



Fraser Island Defenders Organisation

FIDO — The Watchdog of Fraser Island
c/ - John Sinclair,

5th November, 2014

Select Committee into Certain Aspects of Queensland Government
Administration

PO Box 6100

PARLIAMENT HOUSE ACT 2600

Email: qga.sen@aph.gov.au

Re: Queensland Government's unwinding of environmental protection laws

Dear Secretary,

This organization is alarmed at the particular savagery that the Newman Queensland Government has taken to removing environmental protection through regulatory and legislative changes since it took office in 2012. The speed with which this assault on environmental protection measures has occurred suggests that there is an ideological hatred of the environment and environmentalists in this state. We believe that the Newman Government is so committed to its blind support of the mining industry that it is allowing itself to become blind to the public interest.

An ideology that the environment has to be crushed because it is standing in the way of economic growth seems to be prevailing. This ignores the fact that our environment is at least as important as the economy for health and happiness. Who wants to live in a clapped out polluted environment? Yet the demands to dismantle "Green Tape" and to "open up National Parks" have become rampant. Suppressing and stifling environmental organizations and deliberately muting their criticisms are only in the interests of governments setting out to allow vested interests to destroy or degrade the environment.

Given how much power and influence the coal industry has on the compliant Queensland Government, most Queenslanders would be surprised to learn that the coal industry employs only 1.2% of the workforce in Queensland and coal royalties make up only 4% of Queensland Government revenue. Yet the very erratic and unreliable mining industry receives such preferential treatment by the Newman Government that it is threatening industries such as tourism and agriculture that contribute so much more to improving the quality of life for Queenslanders.

Queensland's unicameral political system allows little opportunity for proper Parliamentary review. Worse the need for review becomes greater with the size of the Government majority in Queensland's Legislative Assembly. That is why this organization most sincerely welcomes this review. While this organization's objectives are focused on ensuring the wisest use of Fraser Island's natural resources we need to point out that this function is greatly inhibited if our democratic rights are curtailed and

there appears to be a deliberate attempt to isolate us and deny us proper access to the due processes in decision making and review.

In the past when there has been a pro-development and anti environment Queensland Government in power there has generally been a more temperate Commonwealth Government in Canberra prepared to moderate where the national interest was being harmed. However since the advent of the Newman Government there has been the election of the Abbott Government in Canberra that has followed and strongly supported the anti-environmental positions taken by Queensland.

This organization would specifically refer the Committee's attention to the following matters that have either significantly reduced environmental protection measures that had taken decades to establish and/or reduced the rights and capacity of people concerned with protecting the environment to pursue matters in the public interest.

- **Dismantling environmental administration:** Government agencies with responsibility for environmental protection have been administratively emasculated. Some indication of the assault on the environment can be gauged by the alacrity with which the former Department of Environment and Resource Management (DERM) was dismantled. Not only has its former responsibilities been distributed between eight different departments but even the key agency of the Queensland Parks and Wildlife Service has been split between two different Departments with Environment and Heritage Protection handling Wildlife matters and DNPRSR taking on the National Park responsibilities. There are two different ministers for different parts of this statutory agency. This not only makes the operations of protecting the environment less efficient but it was used as a mask to gut the former integrated department of staff, resources and capacity to properly pursue its task of environmental protection. It is now more difficult for the public to get cohesive coordinated action even if you know which section is responsible for the issue. While the Newman Government has made an art form of establishing more integrated processes of fast tracking a range of mining and development projects, with "one-stop-shops", it is ironical that they have taken completely the opposite tack with environmental protection.
- **Denying rights for environmental objectors:** There has been a deliberate move to deny citizens access to the law with respect to the mining or coal seam gas leases and extraction. Doubtless the committee will hear from many people on this topic. However this organization was only able to stop the sandmining of Fraser Island because we had the rights to object to the granting of mining leases. We even had rights to appeal which the writer successfully did by taking the matter to the High Court of Australia. The Newman Government though has now acted to deny almost every citizen the ability to take action on the matter of mining lease applications. In other words, if this organization was dealing with the Newman Government instead of the Bjelke-Petersen government, it would not have been possible to save Fraser Island.
- **Changing the intent of Nature Conservation Act:** There were deliberate legislative changes to the Nature Conservation Act to allow national parks to be "opened up" to much broader uses; many of them can be considered to adversely impact on the conservation of Nature. Previously for more than 50 years the cardinal principle of the Nature Conservation Act and its preceding legislation was "*provide to the greatest possible extent for the permanent preservation of the area's natural condition and the protection of the area's cultural resources and values*". Now the cardinal principle has been broadened to allow "*social, cultural and commercial use of Protected Areas*". This partially negates the cardinal principle allowing economic exploitation of parks. It is amazing what a

