

The Senate

Select Committee on
Certain Aspects of Queensland
Government Administration related
to Commonwealth Government Affairs

Report

March 2015

© Commonwealth of Australia

ISBN: 978-1-76010-173-2

This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Australia License.



The details of this licence are available on the Creative Commons website: <http://creativecommons.org/licenses/by-nc-nd/3.0/au/>.

This document was produced by the Senate Standing Committee on Education and Employment and printed by the Senate Printing Unit, Parliament House, Canberra.

MEMBERSHIP OF THE COMMITTEE

Members

Senator Glenn Lazarus, Chair, IND, QLD

Senator the Hon Joseph Ludwig, Deputy Chair, ALP, QLD

Senator Christopher (Chris) Ketter, ALP, QLD

Senator the Hon Ian Macdonald, LP, QLD

Senator Larissa Waters, AG, QLD

Participating Members

Senator Chris Back, LP, WA (from 1 October 2014)

Senator Cory Bernardi, LP, SA (from 1 October 2014)

Senator Catryna Bilyk, ALP, TAS (from 17 November 2014)

Senator Carol Brown, ALP, TAS (from 17 November 2014)

Senator Joseph (Joe) Bullock, ALP, WA, (from 17 November 2014)

Senator David Bushby, LP, TAS (from 1 October 2014)

Senator the Hon Douglas (Doug) Cameron, ALP, NSW (from 17 November 2014)

Senator Matthew Canavan, NP, QLD (from 1 October 2014)

Senator the Hon Kim Carr, ALP, VIC (from 17 November 2014)

Senator the Hon Jacinta Collins, ALP, VIC (from 17 November 2014)

Senator the Hon Stephen Conroy, ALP, VIC (from 17 November 2014)

Senator Sam Dastyari, ALP, NSW (from 17 November 2014)

Senator Sean Edwards, LP, SA (from 1 October 2014)

Senator the Hon John Faulkner, ALP, NSW

(from 17 November 2014 to 6 February 2015)

Senator David Fawcett, LP, SA (from 1 October 2014)

Senator Alexander (Alex) Gallacher, ALP, SA (from 17 November 2014)

Senator the Hon William (Bill) Heffernan, LP, NSW (from 1 October 2014)

Senator Jacqui Lambie, IND, TAS (from 17 November 2014)

Senator Sue Lines, ALP, WA (from 17 November 2014)

Senator the Hon Kate Lundy, ALP, ACT
(from 17 November 2014 to 24 March 2015)

Senator Gavin Marshall, ALP, VIC (from 17 November 2014)

Senator Anne McEwen, ALP, SA (from 17 November 2014)

Senator James McGrath, LP, QLD (from 1 October 2014)

Senator Bridget McKenzie, NP, VIC (from 1 October 2014)

Senator the Hon Jan McLucas, ALP, QLD (from 17 November 2014)

Senator Claire Moore, ALP, QLD (from 17 November 2014)

Senator Deborah O'Neill, ALP, NSW (from 17 November 2014)

Senator Barry O'Sullivan, NP, QLD (from 1 October 2014)

Senator Nova Peris OAM, ALP, NT (from 17 November 2014)

Senator Helen Polley, ALP, TAS (from 17 November 2014)

Senator Linda Reynolds, LP, WA (from 1 October 2014)

Senator Anne Ruston, LP, SA (from 1 October 2014)

Senator Zdenko (Zed) Seselja, LP, ACT (from 1 October 2014)

Senator the Hon Lisa Singh, ALP, TAS (from 17 November 2014)

Senator Dean Smith, ALP, WA (from 1 October 2014)

Senator Glenn Sterle, ALP, WA (from 17 November 2014)

Senator Anne Urquhart, ALP, TAS (from 17 November 2014)

Senator Zhenya Wang, PUP, WA (from 17 November 2014)

Senator John Williams, NP, NSW (from 1 October 2014)

Senator the Hon Penny Wong, ALP, SA (from 17 November 2014)

Secretariat

Ms Julia Agostino, Secretary

Ms Natasha Rusjakovski, Acting Principal Research Officer

Ms Jessica Strout, Acting Senior Research Officer

Ms Elise Williamson, Research Officer (until 2 February 2015)

Ms Chiara Edwards, Research Officer (from 2 February 2015)

Ms Sophie Wolfer, Administrative Officer

PO Box 6100
Parliament House
Canberra ACT 2600

Ph: 02 6277 3521
Fax: 02 6277 5706
E-mail: eec.sen@aph.gov.au

TABLE OF CONTENTS

MEMBERSHIP OF THE COMMITTEE	iii
RECOMMENDATIONS	ix
CHAPTER 1	1
Introduction	1
Terms of reference.....	1
Conduct of the inquiry.....	2
Acknowledgments	2
Structure of the report.....	2
CHAPTER 2	3
Concerns relating to public administration	3
Crime and Corruption Commission	4
Queensland Industrial Relations Commission	6
Education	7
Healthcare.....	9
Political donations	11
Consistency with international obligations	13
CHAPTER 3	21
Environmental concerns	21
Obligations under international environmental law instruments	21
Delegation of powers.....	24
Coal seam gas	26
LABOR SENATORS' ADDITIONAL COMMENTS	37
AUSTRALIAN GREENS ADDITIONAL COMMENTS	39
Coal seam gas	39

Federal environmental laws.....	40
Stradbroke Island.....	41
Cleaning up politics.....	41
DISSENTING REPORT OF THE SOLE GOVERNMENT SENATOR ON THE SENATE SELECT COMMITTEE INTO CERTAIN ASPECTS OF QUEENSLAND GOVERNMENT ADMINISTRATION RELATED TO COMMONWEALTH GOVERNMENT AFFAIRS.....	43
CHAPTER 1	43
CHAPTER 2	45
Creation of the inquiry.....	45
Terms of Reference	46
Composition of Committee	48
Timing of Inquiry	48
CHAPTER 3	50
Government Senators' Observations.....	50
APPENDIX 1	53
Submissions Received.....	53
Responses to Questions on Notice	63
Additional Information	63
Tabled Documents	64
APPENDIX 2	67
Public hearings.....	67

RECOMMENDATIONS

Recommendation 1

The committee recommends the Queensland government make it a priority to review legislation that may be inconsistent with Australia's obligations under a range of international instruments, with a view to ensuring Queensland legislation is amended to ensure consistency with Australia's international obligations.

Recommendation 2

The committee recommends the Queensland government recognise all decisions that have been delivered by the Federal Court of Australia in the recognition of Indigenous land rights in Queensland.

Recommendation 3

The committee recommends the Queensland government consider replacing the Crime and Corruption Commission with an organisation modelled on the Independent Commission Against Corruption in New South Wales.

Recommendation 4

The committee recommends once the Crime and Corruption Commission is replaced that the Queensland Government re-open, review and reconsider all issues, matters and cases presented to the Crime and Corruption Commission inclusive of all decisions.

Recommendation 5

The committee recommends the Queensland government make a commitment to restoring the relationship between government and the Queensland people, through adequate consultation, transparent decision making and accountability for outcomes.

Recommendation 6

The committee recommends the Queensland Government review decisions made by the Newman Government as well as decisions pending, in relation to the approval of mining leases and other projects called in by the Deputy Premier and Minister for Infrastructure and Planning, where environmental and planning laws and decisions reached by Local Government, have been ignored and disregarded and/or where potential conflicts of interest may have occurred and/or where political donations to the Liberal National Party were involved in some way.

Recommendation 7

The committee recommends the Queensland Government review all alleged conflicts of interest raised during the Inquiry.

Recommendation 8

The committee recommends the Queensland Government review any controversial asset sale during the Newman Government's term.

Recommendation 9

The committee recommends the Queensland Government conduct a thorough review of the Queensland vocational education and training programs and reinstate courses cut under the Newman Government. In particular, the review should consider course cost increases, infrastructure, facilities, staffing, course accessibility and other matters.

Recommendation 10

The committee recommends that the Queensland government refers to the Crime and Corruption Commission and/or to the Parliamentary Crime and Corruption Commission the issue of the extension of the sand mining lease on Stradbroke Island and any issues relating to political donations and election spending by Sibelco.

Recommendation 11

The committee recommends that the Queensland government ensure all mining and other major development activities are consistent with Australia's environment and social obligations under international environmental instruments that Australia is a signatory to.

Recommendation 12

The committee recommends that the federal Minister for the Environment does not delegate his powers under the *Environment Protection and Biodiversity Conservation Act 1999*.

Recommendation 13

The committee recommends that the Federal Minister for the Environment declare a moratorium on any new approvals of Coal Seam Gas until an investigation is completed and reports back to the Senate. The report should address the effects of Coal Seam Gas mining activities in the Tara and Chinchilla areas on the health of local people, animals and crops, groundwater and on the quality of soil, water and air, and also investigate the disposal of effluent containing human faeces around mining camps, local roads and agricultural land used for growing crops for human consumption and the degradation of water reserves in these areas.

Recommendation 14

The committee recommends the Queensland government undertake an immediate review of the Department of Environment and Heritage Protection and its resource capabilities including staffing levels, expertise, arms-length requirements and conflicts of interest to determine and establish appropriate operating requirements for the delivery of quality outcomes for stakeholders. Further, the committee recommends a thorough review of the department to improve systems, processes, procedures, compliance, and escalation of issues, transparency and reporting. Ideally, an independent body should be established to manage escalated issues.

Recommendation 15

The committee recommends that the Queensland Government complete a review of the Gasfields Commission Queensland including roles, responsibilities, conflicts of interest and independence.

Recommendation 16

The committee recommends the Queensland government review all legislation implemented by the Newman Government to determine its appropriateness and compatibility with social justice/natural justice requirements and other land ownership rights. Further the committee recommends the review of mechanisms/instruments established by the Newman Government which impose unjust and unfair limitations or requirements on land owners, particularly in relation to land use/access issues.

Recommendation 17

The committee recommends that a royal commission be established to investigate the human impact of Coal Seam Gas mining.

Recommendation 18

The committee recommends that a moratorium be called and that no further Coal Seam Gas mining approvals be given until a full investigation by the Federal Minister for the Environment has been completed and reported back to the Senate on; the human health impacts, animal deaths, crop contamination, drinking water and air quality, plus degradation of the water supply in and around the Tara and Chinchilla area.

Recommendation 19

The committee recommends that a Resources Ombudsman be established to provide Australians with an independent advocacy body.

Recommendation 20

The committee recommends that fracking be banned in Queensland.

CHAPTER 1

Introduction

Terms of reference

1.1 This report sets out the findings of the Select Committee on Certain Aspects of Queensland Government Administration related to Commonwealth Government Affairs (committee).

1.2 On 30 September 2014, the Senate established a committee to inquire into:

(1) (a) the amount of Commonwealth funds allocated or paid to the State of Queensland since 26 March 2012, with particular reference to:

(i) the purposes for which the funds were appropriated by the Parliament,

(ii) performance measures in relation to Commonwealth funds paid to the State of Queensland,

(iii) identified breaches of funding agreements or conditions,

(iv) the proportion of the Queensland State budget derived from Commonwealth funds, and

(v) whether any Commonwealth funds have been used by the State of Queensland for state government advertising or party political purposes,

(b) the administration of the Queensland courts and judicial system insofar as it relates to cross vesting arrangements, with particular reference to judicial independence and separation of powers;

(c) approval process for the development of projects for the export of resources or services insofar as they are administered by the Commonwealth or under a bilateral agreement with the Commonwealth;

(d) the extent to which Queensland State Government policies and practices are consistent with Australia's obligations under international environmental law instruments;

(e) whether it is appropriate for the Federal Minister for the Environment to delegate his approval powers to the Queensland State Government under the *Environment Protection and Biodiversity Conservation Act 1999* by way of approval bilateral agreements or strategic assessments;

(f) the extent to which Queensland State Government policies and practices are consistent with Australia's obligations under international human rights instruments, with particular reference to:

(i) the administration of prisons, and

(ii) detention without trial; and

(g) any other matter the committee considers relevant.

(2) the adequacy of Commonwealth oversight of the approval of coal seam gas projects in Queensland.¹

Conduct of the inquiry

1.3 The committee was created by the Senate on 30 September 2014 to report by 27 March 2015.

1.4 The inquiry was advertised nationally in *The Australian* on 5 November 2014. The committee received a total of 167 submissions. They are listed in Appendix 1.

1.5 The committee held a total of six public hearings in the State of Queensland. These were conducted in Brisbane, Surfers Paradise, Cairns and Toowoomba. The public hearings and witnesses are listed in Appendix 2.

Acknowledgments

1.6 The committee appreciates the time and effort of individuals and organisations who provided written and oral submissions to the inquiry. Their work has assisted the committee considerably in its inquiry.

Structure of the report

1.7 The report is structured as follows. Concerns relating to public administration are considered in Chapter 2. Chapter 3 considers a number of environmental concerns.

1 *Journals of the Senate*, No. 57, 30 September 2014, pp 1542–1545.

CHAPTER 2

Concerns relating to public administration

2.1 The committee was established to look at a number of aspects of Queensland Government Administration as they related to Commonwealth Government Affairs.

2.2 While the establishment of the committee raised questions about the doctrine of comity (which provides that one level of government should render appropriate respect for the processes of another), the terms of reference limited the inquiry to matters where there is a link between administrative activities of the Queensland government, and those of the Commonwealth, primarily through funding, bilateral processes and mutual obligations under certain legislation and international instruments.

2.3 The terms of reference also stipulate the timeframe to be considered is that which begins with the election of the former Queensland government, led by the Hon Campbell Newman on 26 March 2012.

2.4 It is useful to reflect upon the historical context of this inquiry, to help understand the depth of concerns felt by the people of Queensland. First, the Queensland parliament is the only unicameral state parliament in Australia, with no second house to keep checks and balances on decision making about legislation. This means that a single chamber can be entirely dominated by the governing party and can lead to concerns about the independence of decision making.

2.5 Second, the people of Queensland have chequered history with successive governments, with concerns perhaps never more evident than during the Bjelke-Petersen government that spanned from 1968 to 1987 and which led to the Fitzgerald inquiry in the late 1980s.

2.6 The Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct was conducted by Tony Fitzgerald QC from 1987 – 1989, in response to allegations of serious levels of corruption in the Queensland police force. Fitzgerald concluded in his 1989 report that corruption was not limited to branches of the Queensland Police Service, but was 'endemic across the state's public institutions and was both a symptom and a cause of Queensland's wider political culture.'¹

2.7 As a result of this inquiry, four Ministers and a Police Commissioner were jailed, the Premier was charged with perjury and the National Party was defeated at the Queensland state election after 32 years in government.

