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9th July 2017



Committee Secretary  
Senate Standing Committees on Environment and Communications  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Phone: 02 6277 3526

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Dear Sir

Thank you for the opportunity to comment:

**Environment and Infrastructure Legislation Amendment (Stop Adani) Bill 2017**

**Protect the Bush Alliance (PTBA)** is an alliance of 30 NGOs and community groups in Queensland and Australia representing over 30,000 people. Our goal is to implement ways of preventing the continuing loss of areas of high conservation values to inappropriate development. Members of PTBA have had, and will continue to have, close association with many land holders and communities affected by the major resource developments planned for Queensland, as and when those developments strategically impact on areas of biological significance and diversity.

**Protect the Bush Alliance** strongly supports this Bill for the following reasons;

The Bill proposes to create a broad “suitable person” test under the Northern Australia Infrastructure Facility Act 2016. This test would involve consideration of any investigations and findings of environmental destruction, fraud, money laundering, tax minimisation and corruption against individuals or officers of an organisation (including the Adani corporate group) prior to any funds being granted. .

The Bill strengthens our national environment law, the Environment Protection and Biodiversity Conservation Act 1999, to make sure environmental history, including overseas environmental history, must always be considered when approvals are given, varied, suspended, revoked or transferred. The Bill also triggers an automatic review of Adani’s existing approvals focusing on the group’s environmental history, including approvals for the Carmichael mine, coal railway and the Abbot Point coal port.

We have perused the following material;

[https://envirojustice.org.au/sites/default/files/files/envirojustice\\_adani\\_environmental\\_report.pdf](https://envirojustice.org.au/sites/default/files/files/envirojustice_adani_environmental_report.pdf)

The report quotes:

‘The Environmental Protection Act 1994 (Qld) empowers the chief executive of the Department of Environment and Heritage Protection (‘the Department’) to cancel or suspend a registration if the applicant is not suitable due to its environmental record.<sup>3</sup> Here, although the applicant is Adani Mining Pty Ltd it is clearly part of a group of companies interconnected to the extent that they

should be considered as a combined operation. This group has committed serious legal violations and caused extensive environmental harm in India. It is therefore not a suitable operator, and its registration should be cancelled. In addition, it may well be that Adani Mining Pty Ltd's executive officers have been executive officers of other Adani companies that have committed disqualifying events, and on that basis the registration may be cancelled under section 318K(a). Given the gravity of the legal violations and environmental harm in India, and the potential environmental impacts in Australia were Adani Mining Pty Ltd to fail to comply with environmental approvals, the Chief Executive of the Department should exercise her power under section 318R to investigate Adani Mining Pty Ltd's suitability to operate in Queensland'.

We further note that Adani have already been in breach of legislation:

**Adani Mining Pty Ltd Applicant**

**And Land Services of Coast and Country Respondents BRISBANE 10.05 AM, TUESDAY, 31 MARCH 2015**

**DAY 1 LLEWELLYN LEZAR, SWORN [2.45 pm] Head - open cut operations Adani Mining. EXAMINATION-IN-CHIEF BY Mr AMBROSE**

Mr Ambrose in examination of Llewellyn Lezar as head of operations, mining operations, at Adani Mining Proprietary Limited. The two affidavits which are identified are AA005 and AA013 in these proceedings.

**Court transcript records breaches** investigated by the Department of Agriculture and Forestry regarding extraction of quarry material from the Red Hill Quarry on the exploration lease. This resulted in charges being laid.

In the matter of **Caley Valley Wetlands post Cyclone Debbie in late March of 2017;**

<https://www.theguardian.com/business/2017/apr/10/abbot-point-coal-port-spill-causes-massive-contamination-of-queensland-wetland>

Duke, who has done extensive research on contamination of mangroves from oil spills, said he had "never seen anything as bad as this for coal dust". The spread of coal dust over a "huge" area of the wetlands risked creating a "double whammy" of harm that would have dire implications for local flora and fauna, from fish and birds to molluscs and crabs, he said.

This Alliance remains firmly of the belief that public funds should only be provided to individuals and companies that clearly and demonstrably show that they are good corporate citizens. Public funds should not be made available to individuals and companies that have a poor record of environmental management and governance.

In conclusion, we welcome the intended legislation which would demand greater scrutiny of major resource players for the good of generations to come.

Yours sincerely

Sheena Gillman  
Project Coordinator PTBA