

Environmental Protection and Other Legislation Amendment Bill 2022

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Submitted by: Alliance to Save Hinchinbrook Inc.
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Submitter Recommendations:



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26 October 2022

To
Committee Secretary
Health and Environment Committee
Parliament House
George Street
Brisbane Q 4000
By email only HEC@parliament.qld.gov.au

The Alliance to Save Hinchinbrook Inc. (ASH) was incorporated in 1997, inheriting the history and work of Friends of Hinchinbrook Inc. which was wound up in 2000. We have been strong advocates of world heritage, national park (under the Cardinal Principle), and biodiversity protection, taking part in the many layers of community involvement such as the Conservation Sector Liaison Group of the Wet Tropics Management Authority, other reference groups, mahogany glider and cassowary Recovery Teams, and twice-yearly Ministerial Environmental Round Table meetings.

ASH has been to court three times (judicial review). Although standing and other matters have improved in terms of community participation and justice, too frequently we have found the legislation itself inadequate to carry out its supposed purpose and difficult or impossible to enforce.

Please accept our brief submission on the Environmental Protection and Other Legislation Amendment Bill 2022 (EPOLA Bill).

This submission has been prepared for the Alliance to Save Hinchinbrook Inc (ASH) by Margaret Moorhouse, President of ASH – postal address, email address, and phone number above.

We strongly support the submission of the Environment Defenders Office, with the following additional remarks:

Clause 7: We object to the removal of the requirement for an environmental management plan (EMP) in an EIS. In addition to EDO's remarks, we know that the EMP provides a practical way to an understanding of the activities and impacts of the proposal. This is very important for public participation to be meaningful, especially when the activities proposed might include technical matters not familiar to most people.

Clause 8: we strongly recommend that impacts be fully described in terms of **cumulative, combined and consequential impacts**. This is the only thorough approach possible, to which there can be no reasonable objection if the intent of the legislation is to be supported. Cumulative, combined and consequential impacts were a requirement of UNESCO for impacts in the GBRWHA. Why should anything less comprehensive be considered adequate? If not dealt with in this way at the outset, problematic impacts will be difficult to prevent/remediate later.

Clauses 9 and 10 in particular we are pleased to support the power provided here to refuse the application to proceed if the project is clearly unacceptable at this stage.

Clause 14 We support the removal of the requirement for notification via newspaper because newspapers are now seldom in print and often ephemeral, therefore ineffective for notifying all of “the public”. We recommend:

- publication on local council websites, including councils not directly involved but potentially affected by a proposal;
- DES and/or Environment Minister keep an “interested parties” list for public interest advocates. This has been promised in the past but in our experience not followed through. Please note that Environmental Non-Government Organisations are usually lumped in with “Stakeholders”. We are emphatically NOT stakeholders. ENGOs have no material stake in the Proposals. ENGOs are Public Interest Advocates, and should be respected as such.
- See next para re Clump Point.

Clauses 19 and 21. We strongly support the protection of the integrity of information. ASH holds detailed documents showing the lack of integrity of information in many stages in the case of the Boat Ramp Marina development on Clump Point at Mission Beach where the referral to the Commonwealth (EPBC Act) was made by state government staff on the reference group without advising community members on the reference group; the fact that no submissions were received by the Commonwealth apparently determined that approval was guaranteed; then later we discovered that the final plan worked on by the reference group (including community members) was not the plan submitted to the Commonwealth. Further: the GBRMPA Assessment Officer was audio-recorded in 2016 advising proposal promoters on how to use the *de minimis* principle (as they had done in the late 1990s for a harbour proposal at Nelly Bay, Magnetic Island) to, in our opinion, avoid the effect of the Great Barrier Reef Marine Park (GBRMP) Act. ASH holds the audio recording and a transcript.

Mining in the Wet Tropics World Heritage Area (WTWHA): we are particularly pleased and relieved to see that mining will be completely banned in the WTWHA. Australia has gained an international reputation of high standard as a result of the legislation specially written for the WTWHA and its management. I sat on the CSLG for 19 years, through which we (the CSLG members) gained deep understanding of the management of such an area and into which we had meaningful input - until the CSLG was unceremoniously sacked by the incoming CEO (2015-16). ASH is pleased to know as yet there have been no attempts to weaken the Wet Tropics Act.

Yours sincerely

Margaret Moorhouse
President ASH