2.8 The people of Queensland have again voted to change their government, on 31 January 2015. They voted to remove Mr Newman not only as Premier, but also as a member of the Queensland Parliament.

1 Brisbane Institute, *The Fitzgerald legacy: 15 years on*, 26 August 2003, http://parlinfo.aph.gov.au/parlInfo/download/library/jrnart/4FBA6/upload_binary/4fba66.pdf;fileType=application%2Fpdf (accessed 17 March 2015).

2.9 In spite of the recent Queensland state election results, the committee believes it is important to set out concerns that were raised with it during this inquiry as a sign of respect to all those who took the time to contribute, and in the hope that lessons can be learned, and past mistakes not repeated.

2.10 Many submitters to the inquiry commented on the broader policies and practices of the former Queensland government. The volume of submissions received demonstrates the community's active engagement and interest in a range of issues, including the roles of the Crime and Corruption Commission (CCC) and the Queensland Industrial Relations Commission (QIRC), the importance of access to education and health care, Australia's international obligations, and the issue of political donations.

2.11 This chapter briefly sets out a number of issues that were touched on by witnesses and submitters.

Crime and Corruption Commission

2.12 The Queensland Crime and Corruption Commission (CCC), formerly the Crime and Misconduct Commission (CMC), was created to combat major and serious corruption in Queensland.² The CCC has unique investigative powers that are not available to the police or any other government agency.³ Specifically, it has the power to investigate particular cases of major crime and misconduct in the Queensland public sector.⁴

2.13 Some submitters drew the committee's attention to concerns they hold about the independence of the CCC in light of changes initiated by the Newman Government.⁵

2.14 For example, Mr Peter Wellington, MP, argued that measures 'raising the threshold for complaints and giving the Attorney-General control of the [CCC's] research program'⁶ have lessened the CCC's independence and weakened its powers.

[I]t is totally inappropriate that the Attorney-General can decide what areas the Crime and Corruption Commission undertakes research in... if the Crime and Corruption Commission wants to undertake research into a whole range of matters involving significant decisions or potential decisions involving big dollars and the government, they should have the capacity to do that without needing the authority of the Attorney-General.

2 Crime and Corruption Commission Queensland, *CCC 2014-18 Strategic Plan*, <http://www.ccc.qld.gov.au/about-the-ccc/ccc-2014201318-strategic-plan> (accessed 15 January 2015).

3 Crime and Corruption Commission Queensland, *About the CCC: Special powers*, <http://www.ccc.qld.gov.au/about-the-ccc/powers> (accessed 14 January 2015).

4 Crime and Corruption Commission Queensland, *CCC 2014-18 Strategic Plan*, <http://www.ccc.qld.gov.au/about-the-ccc/ccc-2014201318-strategic-plan> (accessed 14 January 2015).

5 Peter Wellington, MP, *Committee Hansard*, 28 November 2014, pp 1–13; Peter Wellington, MP, *Submission 38*; Dr Chris Davis, *Committee Hansard*, 28 November 2014, pp 14–22.

6 Peter Wellington, MP, *Submission 38*, p. 4.

Some of these decisions, some of these investigations may have significant implications and may involve politicians. If we want to have a separation between the leadership of a government and the Crime and Corruption Commission, which has the responsibility of investigating the leaders of our state, it must be totally separate.⁷

2.15 Dr Chris Davis drew comparison to the Independent Commission Against Corruption in NSW (ICAC), and posited that the CCC is not 'independent enough' to act in a way similar to ICAC.⁸

[T]he only way that you could actually answer the question of a truly transparent, truly accountable and truly honourable state government is to have the kind of powers of audit of politician performance such as they have in New South Wales.⁹

2.16 The committee notes the comparison with ICAC, which was established by the NSW Government in the late 1980s in response to community concern about the integrity of the state's public administration.¹⁰ ICAC's jurisdiction extends to all NSW public sector agencies and employees, except the police force, including government departments, local councils, members of state parliament, ministers, the judiciary and the governor.¹¹

2.17 ICAC's operations, including investigations, are not subject to the direction of politicians, any political party, or the government. Unlike most other publicly funded organisations, ICAC is not responsible to a government minister. ICAC argues that this independence is essential for the public to have confidence that it is not biased or subject to direction by the government of the day.¹²

2.18 In the context of the approval process for the CCC to undertake research, a number of submitters questioned the CCC's failure to investigate referrals relating to Coal Seam Gas (CSG) matters.¹³

2.19 For example, Ms Simone Marsh and Lock the Gate Alliance argued that the CCC failed to investigate legal flaws in the approval of CSG projects in Queensland by 'claiming that health and environmental "policy" matters were outside their

7 Peter Wellington, MP, *Committee Hansard*, 28 November 2014, pp 6–7.

8 Dr Chris Davis, *Committee Hansard*, 28 November 2014, pp 14–22.

9 Dr Chris Davis, *Committee Hansard*, 28 November 2014, p. 20.

10 Independent Commission Against Corruption, New South Wales, *Overview*, <http://www.icac.nsw.gov.au/about-the-icac/overview> (accessed 15 January 2015).

11 Independent Commission Against Corruption, New South Wales, *Overview*, <http://www.icac.nsw.gov.au/about-the-icac/overview> (accessed 15 January 2015).

12 Independent Commission Against Corruption, New South Wales, *Independence and accountability*, <http://www.icac.nsw.gov.au/about-the-icac/independence-accountability> (accessed 15 January 2015).

13 Lock the Gate Alliance, *Submission 133*, p. 38; Lock the Gate Alliance, *Committee Hansard*, 21 November 2014, pp 17–32; Jenny Chester, *Submission 6*; Sandra Williams, *Submission 11*; Simone Marsh, *Submission 39*.

jurisdiction.¹⁴ With specific reference to the investigation of referrals relating to the approval of CSG projects and export terminals, both Ms Jenny Chester and Ms Sandra Williams opined that the CCC's powers are manifestly inadequate.¹⁵

2.20 In speaking about the CMC, Ms Marsh stated: 'Well, at some stage they have decided they did not want to investigate environmental law matters. They did not tell us until seven months later.'¹⁶

2.21 Ms Marsh expressed further concerns about the failure of the CMC to investigate misconduct regarding environmental matters because in considering complaints about CSG made in February 2013, the CMC issued a statement:

It is important to note that the assessment did not examine matters of government policy or the environmental and health impacts of the coal seam gas industry as these issues do not fall within the CMC's jurisdiction.¹⁷

2.22 The committee will consider a number of issues relating to CSG in Chapter 3 of this report.

Queensland Industrial Relations Commission

2.23 The Queensland Industrial Relations Commission (QIRC) is an independent tribunal established to conciliate and arbitrate industrial matters in the state of Queensland.¹⁸

2.24 The committee heard from several union organisations which expressed views that the power and independence of QIRC has been diluted by changes made to Queensland's industrial relations system.¹⁹ For example, the Australian Council of Trade Unions (ACTU) stated:

Several changes have been made to Queensland's industrial relations system which served to dilute the power and independence of the Queensland Industrial Relations Commission (QIRC). For example, under the Industrial Relations (Fair Work Harmonisation) and Other Legislation Amendment Act 2012 (the FWH Act), enacted in June 2012, the QIRC has now been directed to be briefed by the government on a range of matters, such as the State's financial position and fiscal strategy, and to take this into consideration when making decisions. Of course, it has always been the

14 Simone Marsh, *Submission 39*; Lock the Gate Alliance, *Submission 133*, p. 38.

15 Jenny Chester, *Submission 6*; Sandra Williams, *Submission 11*.

16 Simone Marsh, *Committee Hansard*, 28 November 2015, p. 11.

17 Simone Marsh, *Submission 39*, p. 7.

18 Industrial Court of Queensland, Queensland Industrial Relations Commission, http://www.qirc.qld.gov.au/qirc/aboutus/aboutus_info/index.htm (accessed 14 January 2014).

19 The Australian Council of Trade Unions, *Submission 3*; The Australian Council of Trade Unions, *Committee Hansard*, 21 November 2014, pp 1–16; Queensland Council of Unions, *Submission 115*; Queensland Council of Unions, *Committee Hansard*, 21 November 2014, pp 1–16.

custom of industrial tribunals to take such matters into consideration; by legislating this, it appears that the State Government may be attempting to unduly influence the QIRC in its decision making. In addition, appeals of the Public Service Commission are now being referred to the QIRC, which causes some ambiguity and confusion in relation to the separate roles of these two bodies. Moreover, as part of the second tranche of Fair Work Harmonisation legislation, the Queensland Government has now introduced fixed one-year terms for their industrial commissioners. This is a radical departure from the previous system, which granted life tenure to its industrial commissioners. Life tenure is an important cornerstone of an independent judiciary as it ensures that judicial appointments, once made, are not subject to revocation for political reasons. These legislative changes suggest an alarming trend towards a potential dilution of the independence of the QIRC.²⁰

2.25 The Queensland Council of Unions (QCU) similarly argued that the state government has unduly influenced QIRC in its decision making, including through the referral of appeals of the Public Service Commission to QIRC and through the introduction of fixed one-year terms for industrial commissioners.²¹

2.26 QCU also raised specific concerns about the new requirement for QIRC to consider government 'fiscal strategy' and 'financial position' when determining wage negotiations by arbitration, claiming this goes 'a bridge too far'.²²

Taking the point back again to that of the fiscal strategy, that is a political determination. That is what the LNP will decide as its strategy. If you are going to operate as an independent tribunal, that is politicising the bench.²³

Education

2.27 Queensland Teachers' Union (QTU) officials advised the committee of concerns they held about the Queensland government's 'lack of transparent processes, inconsistency in decision making and potential conflicts of interest' within the education industry.²⁴

2.28 QTU suggested that the Queensland Government's appointment of members to the Queensland Skills and Training Taskforce excluded members with experience in relation to the public provision of vocational education and training (VET), and therefore, that the review process was flawed.

From our perspective, for such an important review of a critical element of both the education industry and the Queensland economy to exclude the public provider of vocational education and training, and indeed to have no

20 Australian Council of Trade Unions, *Submission 3*, pp 2–3.

21 Queensland Council of Unions, *Submission 115*; Queensland Council of Unions, *Committee Hansard*, 21 November 2014, pp 1–16.

22 Queensland Council of Unions, *Committee Hansard*, 21 November 2014, p. 6.

23 Queensland Council of Unions, *Committee Hansard*, 21 November 2014, p. 7.

24 Queensland Teachers' Union, *Submission 36*, p. 4.

representation from the union that represents the vast majority of educators who work in that industry, is a fundamental flaw in any review process.²⁵

2.29 By way of context, the Queensland Skills and Training Taskforce was established by the Queensland Government on 19 June 2012 in recognition that, in the government's view, strengthening Queensland's VET sector is fundamental to growing the state's four pillar economy and reducing unemployment to four per cent in six years.²⁶

2.30 The QTU also observed that in March 2012, the former Premier, the Hon Campbell Newman, assured voters that there would be no asset sales without a mandate for such sales. In spite of this, in May 2013, the former Minister for Education, Training and Employment announced that eight Queensland state schools had been identified for community consultation regarding proposed closure, and in September of that year, it was announced that six schools would close.²⁷

2.31 To illustrate its concerns, the QTU described to the committee the closure of a Queensland state high school, Nyanda,²⁸ and its subsequent sale to a private school. QTU explained to the committee that the subsequent sale both 'acknowledges that there was community need for a secondary school in the area' and 'erodes the public education system.'²⁹

2.32 Nyanda was the last secondary facility available to students in the area, and served a demographic whose parent community is dominated by Aboriginal and Torres Strait Islander peoples, Pacific peoples and people from other countries. Local students now have to travel some considerable distance to access secondary education.³⁰

2.33 QTU drew the committee's attention to alleged deficiencies in consultation about the school's closure, and the impact of not enabling Nyanda students to complete the end of the 2014 school year.³¹

2.34 In discussing recent improvements made to Nyanda, including a new resource centre, QTU noted that the decision to close Nyanda, meant the benefits of the facilities funded from the public purse would only be enjoyed by a few. Additionally, the substantial amounts of maintenance funds spent in the recent past on the 'soon-to-close school and significant, ongoing funds raised by the parents and citizens

25 Mr Kevin Bates, Queensland Teacher's Union, *Committee Hansard*, 28 November 2014, p. 37.

26 Queensland Skills and Training Taskforce, <http://www.training.qld.gov.au/industry/skills-training-taskforce/index.html> (accessed 15 January 2015).

27 Queensland Teachers' Union, *Submission 36*, p. 8.

28 Nyanda State High School was located in Salisbury, Queensland, on native Australian bushland. It had a strong focus on traineeships and apprenticeships. https://eqi.com.au/pdfs/school/eqi_sp_nyanda.pdf (accessed 15 January 2015).

29 Queensland Teachers' Union, *Submission 36*, p. 8.

30 Mr Kevin Bates, Queensland Teacher's Union, *Committee Hansard*, 28 November 2014, p. 37.

31 Queensland Teachers' Union, *Submission 36*, pp 8–12.

association to improve school facilities will not now benefit the public school students they were intended for.³²

[W]ith all of the six schools that closed the parent communities were very strong in their voice in saying that they had invested heavily as a community in those schools over decades. They were certainly concerned about the loss of that amenity to their community in terms of the investment. I have to acknowledge that, in all of these circumstances, parent groups are aware that, when they invest money into a public school, by operation of legislation, they cede to the state any control of that money and the resources that they had purchased. That is a condition under which it operates. Nonetheless, those people certainly feel a strong ownership of their schools and are concerned about the loss of that amenity in their community.³³

2.35 QTU also highlighted concerns surrounding the decision and circumstances that led to the closure of the Barrett Adolescent Centre (BAC) at Wacol,³⁴ the only tier 3 mental health service in Queensland providing both education and health care services for children and adolescents.³⁵ Of particular concern in this instance, was the lack of transitional arrangements for the patients following BAC's closure.

Following the closure of BAC, and with no tier 3 service available, patients were moved back into community care. Here many suffered detrimental effects due to the lack of 24/7 support required. Three former BAC patients have now taken their own lives and their deaths are currently being investigated by the Queensland Coroner.³⁶

2.36 The committee is saddened by the tragedy of young people taking their own lives, and concerned by any lack of targeted services available to support these vulnerable young people.

