lease on the Port from the owner North Queensland Bulk Ports (NQBP) which is wholly Queensland Government owned. Since then, Adani has struggled with debt, ([Market Forces](#) [Abbot Point debt](#)) and during Cyclone Debbie in 2017 breached the emergency [environmental conditions](#). The Adani group, which has multiple companies operating in Queensland, including the Carmichael coal mine, has repeatedly breached environmental conditions, with minimal repercussions. Hopefully improving compliance and enforcement powers will afford better environmental protection. Fines must be adequate to actually act as a deterrent. Adani group in all their guises has repeatedly confirmed that it is not a ‘suitable operator’.

However, debt, non-compliance, and lack of suitability to operate are only some of the reasons the Stage 3 expansion of the NQXT should be withdrawn.

During the environmental breach from Cyclone Debbie in 2017, it was abundantly clear that the capacity of the on site water storage ponds was inadequate. The Stage 3 expansion as proposed makes no provision to provide for extra storage. Because the outlook for climate change is that there will be an

increase in the size and intensity of cyclones, and the NQXT is located in an area of high risk of cyclones, it may not be possible to provide storage adequate for these catastrophic events. Nothing can be done about location of NQXT, so the only option is to minimise harm. This means the EPOLA should include a provision that ensures that the NQXT Stage 3 Expansion proposal be withdrawn, and a review of other proposals that may be similarly affected with the intention to withdraw them also.

Thank you for accepting my submission. I encourage you to change the suggested names for the amendments should you find any of them worthy of consideration.

Kind regards,

Christine Carlisle

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