few word changes have done to affect the future of Queensland's National Parks. The change is inconsistent with the international principles of the purpose of national parks. It makes them little more than feudal reserves to be allocated not for the benefit of everyone but for those favored by commercial licenses to exploit them.

- **Removing Wild Rivers legislation:** Prior to the election of the Newman Government, this organization was assured by the then Shadow Environment Minister Andrew Powell that the repeal of the Wild Rivers declarations would apply only to disputed Cape York rivers and that that all declared Wild Rivers (including Fraser Island) would remain protected under the legislation. Notwithstanding this assurance, the Wild Rivers legislation was repealed in its totality without notice or consultation. In doing so a layer of environmental protection was stripped away. Claiming that a declaration as subordinate legislation is equivalent to the Wild River Act is stretching credibility to breaking point. Immediately the legislation was repealed, LNP members of Parliament for Maryborough and Hervey Bay began canvassing the option of taking water for domestic water supplies from Fraser Island. It appears that there has been a hidden agenda behind the repeal of the Wild Rivers legislation in the case of Fraser Island and possibly other previously declared wild rivers.
- **Denying ESD in legislation:** Currently the Newman Government is in process of introducing a new Planning and Development Act that will remove ecologically sustainable development from Queensland's planning law. The amendments proposed will:
 - remove ESD and policies from planning law,
 - abolish the need for planning schemes to advance ESD,
 - no longer require ESD as a core principle of the Great Barrier Reef management
 - remove references to climate change from the Act and
 - remove the requirements for decision makers to act in a way to advance ESD principles.
- **Access to Ministers:** Access by conservationists to Queensland ministers has never been more difficult in Queensland, at least for those who are not prepared to pay to attend party functions. FIDO has a long history of interacting with the Queensland Government over the past 43 years. The writer can attest that he and FIDO had far more access to ministers during the Bjelke-Petersen years of Queensland Government than it has had in the period of the Newman Government. The Minister for national parks has met only a handful of conservation representatives in his two and a half year tenure as Minister and it appears that most of the ministers in the Newman Government regard conservationists as "enemy" to be avoided if at all possible. Not only is access almost impossible but much correspondence sent to Ministers seems to be ignored. This seems to be in contrast with the access given to pro-development or mining lobbyists. The ABC's Four Corners revelation that Australian Water Holdings was able to lobby by paying \$5,000 (tax deductible business expenses) to the then Brisbane Lord Mayor, Campbell Newman for a lucrative deal in Queensland may be a precedent for access to Queensland Ministers now.
- **Climate Change skeptics:** The Newman Government's preoccupation with the pandering to the mining industry is blinding it to any considerations of the potential impacts of climate change. The Newman's Government's obsessive support for the coal industry is occurring at the expense of the public interest and measures to take account of climate change in matters like coastal protection

planning have been wound back and/or abandoned. Measures to ameliorate the impacts of climate change are being neglected. It seems that any reference to climate change is being written out of legislation and policies as fast as possible.