Healthcare

2.37 One issue that was raised with the committee – albeit to a limited degree – is the health care system in Queensland. Given the health system is vitally important to all members of the community, the committee believes it is important to summarise this evidence in its report.

32 Queensland Teachers' Union, *Submission 36*, p. 11.

33 Mr Kevin Bates, Queensland Teacher's Union, *Committee Hansard*, 28 November 2014, pp 37–38.

34 Barrett Adolescent Centre is a Special School which ensures normality through education and helps to prevent anxiety about school work. Where appropriate, Barrett Adolescent Centre will provide continuity of education from the presenting school or a program within the framework of the state curriculum. See <https://barrettadolescentcentreschool.eq.edu.au/Pages/default.aspx> (accessed 15 January 2015).

35 Queensland Teachers' Union, *Submission 36*, pp 13–15.

36 Queensland Teachers' Union, *Submission 36*, p. 13.

2.38 While some submitters raised issues about individual facilities, it became evident during the committee's hearing on 28 November 2014 in Brisbane that there are concerns about the health system as a whole, and there is perhaps a need for a closer expert look at whether the system is working optimally.

2.39 In this regard, Dr Chris Davis effectively set the context for considering the performance of the health system:

My interest in sharing some ideas with the committee today is really based on how we have performed since the major health reforms of 2012; the new national health agreements that came out, which provided for some very substantial increases in funding; whether those funds have been put to optimal use; and, most importantly, how we will cope with the increased pressures on the healthcare system going forward.³⁷

2.40 Dr Davis discussed in more detail the need for improved operational and allocative efficiency in the health care system:

[W]here we have to allocate what are going to be increasingly finite healthcare dollars in a way that achieves the maximum good for both the individual and the community. That will require rigorous data looking at the benefit accrued from medical interventions and also some decisions by patients and the community as to the models of care that work and do not work. Indeed, there are many models of care that do not actually achieve any good but they are entrenched in our clinical practice.³⁸

2.41 Dr Davis went on to emphasise the need for greater leadership by government in steering change in management of the health care sector.³⁹

[I]t is going to require great leadership by government to have those conversations and do the change management that is necessary, and that includes better and more timely access to palliative care, which of course is what many patients want. We need very much more ability to treat more conditions in primary care and more Hospital in the Nursing Home so that you do not have to traumatise everybody by admitting patients to hospital when they would prefer to be palliated and treated well in a nursing home. That is another example of the challenge for the Commonwealth and state government, where traditionally there has been a game.⁴⁰

2.42 Mr John Dutton also argued that the Queensland Government was in breach of the National Health Reform Agreement and the associated funding, as demonstrated by allowing the downgrading of the Wynnum Hospital. Mr Dutton highlighted that such a downgrade resulted in a decrease of patient access to services

37 Dr Chris Davis, *Committee Hansard*, 28 November 2014, p. 14.

38 Dr Chris Davis, *Committee Hansard*, 28 November 2014, p. 16.

39 Dr Chris Davis, *Committee Hansard*, 28 November 2014, p. 16.

40 Dr Chris Davis, *Committee Hansard*, 28 November 2014, p. 16.

and failure to improve local accountability and responsiveness to the needs of the local community.⁴¹

Political donations

2.43 Numerous submitters and witnesses commented on the issue of political donations by industry, and the impression that such donations have led to government decisions that are not impartial or in the best interest of the Queensland community. A number of submitters expressed concerns about the size and timing of donations.⁴²

2.44 Dr Chris Davis shared his views about political donations, and the perceptions that can be created by larger donations:

I thought the previous threshold was entirely reasonable. I think you are not going to buy – hopefully – too much influence. It is this whole notion, as you know, of common law – what the reasonable man considers. I think most reasonable voters would accept that \$1 000 is something that is just a reasonable donation in goodwill to give you some support for your campaign, but \$12 000 and heading upwards certainly can be seen to buy a significant amount of influence.⁴³

2.45 Further, he related that during his time as a Member of Parliament in Queensland and as a doctor, constituents raised similar concerns:

I was in touch with my constituency. I received a lot of communication from them in which they expressed grave concerns about changes to both the CMC and indeed political donations.⁴⁴

2.46 The Electrical Trades Union (ETU) of Australia raised specific concerns about donations made by ERM Power to the Newman Government, and alleged that as a result, ERM Power has been afforded unfettered access to the government and its energy policy discussions and political activities.⁴⁵ The ETU expressed the view that:

[A] close and constant relationship between a government and one of its political donors that appears to be deliberately kept from the public falls well short of the expected public standards of openness, accountability and transparency.⁴⁶

41 John Dutton, *Submission 25*, pp 1–2.

42 Dr Chris Davis, *Committee Hansard*, 28 November 2014, pp 14–22; Electrical Trades Union of Australia, *Submission 37*; Electrical Trades Union, *Committee Hansard*, pp 23–35; Lock the Gate Alliance, *Submission 133*; Lock the Gate Alliance, *Committee Hansard*, 21 November 2014, pp 17–32; Ms Jenny Chester, *Submission 6*; Ms Sandra Williams, *Submission 11*.

43 Dr Chris Davis, *Committee Hansard*, 28 November 2014, p. 18.

44 Dr Chris Davis, *Committee Hansard*, 28 November 2014, p. 18.

45 Electrical Trades Union of Australia, *Submission 37*, pp 2–3.

46 Electrical Trades Union, *Committee Hansard*, p. 25.

2.47 Lock the Gate Alliance specifically raised the issue of large political donations from the mining industry.⁴⁷ Lock the Gate Alliance offered the following example, related to the dredging of the Great Barrier Reef:

Former mining tycoon, Paul Darrouzet, was allegedly granted an approval to amend his environmental authority for maintenance dredging at Abell Point marina in August 2013, just a week after purportedly donating \$150 000 to the LNP.⁴⁸

2.48 Ms Jenny Chester alleged that large donations from the mining industry have led to policy decisions in their favour:

Other matters which appear relevant to this Inquiry include corruption and perversion of good governance in Queensland and the undue influence of the mining industry on our democratic processes. For example, large donations from the mining industry apparently leading to favourable policy decisions. The revolving door between the Queensland Government and the mining industry is of great concern, as is the extraordinary access mining lobbyists have to politicians.⁴⁹

2.49 Ms Sandra Williams offered the following example which she submitted demonstrates the influence of the coal mining sector on the former Queensland government:

New Hope Coal and associated entities purportedly donated \$700,000 to the state and federal Liberal/National Parties; the Qld LNP Govt back-flipped on a pre-election promise to reject an application by New Hope to expand the Acland coal mine.⁵⁰

2.50 Similarly, Dr Nicki Laws, Secretary of the Oakey Coal Action Alliance gave evidence about activities in the Darling Downs region that cast doubt on relationships between government and mining companies:

It greatly concerns communities. There is a very close association between these companies and politicians. There is no doubt about that. It is social, it is financial, it is an open door between government departments and mining companies. We are staying that at the Coordinator-General level all the way down to the regional planning committees that met to determine Mr Seeney's new regional plans, which were to settle once and for all the angst between farmers and mining, it has not happened.⁵¹

2.51 The committee notes the concerns expressed by witnesses and submitters about the close relationships that appear to exist between the state government and private enterprise. While the committee is not in a position to conclude that any inappropriate relationship existed between the former government and political

47 Lock the Gate Alliance, *Submission 133* pp 36–37.

48 Lock the Gate Alliance, *Submission 133*, p. 37.

49 Ms Jenny Chester, *Submission 6*, p. 1.

50 Ms Sandra Williams, *Submission 11*, p. 2.

51 Dr Nicki Laws, *Committee Hansard*, 19 February 2015, p. 5.

donors, it is clear that a perception exists that political donations were made with the intention of influencing government decision making.

Consistency with international obligations

2.52 A key issue raised with the committee is the alleged inconsistencies between the previous Queensland government's policies and practices and Australia's international obligations.

2.53 Specific concerns were raised regarding compliance with the International Covenant on Economic, Social and Cultural Rights (ICESR), the UN Declaration on the Rights of Indigenous Peoples, the International Covenant on Civil and Political Rights (ICCPR) and various International Labour Organisation (ILO) instruments.

International Covenant on Economic, Social and Cultural Rights

2.54 The ICESR aims to ensure the protection of economic, social and cultural rights, including: under Article 11, the right to an adequate standard of living; and under Article 12, the right to health. The scope of the right to an adequate standard of living, includes the right to water.

2.55 Some submitters to the inquiry argued that the laws and policies of the Queensland government relevant to coal, CSG and mining projects, have impinged upon the right to an adequate standard of living and the right to health. For example, Ms Sandra Williams alleged that the former Queensland government has permitted dangerous levels of coal dust pollution close to townships such as Jondaryan, and in Brisbane suburbs located on the coal train corridor:

The Qld Government is allowing mining companies to impinge on the right to health and an adequate standard of living, including the right to water. The Qld Government has allowed dangerous levels of coal dust pollution near townships such as Jondaryan, and in suburbs of Brisbane located along the coal train corridor. At Tara, the Qld Government has forced landholders to live in a gas field, with subsequent health effects, without any prior Health Impact Assessments, appropriate buffer zones, baseline health testing or ongoing monitoring. Landholders and communities are losing reliable groundwater because CSG companies are dewatering the Walloon coal measures.⁵²

2.56 The committee notes that more specific concerns relating to the protection of economic, social and cultural rights have been raised with respect to CSG projects discussed in Chapter 3 of this report.

UN Declaration on the Rights of Indigenous Peoples

2.57 The UN Declaration on the Rights of Indigenous Peoples aims to ensure the survival, dignity and well-being of Indigenous Peoples, including under Articles 11 and 12, which declare that Indigenous Peoples have the right to maintain, protect and develop cultural property.

52 Ms Sandra Williams, *Submission 11*, p. 2.

2.58 The Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) made a written submission and appeared before the committee to provide evidence about challenges faced on North Stradbroke Island. Dr Robert Anderson, a Ngugi elder and representative of QYAC told the committee:

In spite of these changes by law thrust upon us, we have always been able to maintain our cultural identity and our cultural integrity through the systems that have been passed on to us. My concerns and my family's concerns at the moment are the uncertainty that we are faced through our native title rights.

...

We are concerned about the intrusions, the lack of support or adherence to the ILUA for one instance by the Queensland government through whatever process of stalling or hesitating to allow us to conduct our affairs in our traditional manner. They have held back finances that would have allowed us to do that and are restricting the activities of QYAC as our representative body to carry out its responsibilities.

It is a great concern to our elders – elders like myself- that this interruption has taken place. At my age, 85, I am really very uncomfortable that I will not see come to fruition guarantees for their futures, and I am a father, grandfather and great-grandfather. So those are my personal concerns, and I would echo the similar concerns of other elders in the Quandamooka community.⁵³

2.59 In discussing the issues on North Stradbroke Island, and specifically a state government decision to extend a sand mining licence against the wishes of the traditional owners, Mr Cameron Costello, CEO of QYAC provided the following information:

They did not consult with us in that period up to the legislation. They did however, consult extensively with the mining company and took into account is commercial imperatives. The Premier and his office personally intervened in several key decisions. It is this unequal, possibly corrupt, treatment and the failure to comply with the EPBC Act at the federal level and international law that is at the heart of our submission to the select committee.

...

In our submission, we submit that Campbell Newman's LNP government in enacting the amendment act failed to properly consult with the Quandamooka people prior to passing the amendment act in contravention of the International Declaration on the Rights of Indigenous Peoples, the Convention on Biological Diversity and the [Akwe Kon] principles.⁵⁴

53 Dr Robert Anderson, Quandamooka Yoolooburrabee Aboriginal Corporation, *Committee Hansard*, 4 February 2015, p. 7.

54 Mr Cameron Costello, Quandamooka Yoolooburrabee Aboriginal Corporation, *Committee Hansard*, 4 February 2015, p. 8.

2.60 Ms Jenny Chester also raised concerns about the impact of mining approvals on indigenous culture:

With regard to human rights, the Queensland Government allows mining without facilitating free, prior and informed consent from Indigenous Traditional Owners, and without ensuring the right of Indigenous people to maintain and protect cultural property, and the right to religious and cultural sites. Indigenous people have raised serious concerns about losing access to their land and damage to important sites and locations as near as Tara and on Curtis Island.⁵⁵

2.61 Other witnesses and submitters also stressed serious concerns about the Queensland government's mining policies, in the context of Australia's obligations under the UN Declaration on the Right of Indigenous Peoples. For example Lock that Gate Alliance alleged that:

[T]he policies of the Queensland Government allows mining without requiring free, prior and informed consent by Indigenous Traditional Owners, and without ensuring the right of Indigenous people to maintain and protect cultural property, and the right to religious and cultural sites in violation of the UN Declaration on the Rights of Indigenous Peoples.

2.62 The committee notes the evidence it received suggesting the former Queensland government ignored the rights of indigenous communities. The committee encourages the current Queensland government to consider what steps can be taken to ensure the rights of indigenous communities are respected, including their right to maintain their cultures.

International Covenant on Civil and Political Rights

2.63 The ICCPR aims to protect civil and political rights, including:

- Article 9 - the right to liberty and security of person and freedom from arbitrary arrest or detention;
- Article 10 - the right of detainees to be treated with humanity and respect for the inherent dignity of human person;
- Article 14 - the right to be heard by a competent, independent and impartial tribunal; and
- Article 22 - the right to freedom of association.

2.64 Mr Peter Wellington, MP, submitted that Queensland's *Vicious Lawless Association Disestablishment Act 2013* (VLADA) and *Criminal Law (Criminal Organisations Disruptions) Amendment Act 2013* (CODA) are inconsistent with the ICCPR.

2.65 Specifically, Mr Wellington raised concerns that VLADA is inconsistent with rights contained in Article 14 of the ICCPR. He submitted that VLADA places the onus on an accused bkie gang member to show they should not be detained; and

55 Ms Jenny Chester, *Submission 6*, p. 1.

attempts to force bikie gang members charged with an offence to provide incriminating information to law enforcers.

