



Supplementary submission No. 086
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The Research Director
State Development, Infrastructure and Industry Committee
Parliament House
George Street
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Dear Sir/Madam

Call for Supplementary Submissions to the Qld Parliamentary Inquiry into the Regional Planning Interests Bill 2013

The Wilderness Society is one of Australia's leading conservation organisations with a long history of working on Cape York, one of the regions which will be directly affected by the proposed Regional Planning Interests legislation and Regulation. As you would be aware, the Wilderness Society made a submission to the Inquiry into the Regional Planning Interests Bill 2013 during the first call for submissions.

Following further examination of the Regional Planning Interests Bill, the issues raised or not raised in the context of earlier submissions, and the matters discussed or not discussed through evidence presented to the State Development, Infrastructure and Industry Committee, the Wilderness Society wishes to make the following supplementary submission to the Inquiry into the Regional Planning Interests Bill 2013.

Through the Inquiry process to date, there are a number of critical outstanding issues that have not been addressed or adequately responded to. These can be summarised as follows:

1. Queensland has an extraordinary natural environment of global significance and local acceptance. Our natural environment defines us; it is an essential part of our great outdoors lifestyle. However, our natural places and wildlife face unprecedented threats, including those from the activities of resource companies and climate change. Our natural environment needs our full support, not the removal or watering down of laws that protect iconic landscapes and wildlife which in turn support the Queensland lifestyle. This state needs stronger not weaker environmental laws, and that involves saying 'no' to destructive schemes that threaten nature. The Wenlock River and Steve Irwin Wildlife Reserve are but one example of this, although ironically these areas will not be protected "in perpetuity" under this Bill, despite the politically-based promises and apparent wishes of the Premier, Deputy Premier, and Environment Minister.

The Deputy Premier may believe that, "A healthy environment needs a healthy economy to support it", and that the biggest threat to our iconic natural places is "the collapse of the Queensland economy" (Courier-Mail Qweekend Magazine article 'Grief on the Reef', 1-2 February 2014), but the reality is that it is both possible and necessary to have a

strong environmental laws underpinning sustainable economic activity, because without a healthy environment we won't have either a healthy economy or healthy lifestyles.

2. The Bill fails to clearly prohibit mining, industrial or large-scale agricultural activity or other destructive development in ecologically sensitive areas, including but not limited to Strategic Environmental Areas under intended regional plans. This is a major flaw in the proposed legislation, and could lead to the destruction of globally important natural values, for example World Heritage-standard landscapes in Cape York Peninsula, and more broadly may lead to the undermining of the Environmental Protection Act. Protection of ecological values should be placed ahead of the interests of mining and destructive industries in areas of ecological sensitivity.
3. The Bill facilitates a clear reduction in overall environmental protection in Queensland, including in Wild River High Preservation Areas and Special Floodplain Management Areas. The Bill appears to also create loopholes around small scale mining activity in current Wild River Declarations on Cape York and in Western Queensland. The proposed legislation appears designed to enable destructive resource extraction projects in such areas at the expense of environmental concerns.
4. The principle of 'coexistence' of mining and environmental values, which is assumed within the Bill, will not guarantee that environmental values are properly protected. The Precautionary Principle should be applied to ensure risks to ecological values are removed.
5. The evidence provided by the Deputy Premier and Minister for State Development, Infrastructure and Planning at the Inquiry's Brisbane hearing on 12 February highlights that regional plans will not be binding:

Mr SEENEY: "...In (the) assessment process we will be guided by what is in the regional plans. That is the way the bill, as it is now, has been designed. The outcomes of the regional plan will guide that assessment." (p.49 of Brisbane hearing transcript).

The reality is that "guided" means non-binding; it means that the regional plans may be taken into account or used as a reference for what government's putative policy intentions are, but the assessors and decision-makers under the Bill will not be obliged or required to follow such policy intentions. Under the Bill, the Director-General of the Department of State Development, Infrastructure and Planning can in fact take **any** factor into account, because the Bill grants sweeping powers of discretion to the Director-General of the Department of State Development, Infrastructure and Planning, such that she or he may be directed or pressured to allow mining applications in Strategic Environmental Areas (SEAs) or other sensitive areas.

Thus it is rather misleading to suggest, as the Deputy Premier went on to say, that:

Mr SEENEY: "... The outcomes in the regional plan are very clear... They are (in part) about protecting strategic environmental areas. Any assessment will have to meet those objectives that are in the regional plan..."

While assessing officials may have more formally consider the policy intentions contained within a regional plan, there is no such guarantee that the final outcome of the approval process will follow the assessment. Those assessment decisions may be overridden by the Director-General of the Department of State Development, Infrastructure and Planning, who can take anything, including but not limited to, the regional plans.

6. While there has been some discussion of the value of allowing for public/third party appeals regarding regional interests assessment and decisions, and public/third party appeals regarding changes to an Environmental Authority arising from the granting of a Regional Interests Authority, the matter has not been suitably resolved. Accountable planning processes around resource development, and open and transparent government, require the enablement of third parties to scrutinise decisions and the capacity to challenge and appeal them. Matters which affect World Heritage-standard landscapes are not just 'private matters' between landholders and developers; they are public concerns as well. Concerned citizens and organisations should be able to appeal Regional Interest Authority decisions, including the overriding of an Environmental Authority. Similarly, Indigenous Traditional Owners and their communities should have the capacity to challenge such decisions, and such rights ought not be restricted to 'regional organisations' who may not in practice represent the views or interests of TOs.
7. The Bill does not provide transparency because significant components of the legislation will only be included in a Regulation which is not available for public scrutiny. The subordination of a range of important details to a Regulation, and the absence of the intended Regulation for any public examination, makes it difficult to fully assess how the Bill will work in practice.

In summary the Wilderness Society restates all of the issues raised in its previous submission and maintains that the proposed legislation represents a backward move in environmental protections in Queensland. To address the issues identified above and previously, the Bill should at the very least be amended substantially to address these issues. However, the Wilderness Society is of the view that the Committee should seek the withdrawal of the Bill and its replacement with strengthened protections for SEAs and other recognised areas of ecological value to achieve the environmental protections that Queensland's extraordinary natural areas need and deserve.

Should you wish to discuss any of the matters raised in this Supplementary Submission, please contact me by telephone on 07 3846 1420 or email: tim.seelig@wilderness.org.au .

Yours sincerely



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