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

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

This submission is made on behalf of Birds Queensland. The aim of Birds Queensland is to promote the scientific study and conservation of birds, with particular reference to the birds of Queensland. The protection of habitat is an important part of the activities of Birds Queensland. The Organisation has 800 members who share an interest in and enjoyment of birds and birding.

The Environment and Infrastructure Legislation Amendment (Stop Adani) Bill 2017 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 against members or executive officers of the Adani corporate group for environmental destruction, fraud, money laundering, tax minimisation and corruption.

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.

Birds Queensland strongly supports the principle that companies which undertake actions that have environmental impacts should be carefully scrutinised and pass a

“suitability test”. This increases the likelihood that companies that are given approval to undertake environmentally risky activities such as large coal mines can be trusted to manage and minimise the environmental impacts of their activities. Birds Queensland also believes that companies provided with Public funds should also be carefully scrutinised and funds not provided to companies with a known history of poor governance.

There is considerable evidence that the Adani group of Companies have a history of breaching environmental regulations, causing environmental harm and poor governance. Some of these incidents are briefly summarised below.

Adani Mormugao Port Terminal Pvt Ltd, was issued a notice by the state pollution control board in relation to Mormugao Port in the state of Goa. There was a failure to install air quality monitoring, as required by law, and observed coal dust pollution caused by uncovered coal stockpiles and unutilised sprinkling and dry fogging systems (References 1-2).

In 2010, the Indian Ministry of Environment and Forests issued a notice to Adani Mundra asking it to show cause why its environmental approval should not be cancelled. The Ministry found violations of Adani Mundra’s environmental approval, coastal zone regulation, and a Coastal Zone Management Plan. The environmental harm at Mundra included destruction of mangroves and obstruction of creeks and the tidal system due to large-scale coastal reclamation. This has continued through 2013 (References 3-11).

Adani Enterprises Ltd stands accused of active involvement in large scale illegal iron ore exports. In July 2011, the Indian state of Karnataka reported that Adani Enterprises Ltd, had bribed customs officials, the police, the State Pollution Control Board, local politicians and others in return for favours for illegal exports (References 12-13).

More recently, Adani discharged water containing more than eight times the level of sediment allowed from Abbot Point terminal. Under a four-day temporary emissions licence during and after the cyclone Debbie, Adani was authorised to release water containing up to 100mg of sediment per litre. However, Adani’s own report to the department said on 30 March, the final day of its licence, it released water from the northern side of the port with 806mg per litre (Reference 14).

This legislation is essential in strengthening environmental legislation as well as ensuring the appropriate use of public funds.

Ms Rae Clark

President, Birds Queensland

References

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2. Id.
3. Adani, Power generation – thermal, available at <http://adanipower.com/power-thermal>; Adani, About Mundra port, available at http://www.adaniports.com/about_mundra_port.aspx (both accessed 20 January 2015).
4. Ministry of Environment and Forests, Show Cause Notice under Section 5 of Environment (Protection) Act, 1986 for violation of the provisions of the Coastal Regulation Zone Notification 1991 by M/s Mundra Port & SEZ Ltd (15 December 2010), paragraphs 1-19.
5. Id., paragraph 19.
6. Id., paragraphs 1-19.
7. Id., paragraphs 9-11.
8. Report of the Committee for Inspection of M/s Adani Port & SEZ Ltd, Mundra, Gujarat (April 2013), available at <http://www.moef.nic.in/sites/default/files/adani-report-290413.pdf> (accessed 9. January 2015).
10. Id., pages 77-80.
11. Id., pages 76-81.
12. Karnataka Lokayukta, Report on the Reference made by the Government of Karnataka under section 7(2-A) of the Karnataka Lokayukta Act, 1984 (Part – II) (27 July 2011), page 55, available at http://www.thehindu.com/multimedia/archive/00736/Report_on_the_refer_736286a.pdf (accessed 22 January 2015).
13. Id., pages 54-55.
14. <https://www.theguardian.com/environment/2017/may/03/adani-may-face-fine-over-sediment-released-in-floodwaters-after-cyclone-debbie> (accessed 7 July 2017).