Article 14 of the International Covenant on Civil and Political Rights says that everyone has the right to be considered equal before the courts. There are mandatory sentencing issues, whereby people could have an additional component of 15 to 25 years, mandatory term of imprisonment. There is the removal of the opportunity for reasonable bail conditions to be imposed by our magistrates to the judiciary. The independence of the judiciary has clearly been challenged by removing the discretion that has traditionally been part of the separation of powers in Queensland. No longer in Queensland are you able to claim that you are innocent until proven guilty by the Crown. In actual fact recently the government under these laws said people would be charged and may have to prove their innocence. Further, the right to silence has been removed.⁵⁶

2.66 Mr Wellington further raised the inconsistency of the new laws with the ICCPR right to freedom of association:

Article 22 of the International Covenant on Civil and Political Rights says everyone has the right to freedom of association. But these laws make people guilty of criminal offences as a result of the company they keep, even where the person has not committed any other criminal offence.⁵⁷

2.67 With respect to CODA, Mr Wellington argued it is inconsistent with the rights contained in Articles 9 and 10 of the ICCPR. He submitted that CODA allows people who are, or were, a member of a criminal organisation charged with a crime to be detained without trial and subjected to harsh conditions.

Article 9 of the ICCPR provides that everyone has the right to liberty and security of person and that no one should be subjected to arbitrary arrest or detention. 'Everyone' includes people who have been convicted of a crime.³³ According to article 9 anyone who is arrested or detained on a criminal charges should be promptly brought before a judge and people who are awaiting trial should not generally be detained in custody. They should be released subject to guarantees such as to appear for trial.⁵⁸

2.68 Under Article 6, the ICESR also protects the right to work, which includes the right to the opportunity to gain a living by work that one freely chooses or accepts.

2.69 Mr Peter Wellington, MP, submitted that Queensland's *Tattoo Parlour Act 2013* and *Criminal Law (Criminal Organisations Disruptions) and other Legislation Amendment Act 2013* (CODOLA) engage Article 6 of the ICESR. Mr Wellington alleged that:

The CODOLA Act aims to prevent people who have been identified by the Police Commissioner as participants in a criminal organisation from doing

56 Mr Peter Wellington, *Committee Hansard*, 28 November 2014, p. 2.

57 Mr Peter Wellington, *Committee Hansard*, 28 November 2014, p. 2.

58 Mr Peter Wellington, *Submission 38*, p. 10.

their usual work. Amendments have been made [sic] to legislation that regulates electricians, the building, liquor and racing industry, second hand dealers and pawnbrokers as well as security providers and tow truck operators, so that people who may have been associated with a criminal organisation are prevented from carrying on businesses in these industries.⁵⁹

2.70 Australia is also a signatory to a number of International Labour Organisation (ILO) instruments, including the Freedom of Association and Protection of the Right to Organise Convention 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and Termination of Employment Convention 1982 (No. 158).

2.71 The ACTU expressed concerns that *Queensland's Industrial Relations (Fair Work Harmonisation) and Other Legislation Amendment Act 2012* is inconsistent with ILO Convention No. 87 that protects the right of workers to join a union; and within ILO Convention No. 98 that protects the right of individual workers to join together and take action to improve their employment conditions.

2.72 ACTU explained to the committee that:

The Newman Government's legislation has introduced several important changes to industrial action processes, making it more difficult for workers to take collective action. The initiatives introduced by the Newman government, including through the introduction of Protected Action Ballot Orders and employer-sponsored agreements, may contravene the freedom of association and collective bargaining provisions.⁶⁰

2.73 ACTU also highlighted that Queensland's *Public Service and Other Legislation Amendment Act 2012* may also engage ILO Convention No. 158 that sets out basic principles in regards to the termination of employment and requires employers to engage in meaningful and timely consultation around redundancies. ACTU argued that 'the Newman Government has served to significantly strip back and water down employee entitlements and conditions in relation to redundancies.'⁶¹

Committee view

2.74 The committee notes that during this inquiry, a wide and varied range of issues were raised which fall broadly within the terms of reference. The committee acknowledges the concerns of all submitters and witnesses, and notes a number of common themes emerged, including general concerns about transparency of state government decision making, accountability and consultation with the community.

2.75 The committee notes the issue of political donations is complex because of community concerns and the competing interests of stakeholders. While donations may be reflected in donor logs and are thus entirely lawful, the committee does accept that large donations, followed by decisions that appear to benefit the donor or donor

59 Mr Peter Wellington, *Submission 38*, p. 11.

60 Australian Council of Trade Unions, *Submission 3*, p. 2.

61 Australian Council of Trade Unions, *Submission 3*, p. 3.

industry, can create a perception that a conflict of interest exists and that influence can be bought.

2.76 Submitters have also raised concerns about the operation of the CCC that require further consideration because to be effective, anti-corruption bodies clearly need substantial independence from government. It appears changes implemented by the former Queensland government have significantly eroded the independence of the CCC. The committee notes the ICAC model of independent oversight is beneficial and strongly suggests it would be appropriate for the current Queensland government to consider adopting this model.

2.77 The committee is of the view that the challenges faced by all levels of government and industry are considerable and commitment will be required to improve the relationship with the community. The committee trusts that the new Queensland government will improve consultation with the Queensland people in relation to the contentious issues raised during this inquiry.

2.78 The committee is most concerned by evidence that some Queensland legislation and decision making is not consistent with Australia's international obligations. Queenslanders have a right to expect that the state will legislate and make decisions consistent with Australia's obligations under international human rights law.

2.79 The committee is of the view that the Queensland government should make decisions that are consistent with those of the Federal Court of Australia. The committee notes in particular, decisions in relation to the rights of the Quandamooka Peoples on North Stradbroke Island, and a Federal Court determination that was ignored by the Newman Government when granting mining leases on the island to Sibelco.

Recommendation 1

2.80 The committee recommends the Queensland government make it a priority to review legislation that may be inconsistent with Australia's obligations under a range of international instruments, with a view to ensuring Queensland legislation is amended to ensure consistency with Australia's international obligations.

Recommendation 2

2.81 The committee recommends the Queensland government recognise all decisions that have been delivered by the Federal Court of Australia in the recognition of Indigenous land rights in Queensland.

Recommendation 3

2.82 The committee recommends the Queensland government consider replacing the Crime and Corruption Commission with an organisation modelled on the Independent Commission Against Corruption in New South Wales.

Recommendation 4

2.83 The committee recommends once the Crime and Corruption Commission is replaced that the Queensland Government re-open, review and reconsider all issues, matters and cases presented to the Crime and Corruption Commission inclusive of all decisions.

Recommendation 5

2.84 The committee recommends the Queensland government make a commitment to restoring the relationship between government and the Queensland people, through adequate consultation, transparent decision making and accountability for outcomes.

Recommendation 6

2.85 The committee recommends the Queensland Government review decisions made by the Newman Government as well as decisions pending, in relation to the approval of mining leases and other projects called in by the Deputy Premier and Minister for Infrastructure and Planning, where environmental and planning laws and decisions reached by Local Government, have been ignored and disregarded and/or where potential conflicts of interest may have occurred and/or where political donations to the Liberal National Party were involved in some way.

Recommendation 7

2.86 The committee recommends the Queensland Government review all alleged conflicts of interest raised during the Inquiry.

Recommendation 8

2.87 The committee recommends the Queensland Government review any controversial asset sale during the Newman Government's term.

Recommendation 9

2.88 The committee recommends the Queensland Government conduct a thorough review of the Queensland vocational education and training programs and reinstate courses cut under the Newman Government. In particular, the review should consider course cost increases, infrastructure, facilities, staffing, course accessibility and other matters.

Recommendation 10

2.89 The committee recommends that the Queensland government refers to the Crime and Corruption Commission and/or to the Parliamentary Crime and Corruption Commission the issue of the extension of the sand mining lease on Stradbroke Island and any issues relating to political donations and election spending by Sibelco.

CHAPTER 3

Environmental concerns

3.1 Throughout the inquiry, many submitters and witnesses expressed concerns about a range of environmental issues affecting flora, fauna and land across Queensland. These include specific concerns about our iconic wildlife, such as koalas and bats, native plants, world heritage listed areas, and the effects of certain types of mining activities on human beings and domesticated animals. The committee noted the outpouring of emotion in submissions and at hearings from many individuals who have expressed fear for their lives and those of their families, their animals, native flora and fauna, as well as a fear of losing their livelihood because of large scale mining projects that are encroaching on their land and homes.

3.2 While a very wide range of specific environmental issues were raised with the committee, for the purposes of this report, the committee has outlined several main concerns that were brought to its attention. These include concerns that decisions are being made that are inconsistent with Australia's obligations under international environmental law instruments, concerns about the appropriateness of the federal minister for the environment delegating his power to the state under the *Environment Protection and Biodiversity Act 1999* (EPBC), and the detrimental effects of coal seam gas (CSG) mining activities.

Obligations under international environmental law instruments

3.3 Australia is a signatory to multiple international agreements that are designed to guide us in the protection of our unique environment. A number of witnesses and submitters expressed concerns that decisions are being made that are inconsistent with Australia's obligations under international environmental law instruments, including the Ramsar Convention that provides the framework for the conservation and wise use of wetlands and their resources, and the UNESCO World Heritage Convention.

3.4 The World Wildlife Fund (WWF) provided evidence that at a base level, the chances of the Queensland government complying with our international obligations are limited, due to the way in which Queensland has legislated.

As meeting the obligations of international environmental treaties is the legal responsibility of the Australian Government, Queensland Government legislation does not contain any specific measures or provisions that would enable the Queensland Government to meet the obligations of Ramsar, Jamba, Camba, Rokamba and other international treaties the Australian Government is party to.¹

3.5 The WWF provided details about a number of development actions and practices that are currently being allowed by the Queensland government which are inconsistent with Australia's international environmental obligations. These include a number of projects within the Great Barrier Reef World Heritage Area (GBRWA).

1 World Wildlife Fund, *Submission 89*, pp 3–4.

3.6 This action has been compounded by legislative amendments that have either removed or substantially weakened long standing environmental protection measures, in order to facilitate economic development opportunities. The WWF provided several examples, including:

- Rescinding the *Wild Rivers Act 2005* to enable agricultural and mining development in Queensland's last remaining pristine river basins;
- Amending the *Water Act 2000* to enable more water to be extracted from waterways and aquifers for consumptive purposes, watercourses to be deregulated and removal of Ecological Sustainable Development (ESD) principles from the purpose of the Act; and
- Establishing the Queensland Ports Strategy to enable new port development adjacent to the GBRWHA.²

3.7 Mr Drew Hutton provided evidence about the Wild Rivers legislation mentioned by the WWF:

Out in the Cooper Basin, it [the Wild Rivers legislation] has got support from virtually all the stakeholders out there. The pastoralists, the traditional owners and the environmentalists all accept the need for Wild Rivers declaration over it – so did the Newman government, I might add, initially. There is an enormous amount of shale gas reportedly out there. The Newman government has simply rescinded that. There is no longer a Wild Rivers proposal for the Cooper Basin. There will be, if the reports are correct, extensive shale gas mining over that area. That is important because that is a huge area that is drained by the Lake Eyre rivers and is highly significant ecologically.³

3.8 Dr Aila Keto AO, President of the Australian Rainforest Conservation Society Inc (ARCS), provided evidence that the former Queensland government had reversed a number of decisions in contravention of Australia's obligations under the Convention on Biological Diversity. These include decisions to transfer 1.25 million hectares of State Forest and Timber Reserve to Protected Areas in the Brigalow area. Dr Keto detailed concerns about the damage caused by returning this land for timber production and grazing:

The ARCS report detailed the plight of woodland birds across eastern Australia and identified the importance of the forests and woodlands of the Southern Brigalow region in Queensland. The value of these forests and woodlands to birds is severely impacted by grazing especially the practice of regular intensive burning to maintain a grassy understorey preventing the regeneration of a shrubby understorey that provides essential habitat. One in four temperate woodland-dependent bird species is listed as threatened or declining, with the Brigalow bioregion the most important remaining stronghold.⁴

2 World Wildlife Fund, *Submission 89*, p. 4.

3 Mr Drew Hutton, *Committee Hansard*, 21 November 2015, p. 28.

4 Australian Wildlife Conservation Society Inc, *Submission 106*, p. 2.

3.9 Similarly, Cooloola Community Action (CCA) raised concerns that the Ramsar Convention is being ignored because of plans to discharge untreated mine wastewater from the proposed Colton coal mine directly into the Mary River, just upstream of the Ramsar-listed Great Sandy Strait wetlands. Further that recent development of three LNG export terminals and one new coal port, and proposals for further coal ports, within the GBRWHA demonstrate a disdain for the World Heritage Convention due to discharge of mining wastewater into the Fitzroy River catchment, which flows into the Great Barrier Reef.⁵

3.10 Mr Sean Hoobin from the WWF gave evidence that protections for the GBRWHA have been eroded by both state and federal government:

Under the [World Heritage] convention, Australia has a duty to ensure the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage. It is also stated it will do all it can to this end and to the utmost of its own resources. I think it is arguable that Australia has not been meeting this aspect of the convention. Currently, the World Heritage Committee is considering listing the Great Barrier Reef World Heritage area as in danger unless sufficient action is taken to address the condition and threats to the reef.

Whilst Queensland is not the signatory, its role is critical, and so are its policies and practices, as many of the actions it deals with have a huge impact on the Great Barrier Reef. The Queensland government has recognised this and has undertaken a strategic assessment and has also participated in the development of Reef 2050, which is the plan for the long-term sustainable development of the Great Barrier Reef. Both these were intended to assure the World Heritage Committee that the reef is being well managed. In these documents the Queensland government makes a number of claims about the adequacy of its management and its commitments to improve management. However, rather than improve policies and practices to protect the reef, the Queensland government in the last three years has significantly weakened these, flying in the face of Australia's obligations under international environmental law. The committee notes that Queensland's biodiversity is unique and of international importance, and is concerned by these and other issues raised about activities being undertaken that are contrary to Australia's international environmental obligations.⁶

3.11 The evidence outlined in this report indicates serious concerns exist that Queensland is not meeting Australia's international environmental obligations under a range of instruments. The committee shares the concerns of individual submitters, and expert organisations, that the Queensland government should observe Australia's environmental obligations, and take steps to protect our environment.

5 Cooloola Community Action, *Submission 56*, p. 2.

6 Mr Sean Hoobin, Policy Manager, Freshwater, World Wildlife Fund, *Committee Hansard*, 4 February 2015, pp 23–24.

Delegation of powers

3.12 Numerous submitters and witnesses, each concerned with different aspects of the Queensland environment, indicated they believe it is inappropriate for the Federal Minister for the Environment to delegate his approval powers to the Queensland State Government under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).⁷ For example:

3.13 Mr Innes Larkin of Keep the Scenic Rim Scenic summarised his views, that:

...it is inappropriate for the Federal Minister to delegate his approval powers to the Qld State Government under the EPBC act because it places at risk areas of national and international significance.

