



7 November 2012

State Development, Infrastructure and Industry Committee
Parliament House
George Street Brisbane Qld 4000

E: sdiic@parliament.qld.gov.au

Dear Committee Secretary,

RE: EXPRESSION OF INTEREST- ECONOMIC DEVELOPMENT BILL 2012

Capricorn Conservation Council (CCC) welcomes the opportunity to provide comment and make a submission on the Economic Development Bill 2012. CCC has been the regional community conservation group based in Central Queensland with a particular focus on conservation issues in the Fitzroy Basin since 1973. We are the prime conservation group which has involvement in issues with mine water discharge and water quality in the Fitzroy River Basin and coastal areas.

Given the extremely short time frame, our comments are focused upon the proposed *Environmental Protection Act 1994* (EP Act) amendments:

1. Section 357A – Definition of Emergent vs. Emergency. The Temporary Emissions Licence (TEL) is all about responding to **emergency** situations. The word **emergent** appears to have been slipped in here to expand the scope of the proposed TEL beyond what was intended in the Flood Report. The words **emergent** and **emergency** have different meanings in common public usage, and dictionary definitions. In addition the word **emergent** as defined in Section 357A as an event “that was not foreseen” widens the scope even further. The use of the term **emergent event** as defined here could provide justification to cover the gradual build-up of water in a mine pit over years, and allow for retrospective action to be taken on existing pit water. It could be claimed that this situation was not foreseen when the EA was issued.
2. Section 357D (b) – Criteria for decision. Financial impact on a company is listed as item (b) but it should not be in the list of criteria at all. It is not mentioned as a criterion for the issue of a Transitional Environmental Program (TEP) under the *EP Act 1994*. There is a risk that financial considerations will take precedence over environmental and public health considerations. This could be used to dispose of the current pit water if it is seen as a financial burden. Also it could be used in a time of severe flooding when there is a mandatory 24 hour response time and many mines are applying for a TEL. With this criterion, a mine that is marginally profitable could argue for more relaxed conditions than other mines. We assert that it is not within the charter of the Dept. of Environment and Heritage Protection to take such considerations into account. DEHP’s role is to protect the environment, and in this situation, protect all downstream water users.
3. Section 357C – 24 Hours response time. A 24 hour turnaround does not allow the administering authority sufficient time to properly assess an application. Twenty four hours response time is not necessary for two reasons – (a) With upcoming wet seasons, there is the possibility for mines to apply for a TEP under Section 330 of the *EP Act 1994* which is written to be conditional upon sufficient passing flows occurring in receiving streams. (b)

Emergency powers exist under Section 467 of the *EP Act 1994* which can be used for extremely unpredictable events.

4. Explanatory Notes page 9 - TEL as a trigger to revise the EA "Consequently, the grant of the Licence will be a trigger for the administering authority to review the conditions of the environmental authority . . ." This will inevitably lead to the watering down of release conditions. Ultimately this will lead to another Ensham Mine situation. Instead the TEL should be used as a trigger for the mining companies to see what they are doing incorrectly and how they can improve their water management practices. If TEL's are readily available, there is no incentive for mines to improve their practices. Environmental Authorities (EA's) would be better reviewed in the dry season and in non-emergency times, to improve whole of mine and water environmental management, rather than amendments triggered by emergency situations.

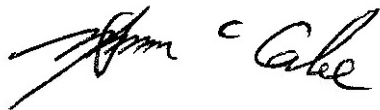
Conclusion:

CCC does not support the proposed amendments to the *EP Act 1994* due to the high likelihood that the proposed changes (especially TEL's and 'emergent' situations) will result in adverse negative impacts upon the environment, society and the economy in the Fitzroy Basin (and other catchments in Queensland). Of major concern to CCC would be the consequential and cumulative impacts to water quality and subsequent public and environmental health (and harm) that could occur as a result of unreasonably quick turn-around approval timeframes and methods proposed. CCC urges the importance of protection of environmental and public health.

CCC believes the issues in the proposed amendments would be better resolved by amending current regulations and policy to prohibit new mines on flood plains and require current coal mine operators to improve their on-site storm water catchment management (to prevent flooding) and to treat any contaminated mine water prior to being released to the environment.

In closure, we request an invitation to present verbally to the parliamentary committee (SDIIC) on Friday 9th November. We look forward to your decision and response.

Yours sincerely,



Michael McCabe
Coordinator