- **Bias in environmental assessments:** This organization is alarmed that the benefits of the EPBC Act will be almost totally negated to allow the Queensland Government to do the environmental assessments instead of the assessments being done by the Commonwealth. The political imperatives in Queensland are so biased in favour of mining and development that there is always a tendency to minimize the potential environmental impacts. The environmental assessment process is weak and most of the Environmental Impact Statements funded by the proponents are far less than objective and require impartial scrutiny. Allowing the Queensland Government to assess projects under the EPBC is like asking an accused person to pass judgment on themselves. In 1971 the Bjelke-Petersen Government was determined to proceed with sandmining on Fraser Island despite all evidence that it was not in the public interest.
- **A one-pillar economy:** Despite the rhetoric for a four-pillar economy, the Newman Government seems most intent on Queensland having a single pillar economy based on mining. This is not only short sighted but it is exposing Queensland to enormous economic instability as commodity prices vacillate. The impacts of the mining economy on the Great Barrier Reef are evident particularly in the port developments where there seems to be no willingness to even consider the environmental, economic or social impacts of mining. The priority given to mining is to the disadvantage of the three other pillars of the economy that Premier Newman had nominated — agriculture, tourism and construction. By tying the future of Queensland so closely to the vagaries of commodity pricing, the Newman Government is crippling the state and jeopardizing its future. There needs to be a careful analysis of whether there are in fact any net economic benefits flowing to Queensland from the mining boom when the government seems to be spending so much on infrastructure just to support the mining industry. This organization believes that a close scrutiny is needed of the mining industry to see just how many of the costs have been externalized. However more importantly than just weighing up the economic impacts of mining on the Queensland economy, there needs to be a full accounting of the environmental costs including not just the impacts of the mines at the site but of all the infrastructure including the increased fragmentation of the landscape, the impacts on our water and the Great Barrier Reef. There also needs to be a fuller assessment of the social impacts of the mining industry that now seems to have the Newman Government acting as its puppet.
- **Penalizing not-for-profit conservation groups:** The Queensland Government has been persuaded that the environmental movement is an impediment that is slowing down the rape, pillage and destruction of Australia's natural heritage and resources and as such it needs to be stopped. The Queensland Government has targeted any organization that was a thorn in its side. Top priority for the Newman Government was to attempt to draw the teeth of the Environmental Defenders Office. This was the first group to be defunded. Other groups including this organization have also had grants that were promised stopped. Now their attempts to silence the opposition to policies impacting on the environment go a step further by defunding the voices of the voluntary conservation movement. Cutting off the small government grants to organizations though doesn't seem to be enough for some politicians. Some now want to remove the tax-deductibility of any donations given to organizations

such as The Wilderness Society and the Environmental Defenders Organization. Doubtless there are even some politicians and certainly many corporations who wish that the voluntary conservation lobby didn't even exist.

- **National Parks and World Heritage areas:** The Newman Government has stalled the declarations of many areas of Queensland that were scheduled to become national parks. Twelve properties were bought prior to the election of the Newman government but none have been gazetted. They have also refused to proceed with the World Heritage nomination for the Great Sandy Region that would recognize a much larger area than just Fraser Island (Kgari) and include Cooloola and also recognize new values for the enlarged area. The administration of the World Heritage area has been a disaster with the National Park section of the Queensland Parks and Wildlife Service having a very different agenda to the World Heritage unit of the Department of Environment and Heritage Protection.

Unfortunately the Newman Government established a model that has been followed and supported by the Abbott Government not only to dismantle many of the measures instituted since Australia became a signatory to the World Heritage Convention in 1972 to protect the environment in the national interest, but also to do as much as possible to stifle environmental advocacy.

Saving Fraser Island (Kgari): It is sad that if the laws enacted by the Queensland and Federal Governments in the last two years had been in place in the 1970s, it wouldn't have been possible to save Fraser Island. The key factors at play in saving this World Heritage site then have all now been negated

1. Neither FIDO nor any other conservation organization is now eligible to object to applications for any mining leases. The voluntary conservation movement has been sidelined and neutered by the withdrawal of public resources. Apparently the only citizens that may be entitled to object have to be directly affected by the mine.
2. If the only groups or people with the right to assess under the EPBC Act are Queensland authorities, then based on the experience of the 1970s of fighting against mining on Fraser Island, the Great Barrier Reef and many other cases, mining would have gone ahead in these places. The Commonwealth will have ceded its powers to override State decisions under the EPBC Act.
3. Now governments provide no support for voluntary conservation groups and legal challenges and threaten them with liability of costs incurred by the opposing parties. These are barriers to any form of community advocacy in the public interest.

This organization would respectfully urge the Select Committee to recommend that the Commonwealth Government take a more active role to ensure that its obligations under the World Heritage Convention are being fully and properly met in Queensland and that all of the Outstanding Universal Values of all World Heritage sites in Queensland are being properly protected. We would also urge the committee to recommend that Queensland not be given the rights to assess projects unilaterally under the EPBC Act.

I would be available to elaborate on this submission in hearings if required.

Yours sincerely

John Sinclair, AO
Honorary Secretary and Honorary Project Officer.