Water tables do not recognise state boundaries, rivers do not recognise state boundaries, World Heritage Listed National Parks do not recognise state boundaries and tourists looking to see these international treasures do not recognise state boundaries.⁸

3.14 Mr Glenn Beutel, a resident of Acland, Queensland expressed concerns about mining activities taking place in and around Acland, and decisions that have been made by the former Queensland government in respect of large projects, such as the Newhope Stage 3 mining project. He expressed concerns about the devolution of powers by the federal government:

I believe that the recent removal of red and green tape by the former state government is going to make what has happened in Acland happen in much of rural Queensland that is affected by open-cut mining and coal seam gas production.⁹

3.15 The Stradbroke Island Management Organisation (SIMO) expressed serious concerns about amendments to the *North Stradbroke Island Protection and Sustainability Act*, initiated by the former Queensland government, allowing a mining company to seek a renewal of mining leases to 2035, despite an original agreement that mineral sand mining would end by 2019. SIMO expressed a strong view against delegation of approval powers to the Queensland state government.

SIMO believes it is inappropriate and ill-advised for the approval powers of the Federal Minister for the Environment to be delegated to the Queensland State Government. We are particularly concerned to ensure the integrity of the RAMSAR sites in Moreton Bay and Islands. In our view, the recent performance of the Queensland Government in regard to mineral sand mining on NSI [North Stradbroke Island] reinforces our concerns that delegation of federal environmental powers will lead to significant

7 For example: World Wildlife Fund, *Submission 89*; Environmental Defenders Office, *Submission 87*; Dr Chris McGrath, *Submission 88*; Cairns and Far North Environment Centre, *Submission 70*; Gold Coast and Hinterland Environment Council Association Inc, *Submission 109*.

8 Mr Innes Larkin, Keep the Scenic Rim Scenic, *Committee Hansard*, p. 20.

9 Mr Glenn Beutel, *Committee Hansard*, 19 February 2015, p. 4.

reductions in the level of protection of internationally important environmental sites.¹⁰

3.16 Mr Drew Hutton, President of Lock the Gate Alliance, spoke at length about the problems associated with the lack of federal government oversight of state decisions about large scale mining projects in Queensland. Mr Hutton raised questions about the usefulness of Environmental Impact Statements (EIS) and the approvals process, indicating that the federal government needs to take more responsibility in these matters.

Where do we start? There are the assessments, for example, that were given to the coal seam gas projects here in Queensland.

...

The federal government was placed in a corner by the state government and gave their approval for that project despite the lack of that vital material they needed to give federal approval. It is the same with the water impacts, with the coal seam gas industry. The federal government did not have that information and was backed into a corner by the state to give them approval. Now the federal government, the Abbott government, is about to relinquish their powers – they want to relinquish their powers – under the Environmental Protection and Biodiversity Conservation Act to the state government that commenced these sorts of shenanigans in the approvals process.¹¹

3.17 Ms Georgina Woods, also from Lock the Gate Alliance, added:

[T]he points we raised about the handover of federal powers are very relevant in that area because there are these continental-scale water resources like the Murray-Darling Basin, the Lake Eyre Basin, the Great Artesian Basin. The Great Artesian Basin is under siege from mining not just in Queensland. There is a need for federal-scale, Commonwealth-scale oversight so that the states do not, as we say with the Murray-Darling, make their own rules and their own laws and disadvantage states or other users downstream of that water resource.¹²

3.18 In discussing the Great Barrier Reef World Heritage Area, Mr Hoobin of WWF stated:

We have argued quite strongly in submissions to the World Heritage Committee that the most recent Queensland government has rolled back a whole range of significant environmental protections, and so it is hard to see how it could be given further power over development approvals and could look after the Great Barrier Reef and the outstanding universal value of the reef. So we would be of the view that giving the Queensland government more power to approve and condition development would lead

10 Stradbroke Island Management Organisation, *Submission 78*, p. 1.

11 Mr Drew Hutton, *Committee Hansard*, 21 November 2014, p. 20.

12 Mr Georgina Woods, *Committee Hansard*, 21 November 2014, p. 28.

to an increased risk of an in-danger listing for the Great Barrier Reef, definitely.¹³

3.19 The committee notes views that the power to make decisions about large scale projects with potential to seriously effect Queensland's environment and population, should not vest entirely with the state government. These views reflect a broader notion that although CSG, coal and other resources are physically located in Queensland, they are important to Australia as a whole, as is the environment within which they are located.

Coal seam gas

3.20 The committee received submissions and heard evidence from numerous individuals and organisations on a range of issues and concerns about CSG mining in Queensland. This includes concerns about the location and proximity of CSG gas wells to people.

3.21 The Queensland Government Department of National Resources and Mines, provides information about CSG gas wells:

A gas well is a pressurised hole drilled in the ground, reinforced with steel liners (well casing and production tubing), to extract gas from underground seams. The casing is cemented into the ground and underlying strata to ensure the well is isolated from all other rock strata other than the coal seam reservoir producing the gas. At ground level the gas well is fitted with a series of control valves, e.g. the well head.¹⁴

3.22 It states that hydraulic fracturing (fracking) 'is the process of creating or enlarging cracks in underground coal seams (usually by pumping fluid) to increase the flow and recovery of gas out of a well' and occurs in around 8% of Queensland's domestic CSG wells.¹⁵

Tara and Chinchilla, Queensland

3.23 Tara and Chinchilla are rural towns in the Darling Downs region of Queensland, north-west of Toowoomba. The area is traditionally agricultural, producing meat, milk and a range of food crops. Coal mines, CSG wells and power stations share the landscape, with mining exploration leases covering a large proportion of the Darling Downs.

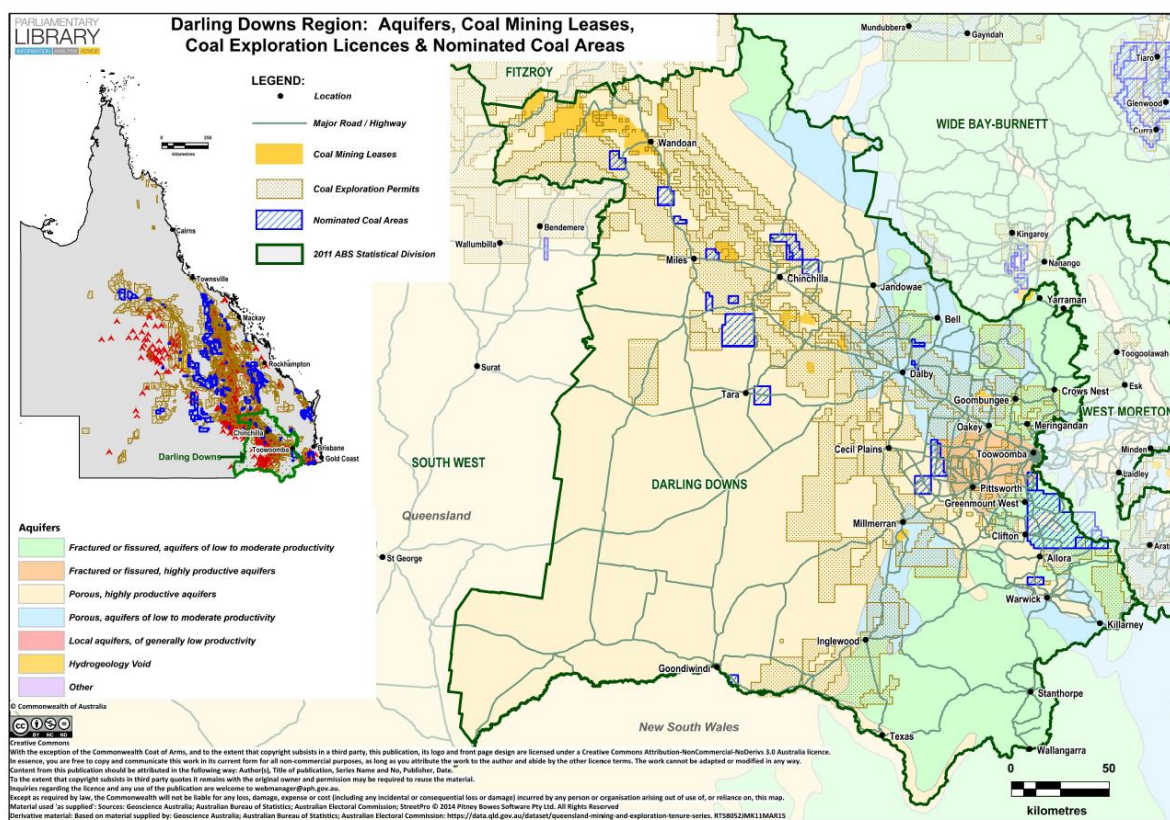
3.24 The map below shows the Darling Downs Region with aquifers and coal related areas, including leases and exploration licences.

13 Mr Sean Hoobin, Policy Manager, Freshwater, World Wildlife Fund, *Committee Hansard*, 4 February 2014, p. 25.

14 Queensland Government, Department of Natural Resources and Mines, *About coal seam gas (CSG) and liquefied natural gas (LNG)*, <https://www.dnrm.qld.gov.au/mining/coal-seam-gas/about> (accessed 15 March 2015).

15 Queensland Government, Department of Natural Resources and Mines, *About coal seam gas (CSG) and liquefied natural gas (LNG)*, <https://www.dnrm.qld.gov.au/mining/coal-seam-gas/about> (accessed 15 March 2015).

Figure 1: Aquifers, coal mining leases, coal exploration licences and nominated coal areas in the Darling Downs region¹⁶

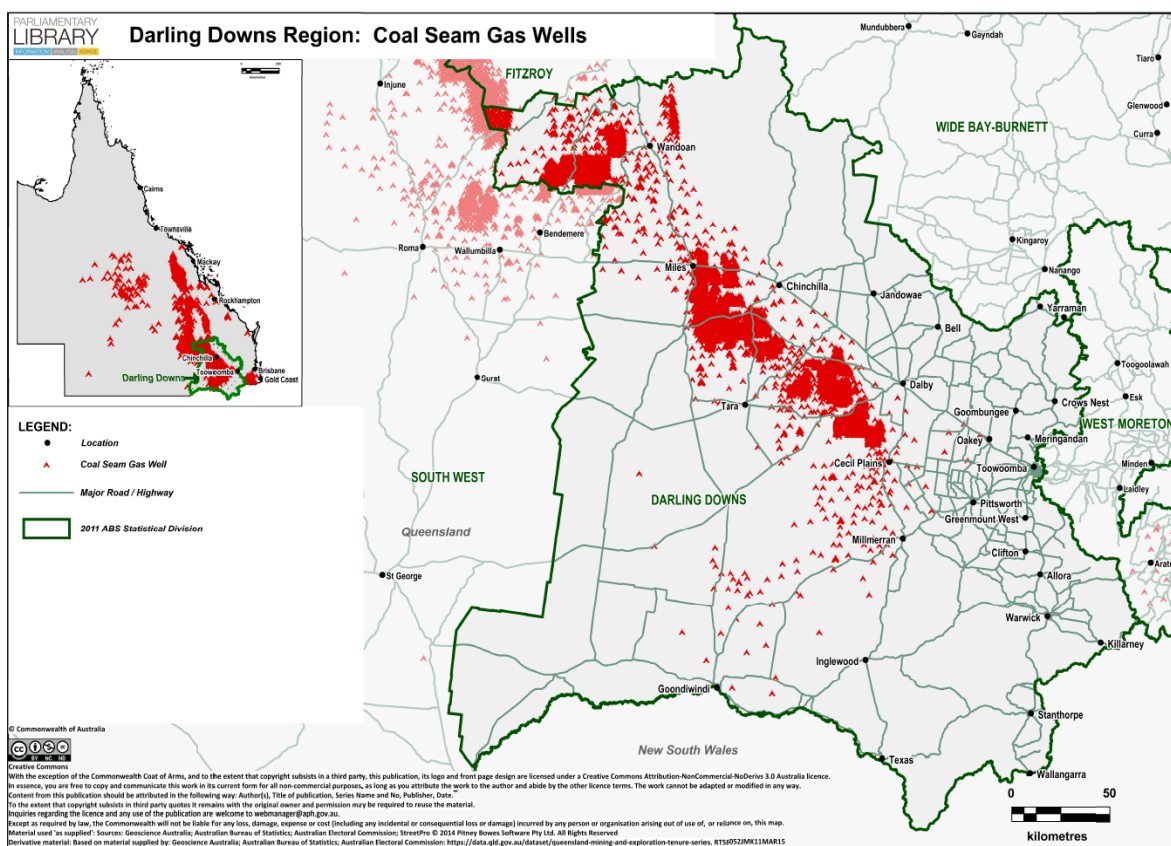


3.25 The committee received submissions and heard from a number of private citizens living in and around the Chinchilla and Tara areas of Queensland as well as from several community based organisations. Both individuals and organisations raised concerns about local CSG mining activities, and in particular about the effects on the health and wellbeing of people and animals, the effects on the environment and the difficulties experienced by landholders in dealing with the CSG companies.

16 Produced by the Australian Parliamentary Library based on data (published dates 4 and 5 March 2015) from the Queensland Government, Queensland mining and exploration tenure series. See: <https://data.qld.gov.au/dataset/queensland-mining-and-exploration-tenure-series> (accessed 26 March 2015).

3.26 The map below shows the location of Tara and Chinchilla and the concentration CSG wells in the area.

Image 2: CSG wells in the Darling Downs region¹⁷



3.27 While CSG was raised repeatedly throughout the inquiry, during a hearing in Toowoomba on 19 February 2015, the committee heard from a number of private citizens about the effects of CSG mining activities on their lives. The committee is troubled by evidence from Tara and Chinchilla residents about the effects on the health and wellbeing of themselves, their families and their animals, as a result of contamination they believe is caused by CSG mining activities in their local area.

3.28 Evidence was provided by a number of local residents about changes in their health and wellbeing that they link to local CSG mining activities. For example, Mr John Jenkyn talked about testing conducted in and around his house that has shown chemicals such as formaldehyde present in his home. He says he and his family are unable to drink the water from their rainwater tank due to contamination, and that the disruptions, noise, light, odours, and dust contamination have all contributed to the family's stress and other health issues.¹⁸

¹⁷ Produced by the Australian Parliamentary Library based on data (published dates 4 and 5 March 2015) from the Queensland Government, Queensland mining and exploration tenure series. See: <https://data.qld.gov.au/dataset/queensland-mining-and-exploration-tenure-series> (accessed 26 March 2015).

