

7 November 2012
State Development, Infrastructure and Industry Committee
Parliament House
George Street Brisbane Qld 4000
E: sdiic@parliament.qld.gov.au

Derec Davies
On behalf of Coast and Country Association of Queensland
Unit 1, 20 Brook Street

SOUTH BRISBANE, QLD. 4101

Date: 9 November 2012

Re: Economic Development Bill 2012 and Amendments of Environmental Protection Act 1994

Thank you for the opportunity to provide comment regarding the proposed Economic Development Bill 2012. Coast and Country Association of Queensland welcome the state governments foresight to develop this bill to support community benefit, economic prosperity and well-being.

Coast and Country Association of Queensland consider that the proposed Amendments of Environmental Protection Act 1994 will result in significant impacts to Queensland's natural environment, drinking water and agricultural requirements. In short, Coast and Country Association of Queensland request the removal from the Economic Development Bill 2012 proposed amendments to the Environmental Protection Act 1994 (EP Act). This request is made with the understanding the proposed amendments and there after implementation of Temporary Emissions Licences (TELs) reaches beyond the Flood Inquiries findings and will facilitate release of mine toxins into Queensland's water system.

Coast and Country Association of Queensland position regarding the proposed Temporary Emissions Licences (TELs) which allow for mine water releases are as follows:

The amended EP Act and proposed Part 4A (Temporary emissions licences) does not limit the application for, or approval of, TELs to emergencies but rather to "emergent events" which do not have to be urgent or to respond to a threat to human health or the environment. Coast and Country Association of Queensland note in granting the TEL the Department must "have regard" to "the likelihood of environmental harm" and human "health safety or wellbeing", we are concerned these could potentially be outweighed by "financial impacts on the applicant if the licence is not granted" (proposed s357D). Coast and Country Association of Queensland are greatly concerned by the inclusion of TELs and such mechanisms that provide mines the ability to dump stored mine toxins in Queensland's water systems based on financial grounds, particularly financial grounds of the toxin owner.

Coast and Country Association of Queensland request the insertion in the proposed

s357(B) to the effect “only if the owner of the release contaminant is unable to provide safe disposal prior to the emergent event”. The rationale of this insertion will ensure mine owners and operators, both active and dormant, do not use the TEL provision to dispose of mine operational toxins and contaminants in Queensland's water systems. Further, this will ensure the cost and impact of existing and future mine operational toxins and contaminants is the sole responsibility of the producer, being the mine owners and operator.

There is no opportunity for public awareness, scrutiny, review or appeal to an application or approval of a TEL – per clause 239 of the Bill and s520-531 of the Act. There is no requirement to keep a public register of TELs as there is for environmental authorities and transitional environmental programs (ss540-542 of the Act). There is no requirement to publish the application or approval of a TEL on the Department's website.

It therefore can be assumed citizens and water resource users down stream will be exposed to toxins without due warning or understanding. It can be assumed the down stream users will suffer social and economic impacts and subsequent compensation provided by the TEL holder. However the proposed amendments provide no warning or compensation mechanism or fair provisions for justice, other than those guided by the Queensland courts, representing a cost impact to the downstream user.

To reduce the impact to downstream users, Coast and Country Association of Queensland propose the state government in partnership with the primary TEL beneficiaries, such as mining companies and waste water companies, jointly fund and establish a early warning and monitoring system to provide water resource condition updates to water system users. Such a system could be modelled on the City of Newcastle and Hunter Valley (state of NSW) air monitoring system and notification system. By taking such leadership the Queensland Government would prevent inadvertent economic impacts to water users. By providing live and hourly updates to the community, specifically all citizens in the downstream impact zone, the Queensland Government would be insuring worlds best practise.

Further to the above identified issues, Coast and Country Association of Queensland also note the Department must decide the application within 24 hours (presumably even if received on a weekend) which leaves no opportunity for meaningful fact checking or review (proposed s357C).

In short a coal mine could use the proposed provisions to seek a TEL to release water from the mine in excess of its licence conditions due to a build-up of water from natural rainfall that was unforeseen at the time of the approval (and in absence of any threat to the environment or health and safety). The Department must, within 24hrs, consider the financial impacts of not granting the licence (i.e. the \$ from lost production) and could be satisfied that these outweigh the environmental or health & safety impacts. There are no mechanisms for the public to become aware of such a decision or, should they become aware, challenge the merits of the decision.

At the very least the granted Temporary Emissions Licences should notify all impacted parties, including downstream citizens immediately by live updates, and the information be kept in the public register, preferably published on the Department's website, so that the public can become aware of these decisions.

Ideally the application and approval of a TEL should be limited to where there is an

emergency as defined in proposed s466B. Where the situation is not an emergency the existing Transitional Environmental Programs can be used.

Additionally and finally, Coast and Country Association of Queensland propose rather than the amendments to the EP Act of this nature, changes should be made requiring applications for mining EAs must also be required to state their maximum design flood event so that the TELs can only be applied for if the flood event exceeds that maximum defined event and is therefore "unforeseen".

For further comment please don't hesitate to contact us at the details below.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Derec Davies', with a stylized flourish at the end.

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On behalf of Coast and Country Association of Queensland
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