¹⁸ Mr John Jenkyn, *Committee Hansard*, 19 February 2015, pp 42–43.

I would say that I am a father of two adult disabled children who moved out into the Tara-Chinchilla area 10 years ago, just for quality of life. Within that time, QGC have moved in and have put in major infrastructure – there is a reverse osmosis plant; I think there are four banks of compression stations around us now; there are probably 200 gas wells – which has just impacted severely on everybody's health in the area, as well as ours.¹⁹

3.29 A number of people spoke about the impact on their ability to enjoy their land and homes, whether because of noise, dust or unknown individuals having access to their land and impacting the surrounding area. For example, Ms Glennis Hammond spoke about sometimes driving six kilometres from her home to sleep in her van because of the noise generated by CSG mining activities.²⁰

3.30 Mrs Veronica Laffy spoke about the negative impact on the ability of her children to enjoy a safe space on the family's property:

There is a large impact on our personal amenity. We have six children ranging in age from two to 15 years. One of our children has Downs syndrome, so it is important for us that he has a safe place to live. Part of what living with him involves is he may access the farm at any time. He can get up at 5.30 in the morning and ride his motor bike up to the back of the farm and back, which is awesome, but it is not awesome if there are people all over the farm. Those people have not necessarily had background checks done, so you would not really know the capacity of their involvement with children and what that would mean for my children. So I would have to restrict their access to our farm while that business was on our business.²¹

3.31 Dr Geralyn McCarron, General Practitioner, submitted that there is a mismatch between notions of development in the area of Tara, and the reality of people having to live in the midst of the CSG mining industry.

These major projects are often described as “development” but their introduction has not brought better quality of life or additional services to the local people. The residents live on rural blocks ranging in size typically from 30 to 250 acres. They are surrounded by the infrastructure of the gas industry. There are no shops, petrol stations, schools or other basic facilities. The nearest doctor is in Tara which is an approximately 70km round trip. Residents habitually travel to medical facilities in Chinchilla, Dalby and Toowoomba where the regional base hospital is located.²²

3.32 Mr Joseph Hill was one of several individuals who shared anecdotes about visits to his property by CSG mining company employees seeking access to his land, and the problems he has had in this respect. When asked whether he had gas wells on

19 Mr John Jenkyn, *Committee Hansard*, 19 February 2015, p. 42.

20 Ms Glennis Hammond, *Committee Hansard*, 19 February 2015, p. 40.

21 Mrs Veronica Laffy, *Committee Hansard*, 19 February 2015, pp 45–46.

22 Dr Geralyn McCarron, *Submission 27*, p. 140.

his land, he said: 'No. I have taken the stand, as I said, since 2009, of standing up to them and using my constitutional rights to keep them off.'²³

3.33 Further, as a beef farmer, Mr Hill raised concerns about contamination of overland water supplies²⁴ and about pests, weeds and soil-borne diseases that can be brought onto private land by vehicles.²⁵

3.34 Mr George Bender, a pig farmer, provided evidence about bores on his land that have dried up and now release methane gas and of pigs dying from heart attacks, which has never previously occurred. Mr Bender maintains that there is a link between these unusual events and local CSG mining activities.

I am George Bender from Hopeland, which is about 22 kays south of Chinchilla. I have lived in that district all my life. We have been dealing with the coal seam gas company since 2006 actually; but, more recently, it is about what the gas is doing to the underground water. We have two bores in Walloon Coal Measures, and the water is gone. Those bores are only releasing methane at the moment. We measured them on Tuesday, and the methane that is in them now is above explosive limits. That is all caused by the coal seam gas industry, no ifs or buts about it. The water impact reports said there are 85 bores in the immediately affected area that the companies had to make good on.²⁶

3.35 When asked to provide specific details about the sort of health issues he was talking about, Mr Bender provided the following information:

It is not only human health; it is animal health. I own a piggery. I have had pigs all my life and there are some things happening that I have never seen happen before.

...

You go down to feed your pigs in the morning and come back half an hour later—and they are gasping for breath.

...

They just die like that—heart attack. I cannot prove it is coming from the gas industry or whatever, but you people should come out there and watch these flares. What is coming in with these flares? The government will not tell us and the industry will not tell us.²⁷

3.36 These and other anecdotes raise questions about why these things are happening in such a localised area, and whether they are in fact directly related to the local CSG mining activities. Certainly, the residents of Tara and Chinchilla believe

23 Mr Joseph Hill, *Committee Hansard*, 19 February 2015, p. 29.

24 Mr Joseph Hill, *Committee Hansard*, 19 February 2015, p. 26.

25 Mr Joseph Hill, *Committee Hansard*, 19 February 2015, p. 37.

26 Mr George Bender, *Committee Hansard*, 19 February 2015, p. 28.

27 Mr George Bender, *Committee Hansard*, 19 February 2015, p. 31.

they are, particularly given the timing and scale of the health and other problems now being experienced in the area.

3.37 Dr McCarron is a General Practitioner who conducted a health survey in Tara and produced a report outlining her findings.²⁸ She collected data on how often local residents experienced things such as skin and eye irritation, spontaneous nose bleeds, nausea and headaches, both before and after CSG.²⁹ Dr McCarron makes the point about her survey:

This small survey is not a comprehensive epidemiological study. However it does refute the assertion that “just a handful of people are complaining that their health is affected by CSG.” Furthermore, the character and frequency of specific health complaints, particularly relating to potential neurotoxicity in both children and adults are concerning.³⁰

3.38 Dr McCarron also expressed concern that the Queensland government has not sufficiently considered the health effects on people of CSG in the Tara area. This is despite a commitment in June 2012 to investigate the growing health complaints of residents. Dr McCarron noted in her submission in relation to the Queensland government's investigation of health effects of CSG:

Between June 2012 and March 2013, no doctor employed by the Queensland Government visited the residential estates to speak to the residents. The township of Tara was the closest that the Queensland Government doctors got to the source of the health complaints. Considering they were investigating the health impacts of living in a gas development it is somewhat surprising that no on-site visits were made.

In the nine months available to them, the Queensland Government Departments failed to establish a comprehensive, systematic long term testing regime to monitor potential chronic exposure to air or water borne toxins. Instead they commissioned QGC, the gas company at the heart of the residents' health complaints, to undertake testing, creating a clear conflict of interest. Sampling, which occurred as one off events at nine residences, was entirely inadequate in scope and duration. Importantly, what is missing are analyses of the gases produced in the localities concerned by flaring, well leakages and pipeline venting.³¹

3.39 In relation to the way in which the Queensland government conducted its investigation in the area, Dr McCarron expressed the view:

[I] reluctantly concluded that the Government had no real commitment to investigate public health complaints related to CSG development. As a general practitioner, I was concerned about the potential long-term damage

28 GERALYN MCCARRON, *Symptomatology of a gas field – an independent health survey in the Tara rural residential estates and environs*, April 2013, <http://www.ntn.org.au/wp/wp-content/uploads/2013/05/Symptomatology-of-a-gas-field-An-independent-health-survey-in-the-Tara-rural-residential-estates-and-environs-April-2013.pdf> (accessed 25 March 2015).

29 Dr GERALYN MCCARRON, *Submission 27*, pp 147–177.

30 Dr GERALYN MCCARRON, *Submission 27*, p. 163.

31 Dr GERALYN MCCARRON, *Submission 27*, pp 140–141.

being done to the health of the people living in the residential estates. I decided to carry out my own study to clarify whether or not the implication that only a “handful” of people perceived health impacts was true, and then to document these perceived health impacts.³²

3.40 Of concern to this committee is the lack of information about the link between CSG mining activities and the health and other impacts already being experienced in places such as Tara and Chinchilla. When asked about where there is information about the consequences and outcomes of CSG mining, Mr Sean Hoobin of WWF stated:

The main issue is that no-one knows what the impacts of mining and CSG, and the impacts on groundwater, will be. The government is operating in a vacuum. Mining companies are operating in an information vacuum.³³

3.41 A related issue raised is that the concerns of residents are largely being ignored by the CSG companies, who are increasingly difficult to deal with, and engage in behaviour that could be categorised as intimidating and a nuisance.

3.42 Mrs Laffy gave evidence that as fourth generation farmers, trying to run an organic farm in Dalby, she is concerned about the power imbalance that exists in dealing with CSG companies and the government.

We are very concerned about the power imbalance that exists when we are forced into negotiations with CSG companies and the government, because the government has written the legislation that forces us to have to negotiate. In our negotiations between 2009 and 2013 we have had to negotiate with two different CSG companies, and the negotiations essentially involve us agreeing to what they put in front of us or they threaten to take us to Land Court. In my view that is not negotiating. They constantly intimidate us—it is monetary intimidation because the cost of going to court would be in the hundreds of thousands of dollars.³⁴

3.43 Mr Jenkyn described the challenges he has faced in trying to deal with the state government:

Really, I do not know what to say. It does not matter where we go or who we deal with, nothing ever seems to happen. I have independent testing that tells me it is not really good to live where we live and that you cannot drink our water. You are flat-out just breathing the air some days, but the government departments still sit on their hands – either that, or they deny the testing.³⁵

32 Dr GERALYN McCARRON, *Submission 27*, p. 142.

33 Mr Sean Hoobin, Policy Manager, Freshwater, World Wildlife Fund, *Committee Hansard*, 4 February, p. 26.

34 Mrs Veronica Laffy, *Committee Hansard*, 19 February 2015, p. 45.

35 Mr John Jenkyn, *Committee Hansard*, 19 February 2015, p. 42.

3.44 The committee also notes serious concerns raised by Mr Drew Hutton, that people affected by decisions about mining, are being denied a right to object, which effectively renders them powerless.

What it basically means is that it is virtually impossible for any but a very, very small minority of Queenslanders to object to a mining project in court. They cannot object. They have no appeal rights, whether it is a small mine, whether it is a large mine or whether it is a mine that goes through the Coordinator-General's department. They have no rights to object or have their appeals heard in court.

...

This government is shelving the rights of ordinary Queenslanders to have a say – even to the point, by the way, where the Newman government has introduced changes to the role of the Coordinator-General where he can designate a development as 'medium risk'.³⁶

3.45 The evidence received by the committee suggests a widespread belief in the Tara-Chinchilla area that CSG mining is taking a significant toll on the health of the local population. Further, that there is an imbalance of power which has left residents at the mercy of large, well-funded companies who routinely ignore the rights of local residents.

3.46 The evidence also suggests there may be inadequate government support available to residents affected by the CSG wells and related activities in their local area. This is of concern to the committee, which is of the view that the health and wellbeing of all Australians is paramount, and that adequate resources should be in place to assist those facing health challenges.

Committee view

3.47 The committee received evidence about a range of activities that have the potential to negatively impact Queensland's unique and important environment. Numerous community and other groups have been established in an effort to draw attention to concerns and to try and protect areas of international and local importance.

3.48 The committee commends all those who are committed to raising awareness about the environment and it encourages community consultation and discussion about any development that may impact the environment and communities.

3.49 The committee shares the view that the future of Queensland's environment is of vital importance to all Australians and should be afforded the protection of federal government oversight - the federal Minister for the Environment should not delegate his powers to the state under the EPBC Act. To do so would place into doubt the future of the Queensland environment and would amount to an abrogation of the Commonwealth's responsibility for matters of national environmental significance.

3.50 Further, the committee is of the view that all levels of government should take greater care when making decisions about projects that will impact Queensland's environment. This should include engaging in open and transparent community

36 Mr Drew Hutton, *Committee Hansard*, 21 November 2014, pp 22–23.

consultation and balancing economic development against the wishes of the community and the need to protect the environment.

3.51 Specifically, the committee is of the view that more should be done to ensure the health of individuals is monitored wherever there is CSG mining activity, noting that CSG mining activities may also affect the practical ability of people to enjoy their homes and properties due to noise, dust, contamination and other disruptions.

3.52 It is of grave concern to the committee that the lives of so many Queensland residents are being affected by decisions made about their environment without adequate consultation, consideration for their wellbeing and sometimes, apparently without respect for obligations to protect the environment under international law instruments.

Recommendation 11

3.53 The committee recommends that the Queensland government ensure all mining and other major development activities are consistent with Australia's environment and social obligations under international environmental instruments that Australia is a signatory to.

Recommendation 12

3.54 The committee recommends that the federal Minister for the Environment does not delegate his powers under the *Environment Protection and Biodiversity Conservation Act 1999*.

Recommendation 13

3.55 The committee recommends that the Federal Minister for the Environment declare a moratorium on any new approvals of Coal Seam Gas until an investigation is completed and reports back to the Senate. The report should address the effects of Coal Seam Gas mining activities in the Tara and Chinchilla areas on the health of local people, animals and crops, groundwater and on the quality of soil, water and air, and also investigate the disposal of effluent containing human faeces around mining camps, local roads and agricultural land used for growing crops for human consumption and the degradation of water reserves in these areas.

Recommendation 14

3.56 The committee recommends the Queensland government undertake an immediate review of the Department of Environment and Heritage Protection and its resource capabilities including staffing levels, expertise, arms-length requirements and conflicts of interest to determine and establish appropriate operating requirements for the delivery of quality outcomes for stakeholders. Further, the committee recommends a thorough review of the department to improve systems, processes, procedures, compliance, and escalation of issues, transparency and reporting. Ideally, an independent body should be established to manage escalated issues.

Recommendation 15

3.57 The committee recommends that the Queensland Government complete a review of the Gasfields Commission Queensland including roles, responsibilities, conflicts of interest and independence.

Recommendation 16

3.58 The committee recommends the Queensland government review all legislation implemented by the Newman Government to determine its appropriateness and compatibility with social justice/natural justice requirements and other land ownership rights. Further the committee recommends the review of mechanisms/instruments established by the Newman Government which impose unjust and unfair limitations or requirements on land owners, particularly in relation to land use/access issues.

Recommendation 17

3.59 The committee recommends that a royal commission be established to investigate the human impact of Coal Seam Gas mining.

Recommendation 18

3.60 The committee recommends that a moratorium be called and that no further Coal Seam Gas mining approvals be given until a full investigation by the Federal Minister for the Environment has been completed and reported back to the Senate on; the human health impacts, animal deaths, crop contamination, drinking water and air quality, plus degradation of the water supply in and around the Tara and Chinchilla area.

Recommendation 19

3.61 The committee recommends that a Resources Ombudsman be established to provide Australians with an independent advocacy body.

Recommendation 20

3.62 The committee recommends that fracking be banned in Queensland.

Senator Glenn Lazarus

Chair

LABOR SENATORS' ADDITIONAL COMMENTS

1.1 Labor Senators agree with most aspects of the majority report, however, they oppose recommendations 13, 17, 18 and 20, as they are not supported by evidence received by the committee.

1.2 Labor Senators oppose recommendation 13 that the Federal Minister for the Environment declare a moratorium on any new approvals of Coal Seam Gas.

1.3 Labor Senators oppose recommendation 17 that a royal commission be established to investigate Coal Seam Gas mining.

1.4 Labor Senators oppose recommendation 18 that a moratorium be called on Coal Seam Gas mining.

1.5 Labor Senators oppose recommendation 20 that fracking be banned in Queensland.

Senator Joseph Ludwig
Deputy Chair

Senator Christopher (Chris) Ketter

AUSTRALIAN GREENS ADDITIONAL COMMENTS

1.1 The Australian Greens are pleased that our amendments to the terms of reference enabled the inquiry to focus on coal seam gas and on retaining federal environmental approval powers, alongside legal, social and economic matters of relevance to Queensland.

1.2 We supported the establishment of this inquiry because of the extent of attacks on the environment and civil liberties that the Newman Government was inflicting on Queensland, which lacks an upper house as a check and balance on executive power. In the course of discussions with the then Palmer United Party Senators regarding this inquiry, we are pleased that we were able to convince them of the logic of also opposing the Abbott Government's plan to give further environmental powers to the Newman Government. We Greens are proud that we secured an agreement with the Palmer United Party to block Tony Abbott's plan to hand federal approval powers over to state governments, and that we expanded the scope of the terms of reference for the inquiry so that it could investigate environmental attacks of both the Newman and Bligh governments.

1.3 The Australian Greens welcome the majority report and support all of its recommendations, and make some additional recommendations to further address these issues.

1.4 The Australian Greens wish to thank the witnesses and those who made submissions to the Committee. We particularly wish to note the courage of coal seam gas whistleblower Simone Marsh, whose testimony and submission have now been largely made public by the Committee and which tells a sorry tale of the power of the fossil fuel sector over government. The passion of witnesses and the volume of submissions in this inquiry highlight the truly divisive nature of the Newman LNP government and its harmful policy agenda. It was disgraceful that witnesses were so frequently treated with disdain or subjected to verbal harassment by Coalition Senators participating in the inquiry and to those witnesses at early hearings, the Greens again extend our apologies for such poor behaviour. The absence of Coalition Senators in the later hearings ensured proceedings ran in the more traditional, civil, manner.

Coal seam gas

1.5 Coal seam gas, shale gas and tight gas threaten our land, water, climate and rural communities. For these reasons the Greens have long opposed this dangerous industry and advocated for clean, renewable energy generation in its stead.

1.6 Queenslanders were the test bunnies for the coal seam gas industry, and it was an honour to give regional Queenslanders a platform to share their horrific experience with this industry to date. For too long the plight of these people has fallen upon the deaf ears of the big parties, despite the efforts of the Greens in federal and state Parliaments.

1.7 We are thrilled that allowing the evidence of the dangers of coal seam gas to be aired in the inquiry has led to more Senators now realising what a gamble this risky industry is with our land, water, climate and communities.

1.8 We acknowledge the Chair's call for a moratorium and a royal commission into the health impacts of CSG. However, the Australian Greens believe that this does not go far enough. The evidence about the dangerous impacts of this industry is very clear. Likewise the solution is clear: unconventional gas, which is coal seam gas, shale and tight gas, should be banned. In the absence of such a ban, landholders including traditional owners and local councils should have the right to say 'no' to coal and gas mining on their land.

1.9 Since 2011 the Australian Greens have introduced three bills to the federal Parliament which would give landholders the right to say 'no' to coal and gas. We have received no support, and on 6 March 2014, the Liberal, National and Labor parties unanimously voted down one iteration of that bill.

1.10 I recently reintroduced the *Landholders Right to Refuse (Gas and Coal) Bill 2015* to the Senate. Importantly, the bill now includes a ban on hydraulic fracturing, or "fracking", as well as giving landholders including traditional owners and local councils the right to say 'no' to coal and gas mining on their land. Given the increasing community concern and the scientific uncertainty associated with this industry, on the driest inhabited continent on the planet, we hope that ultimately more parties in the Parliament will see the necessity of passing this bill.

1.11 The Australian Greens note with extreme disappointment that despite signing on to the majority report in most instances, the Australian Labor Party has not agreed to recommendations 17, 18 and 20 relating to coal seam gas and a ban on fracking in the majority report. In this they are joined by the Liberal and National parties who also refuse to constrain coal seam gas and are willing to let it rip across our best food producing land, tearing communities apart and threatening our precious water supplies. We note that each of those big parties accepts large donations from coal seam gas companies.

Recommendation 1

1.12 That unconventional gas, including coal seam gas, shale gas and tight gas be banned.

Recommendation 2

1.13 In the absence of a comprehensive ban on unconventional gas, that federal Parliament pass the Greens' *Landholders Right to Refuse (Gas and Coal) Bill 2015* which bans fracking for unconventional gas and gives landholders including traditional owners and local councils the right to say 'no' to coal and gas mining on their land.

Federal environmental laws

1.14 Retaining national oversight of environmental protection is crucial to safeguard our precious places and native wildlife. We Greens have since 2011 fought the proposal, initially from the Gillard Labor Government and later from the Abbott

Government, to give away federal environmental approval powers to states and territories. The inquiry report into my bill to prevent this hand-off of powers as well as the subsequent inquiry report into the Abbott Government's bill to worsen the scope of the hand-off, address in great detail the risks of handing off powers and outline why the Greens will continue to fight to keep federal environmental protections.

1.15 The witnesses to this inquiry reminded all Senators of the importance of federal environmental protections. We welcome the re-affirmation of previous commitments from the Chair and Opposition Senators to oppose any hand over of federal approval powers under the *Environment Protection and Biodiversity Conservation Act 1999* to State and Territory governments.

Recommendation 3

1.16 That the federal Parliament remove the ability of the Environment Minister to ever hand over federal approval powers under the *Environment Protection and Biodiversity Conservation Act 1999* to State or Territory Governments, in line with Greens' previous bills and amendments to various legislation.

Stradbroke Island

1.17 We welcome the Committee's focus on sand mining on Stradbroke Island and majority recommendations regarding this matter. The traditional owners of North Stradbroke Island as well as passionate residents and environmentalists have fought a long campaign against self-interested governments and overseas mining companies to end this harmful industry, and deserve support. Sustainable tourism and other local industries are the future of North Stradbroke Island.

Recommendation 4

1.18 To protect the natural values of North Stradbroke Island and further support the tourism industry, that sand mining on Stradbroke Island be phased out by 2019.

Recommendation 5

1.19 That the federal Environment Minister call in the expansion of Sibelco's Enterprise mine under the *Environment Protection and Biodiversity Conservation Act 1999*.

Cleaning up politics

1.20 The Australian Greens support immediate reform of Queensland's Crime and Corruption Commission (the CCC) to restore its independence and capacity to tackle serious corruption. There are allegations, including serious questions in relation to the 2010 approvals of two vast coal seam gas projects in western Queensland, which have not been adequately investigated by the CCC or its predecessor, the Crime and Misconduct Commission.

1.21 This inquiry has touched on many federal matters, and it is increasingly clear that while the potential for serious corruption exists at all levels of government, there is no independent body with the capacity to tackle corruption at a federal level. The

Greens have for many years supported the establishment of a national Independent Commission Against Corruption as reflected in our *National Integrity Commission Bill 2013*. Now more than ever such a body is required.

Recommendation 6

1.22 That the federal Parliament pass the Greens' *National Integrity Commission Bill 2013*.

1.23 The Australian Greens wish to thank the Secretariat for their assistance and professionalism throughout this inquiry.

Senator Larissa Waters

DISSENTING REPORT OF THE SOLE GOVERNMENT SENATOR ON THE SENATE SELECT COMMITTEE INTO CERTAIN ASPECTS OF QUEENSLAND GOVERNMENT ADMINISTRATION RELATED TO COMMONWEALTH GOVERNMENT AFFAIRS

Chapter One

1.1 This Enquiry was a farce from the beginning.

1.2 The farcical nature of the Enquiry was clearly demonstrated by:

- Its manner of creation
- the Terms of Reference
- the way in which the Labor Party first opposed its setting up when it was thought to include the Bligh Labor Government but later supported the Enquiry when they thought (erroneously) that it did not allow examination of the Bligh Labor Government
- the composition of the Voting Members of the Committee
- the fact that most submissions no matter how irrelevant, defamatory, and unsubstantiated were accepted by the majority of the Committee
- The refusal of the Committee to allow persons maligned in submissions a right of reply
- the lack of any natural justice
- refusal of the majority of the Committee to invite as witnesses anyone nominated by Government Senators
- the preponderance of Union, Left wing politicians and radical Green witnesses called.

1.3 Because of this, Government Members consider that nothing worthwhile emanates from this Committee and that it lacks even basic credibility, and does not warrant the waste of any further of the Senate's time.

1.3 Government Members of the Committee make just two recommendations –

Recommendation 1

1.4 That the Committee Office should table a full and complete Report of the costs to the Committee office of this Enquiry including all of the changed arrangements and cancelled bookings that had been made and that the Committee Office also include an estimate of the costs of Senators attending, and in cases cancelling arrangements for, Hearings

Recommendation 2

1.5 Any Report of the Majority of the Committee should be consigned to the scrapheap.

1.6 In Chapter 2 Coalition Senators give some brief highlights of aspects of this Enquiry which demonstrate its farcical nature and why because of its lack of credibility the whole exercise has been a waste of time and an embarrassment to the Senate. In Chapter 3 Coalition Senators make some limited observations.

Chapter 2

Creation of Enquiry

2.1 Before setting out the full Terms of Reference for the Committee, it is instructive for a proper understanding of the Enquiry and its Report, for the manner in which the Enquiry was created, to be noted.

2.2 The Original Motion proposing Terms of Reference took the following courses.

(i) On the 28th August, 2014 the Leader of the Palmer United Party in the Senate, Senator Lazarus sought Leave to treat as a Formal Motion a Motion to establish a Select Committee on Certain Aspects of Queensland Government. Leave was denied.

(ii) On 23rd September, 2014 the Leader of the Palmer United Party sought Leave to amend his Notice of Motion relating to the establishment of the Select Committee which was agreed but formality was denied. Senator Lazarus then moved Suspension of Standing Orders so that he could put the Motion and this was carried.

(iii) Senator Lazarus then moved that all debate be gagged and the Motion be put but this was defeated.

(iv) Debate then ensued but Senator Lambie from the Palmer United Party then moved the gag and this was ultimately carried.

(v) Senator Lazarus' Motion was then put but an amendment was moved by Senator Abetz on behalf of the Government to have the Terms of Reference varied to include an examination from the 21st March, 2009 effectively including an examination of the Bligh Labor Government.

(vi) The amendment was put and carried, with the Greens Political Party voting with the Government.

(vii) The amended Motion was then put but was defeated when the Labor Party joined the Government to defeat it, with only the Greens Political Party and Palmer United Party supporting it.

2.3 (i) On the 30th September, 2014, the Leader of the Palmer United Party, Senator Lazarus again moved substantially the same Motion to establish the Select Committee and when Leave to introduce that Motion was denied, Senator Lazarus moved for suspension of Standing Orders so that he could move the substantially similar Motion which had been amended only to allow the Committee to investigate the Newman LNP Government, negating the previous week's Motion that included the Bligh Labor Government in its investigation.

(ii) The Motion was carried with the Opposition, Greens Political Party and Palmer United Party supporting it.

2.4 Whilst paragraph (a) of the Terms of Reference related to an Enquiry during the term of the Newman Government, the other Terms of Reference (numbered (b) to (g)) were, in error by the mover, not so restricted and consequently the actions of the Bligh Labor Government were able to be investigate although during the course of the Enquiry, the majority of Members of the Committee avoided any scrutiny of the Bligh Government.

Terms of Reference

2.5 The Terms of Reference are set out below in full

(1) That a select committee, to be known as the Select Committee on Certain Aspects of Queensland Government Administration related to Commonwealth Government Affairs, be established to inquire into and report on:

(a) the amount of Commonwealth funds allocated or paid to the State of Queensland since 26 March 2012, with particular reference to:

(i) the purposes for which the funds were appropriated by the Parliament,

(ii) performance measures in relation to Commonwealth funds paid to the State of Queensland,

(iii) identified breaches of funding agreements or conditions,

(iv) the proportion of the Queensland State budget derived from Commonwealth funds, and

(v) whether any Commonwealth funds have been used by the State of Queensland for state government advertising or party political purposes,

(b) the administration of the Queensland courts and judicial system insofar as it relates to cross vesting arrangements, with particular reference to judicial independence and separation of powers;

(c) approval process for the development of projects for the export of resources or services insofar as they are administered by the Commonwealth or under a bilateral agreement with the Commonwealth;

(d) the extent to which Queensland State Government policies and practices are consistent with Australia's obligations under international environmental law instruments;

(e) whether it is appropriate for the Federal Minister for the Environment to delegate his approval powers to the Queensland State Government under the Environment Protection and Biodiversity Conservation Act 1999 by way of approval bilateral agreements or strategic assessments;

(f) the extent to which Queensland State Government policies and practices are consistent with Australia's obligations under international human rights instruments, with particular reference to:

(i) the administration of prisons, and

(ii) detention without trial; and

(g) any other matter the committee considers relevant.

(2) The committee will inquire into and report on the adequacy of Commonwealth oversight of the approval of coal seam gas projects in Queensland.

(3) That the committee presents its final report on or before 27 March 2015.

(4) That the committee consist of 5 senators, 1 to be nominated by the Leader of the Government in the Senate, 2 to be nominated by the Leader of the Opposition in the Senate, 1 to be nominated by the Leader of the Australian Greens, and 1 to be nominated by the Leader of the Palmer United Party.

(5) That:

(a) on the nominations of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate and minority groups and independent senators, participating members may be appointed to the committee;

(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and

(c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(6) That the committee may proceed to the dispatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.

(7) That the committee:

(a) appoint as chair the Leader of the Palmer United Party in the Senate; and

(b) elect as deputy chair a member elected by the committee.

(8) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(9) That, in the event of an equality of voting, the chair, or the deputy chair when acting as chair, have a casting vote.

(10) That the quorum of the committee be 3 members.

(11) That the committee and any subcommittee have power to send for and examine any person and any document, to move from place to place (including, but not limited to, major metropolitan and regional centres in Queensland and the committee shall conduct public hearings in Nambour, Ipswich, Mackay, Rockhampton, Kingaroy, Mt Isa, Bundaberg, Toowoomba, Townsville and Cairns) to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives.

(12) That the committee shall report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.

(13) That the committee has power to appoint subcommittees consisting of 2 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to consider.

(14) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(15) That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Composition of Committee

2.6 Under the Terms of Reference agreed to by the Labor Party, the Greens Political Party and the Palmer United Party, the Government was only given one voting position on the Committee, filled by Senator Ian Macdonald, although three other Queensland Senators, Senator Barry O'Sullivan, Senator James McGrath and Senator Matthew Canavan participated in some of the early meetings of the Committee and attended most of the Hearings of the Committee.

2.7 Following the Queensland Election, no Government Senator attended any Hearings of the Committee.

2.8 It should be noted that traditionally Committees of the Senate are established with membership roughly in proportion to the Senators in the Parliament from the different political parties with the major parties usually having roughly equal membership with one position being allocated to minor parties or cross-benchers.

2.9 In all of the records of the Senate, I can find no other occasion where the party with the greatest number of Senators in the chamber (33) was given one position on a Senate Committee, the Opposition in the Senate (25 Senators) being given two positions on the Committee, a minor party with only 10 Senators being given one member on the Committee and a minor party with only 3 members being given one member on the Committee with that latter Senator, in accord with the Terms of Reference being appointed the Chairman of that Committee with a casting vote.

2.10 The composition of the Committee is relevant because it showed from the outset that the Committee lacked any credibility and that it was established for purely partisan political purposes, and in furtherance of a public commitment by the Leader of the Palmer United Party to destroy Campbell Newman because of his refusal to deal favourably with Mr Palmer's mining interests in Queensland.

Timing of Enquiry

2.11 It should be noted the Committee was, in accordance with the Terms of Reference, to take evidence and table its report between September 2014 and March 2015, the date required for reporting being the date generally expected, in September 2014, to be about the time of the next Queensland election. It should be noted that the Queensland Election campaign would be effectively occurring during the time the Committee was to conduct Hearings and Report. The campaign would

be fought by the sitting Liberal National Party government with a record majority in the Queensland Parliament and a small opposition Labor Party, and minor parties, Palmer United Party and the Greens Political Party indicating an intention to campaign vigorously in the Queensland State Election.

Chapter 3

Government Senators' Observations

3.1 It should be noted that a substantial number of submission that were accepted by the majority of the Committee, were unsubstantiated allegations which were never tested in evidence before the Committee. At no stage was any natural justice shown by allowing those maligned and accused in the submissions and in the evidence given, to answer the allegations, respond, or present other evidence.

3.2 Witnesses selected by the majority of the Committee were all witnesses from the radical environment movement, from prominent supporters of the Greens Political Party, from the Union Movement and from politicians of non LNP political persuasion. None of these witnesses gave evidence that could be accepted as accurate, balanced or useful.

3.3 No opportunity was offered to the Government of Queensland or any LNP politician or Party organization to respond to any of the allegations or to give evidence.

3.4 It should also be noted from a reading of the Hansard transcript that many of the accusations made by various witnesses related to the time of the Bligh Labor Government which preceded the Newman Government and some of the more specific allegations of impropriety, corruption and malpractice occurred in the time of the previous Bligh Labor Government.

3.5 The only one allegation of corruption that was made referred to a former Labor Party Federal Minister.

3.6 The Government Member on the Committee objected to the publication of most of the submissions which were defamatory, unsupported, contained allegations against persons who were not accorded natural justice.

3.7 There were a substantial number of submissions received by the Committee which were completely irrelevant to the Terms of Reference of the Committee and some of these were rightly rejected by the whole of the Committee.

3.8 Other submissions which did contain unsubstantiated defamatory allegations were allowed to be published whereas submissions naming Senators on the Committee were prevented by the majority of the Committee from being published.

3.9 The Senate should note the arbitrary, unfair, unbalanced way in which submissions were accepted and rejected and should also note the total lack of natural justice available to those who had been unfairly maligned in an unsubstantiated way.

3.10 The Senate should also note that without exception all nominations made by Government Members for witnesses to be called to give evidence were ignored and rejected by the majority of the Committee.

3.11 The doctrine of comity (which provides that one level of Government should render appropriate respect for the processes of another) were ignored in the Terms of Reference.

3.12 The whole process of this Enquiry is an embarrassment to the Senate. The Senate should resolve never again to establish a Committee that is so blatantly political, so manifestly lacking in natural justice and so damaging to the reputation that the Senate has built up over many years for the quality, balance and intellectual rigor of the Reports it produces. This Enquiry lacks all three attributes

Senator Ian Macdonald

APPENDIX 1

Submissions Received

- 1 Confidential
- 2 Confidential
- 3 Australian Council of Trade Unions
- 4 Mr Glenn Beutel
4.1 Supplementary to submission 4
- 5 Mr Stephen Keim
- 6 Ms Jenny Chester
- 7 East End Mine Action Group Inc.
- 8 Mr Michael Peel
- 9 Mr James Gordon
- 10 Confidential
- 11 Ms Sandra Williams
- 12 Name Withheld
- 13 Fraser Island Defenders Organisation
- 14 Mr Bruce Uebergang

- 15 Confidential
- 16 Confidential
- 17 Confidential
- 18 Mr Dominic Middleton
- 19 Mr Jim Wilson
- 20 Mr and Mrs William and Lynnette Dahlheimer
- 21 Ms Penny Taylor
- 22 Ms Annette Hutchins
- 23 Name Withheld
- 24 Confidential
- 25 Mr John Dutton
- 26 Confidential
- 27 Dr Geralyn McCarron
- 28 Confidential
- 29 Mrs and Mr Hill
- 30 Ms Aileen Harrison

- 31 Confidential
- 32 Confidential
- 33 Mr Bruce Thompson
- 34 Ms Amy-Rose West
- 35 Mr Don Magin
- 36 Queensland Teachers' Union
- 37 Electrical Trades Union
- 38 Mr Peter Wellington MP
- 39 Ms Simone Marsh
- 40 Confidential
- 41 Confidential
- 42 Confidential
- 43 Confidential
- 44 Confidential
- 45 Confidential
- 46 Confidential

- 47 Confidential
- 48 Confidential
- 49 Name Withheld
- 50 Confidential
- 51 Confidential
- 52 Confidential
- 53 Mr and Mrs George and Pam Bender
- 54 Quandamooka Yoolooburrabee Aboriginal Corporation
- 55 Wildlife Preservation Society of Queensland
- 56 Cooloola Community Action
- 57 Mr Brynn Mathews
- 58 Ms Nari Lindsay
- 59 Ms Bronwyn Marsh
- 60 Mr Trevor Draper
- 61 Ms Jay Devine
- 62 Professor Bob Walker and Dr Betty Con Walker

- 63 Rosewood District Protection Organisation Inc.
63.1 Supplementary to submission 63
- 64 Ms Karen Auty
- 65 Concerned Families of Mt Cotton
- 66 Mr Neil Stanley
- 67 Australians for Animals Inc.
- 68 Dr Martine Maron
- 69 Fiona and Allan Hayward, Rhonda and Peter Selmanovic
- 70 Cairns and Far North Environment Centre
- 71 Australian Koala Foundation
- 72 Luke and Jean DGLISH
- 73 Mackay Conservation Group
73.1 Supplementary to submission 73
- 74 The Australia Institute
- 75 Mr Tom Crothers and Ms Paola Cassoni
- 76 Name Withheld
- 77 Confidential
- 78 Stradbroke Island Management Organisation

- 79 Name Withheld
- 80 Ms Deborah Edwards
- 81 Name Withheld
- 82 Mr Jeff Kiehne
- 83 Dr Bob Morrish, Ms Sarah Moles, Mr Angus Emmot and Mr Tom Crothers
- 84 Wildlife Queensland, Gold Coast and Hinterland Branch
- 85 Protect the Bush Alliance
- 86 Australian Conservation Foundation
- 87 Environmental Defenders Office
- 88 Dr Chris McGrath
88.1 Supplementary to submission 88
- 89 World Wildlife Fund
- 90 Construction, Forestry, Mining and Energy Union
- 91 Save the Reef
- 92 Australian Marine Conservation Society
- 93 Mr Kathryn and Mr John Mahoney
- 94 Oakey Coal Action Alliance

- 95 Clean Air Queensland
- 96 Ms Diana Graham
- 97 Mr Paul Stephenson
- 98 Ms Glennis Hammond
- 99 Graham Slaughter
- 100 Mr Leonard Fitzgerald
- 101 Mr John Jenkyn
- 102 Basin Sustainability Alliance
- 103 Social Justice Commission (Catholic Diocese of Toowoomba)
- 104 Wildlife Preservation Society of Queensland, Logan Branch Inc.
- 105 Mr Noel Castley-Wright
- 106 Australian Rainforest Conservation Society Inc.
- 107 Mr Frederick James
- 108 The Wilderness Society Inc.
- 109 Gold Coast and Hinterland Environment Council Assoc. Inc. (GECKO)
- 110 Together Queensland, Industrial Union of Employees

- 111 Ms Jackie Cooper
- 112 Lockyer Valley Regional Council
- 113 Mr Gary Reed
- 114 Friends of Stradbroke Island
114.1 Supplementary to submission 114
- 115 Queensland Council of Unions
- 116 The Mithaka People
- 117 Mr Eric Oliver
- 118 Confidential
- 119 Confidential
- 120 Ms Jan Aldenhoven
- 121 Ms Elizabeth Johnston
- 122 Mr David Arthur
- 123 Mrs Ann Boyle
- 124 Ms Mabel Quakawoot
- 125 Chris Spain
- 126 Queensland Council for Civil Liberties

- 127 Mr and Ms Wayne and Kerrie Brady
- 128 Boulder Creek Holiday Centre
- 129 Pirate Party Australia
- 130 Ms Sherri Philip
- 131 Name Withheld
- 132 Mr David Foster
- 133 Lock the Gate Alliance
- 134 Mr Darryl Bishop
- 135 Confidential
- 137 Mr Chris Walker
- 138 Confidential
- 139 Mr Craig Myatt
- 140 Daintree Rainforest Pty Ltd.
- 141 Mr P. Bucknell and Ms F. O'Callaghan
- 142 Confidential
- 143 Name Withheld

- 144 Ms Julie Devine
- 145 Confidential
- 146 Mr Michael Bretherick
- 147 Mr Denis Bright
- 148 Confidential
- 149 Confidential
- 150 Barro Group
- 151 Mr Russell Wattie
- 152 Ms Maria Lange
- 153 Ms Sue Richardson
- 154 Doctors for the Environment
- 155 Ms Dianne Berthelsen
- 156 Do Good Campaign
- 158 Ms Connie Kerr
- 159 Mr David McCabe
- 160 Coolum Beach Residents Association Inc.

161 Environmental Justice Australia

162 Greenpeace

163 Ms Kylie Goldthorpe

164 Ms Elizabeth Bourne

165 Mr Phillip Williams

166 Ms Priska Sussli

167 Mr John Tyson

Responses to Questions on Notice

- 1 Answer to Question on Notice by the Queensland Teachers' Union at public hearing on 28 November 2014, Brisbane.
- 2 Answer to Question on Notice by the Cairns and Far North Environment Centre at public hearing on 5 February 2015, Cairns.

Additional Information

- 1 Additional Information - provided by Mr Innes Larkin at a public hearing on 13 November 2014, Gold Coast.
- 2 Additional Information - provided by Mr and Mrs Joe and Jennie Hill at a public hearing on 19 February 2015, Toowoomba.
- 3 Additional Information - provided by Mr Glenn Beutel at a public hearing on 19 February 2015, Toowoomba.

- 4 Additional Information - provided by Mr and Mrs William and Lynette Dahlheimer at a public hearing on 19 February 2015, Toowoomba.
- 5 Additional Information - provided by Mr Brynn Mathews at a public hearing on 5 February 2015, Cairns.
- 6 Additional Information - provided by Mr Roderick Campbell on behalf of the Australian Institute at a public hearing on 4 February 2015, Brisbane.
- 7 Additional Information - provided by Mr Andrew Jeremijenko on behalf of Save the Reef at a public hearing on 4 February 2015, Brisbane
- 8 Additional Information - provided by Mr John Jenkyn at a public hearing on 19 February 2015, Toowoomba.
- 9 Additional Information - provided by Oakey Coal Action Alliance at a public hearing on 19 February 2015, Toowoomba.

Tabled Documents

- 1 Document tabled at a public hearing in Brisbane on 28 November 2014 by Electrical Trades Union.
- 2 Document tabled at a public hearing in Brisbane on 4 February 2015 by Quandamooka Yoolooburrabee Aboriginal Corporation.
- 3 Document tabled at a public hearing in Brisbane on 4 February 2015 by Quandamooka Yoolooburrabee Aboriginal Corporation.
- 4 Document tabled at a public hearing in Brisbane on 4 February 2015 by Quandamooka Yoolooburrabee Aboriginal Corporation.
- 5 Document tabled at a public hearing in Brisbane on 4 February 2015 by the Australian Marine Conservation Society.

- 6 Document tabled at a public hearing in Cairns on 5 February 2015 by Mr Noel Castley-Wright.
- 7 Document tabled at a public hearing in Toowoomba on 19 February 2015 by Dr Nicki Laws.
- 8 Document tabled at a public hearing in Toowoomba on 19 February 2015 by Clean Air Queensland.
- 9 Document tabled at a public hearing in Toowoomba on 19 February 2015 by the Wildlife Preservation Society of Queensland, Logan Branch.
- 10 Document tabled at a public hearing in Toowoomba on 19 February 2015 by Mr Peter Shannon.

APPENDIX 2

Public hearings

Surfers Paradise, Thursday, 13 November 2014

Committee Members in attendance: Senators Ketter, Lazarus, Ludwig, Ian Macdonald, McGrath, O'Sullivan and Waters

Witnesses:

ADAMS, Ms Rose, Secretary, Gecko—Gold Coast and Hinterland Environment Council

DAVIS, Mr Anthony, Treasurer, Stop the Gold Coast Quarry Association

GRATION, Dr Steven, President, Save Our Spit Alliance

HOILE, Mr Philip, Treasurer, Save Our Spit Alliance

KETO, Dr Aila, President, Australian Rainforest Conservation Society Inc.

LARKIN, Mr Innes, Spokesperson, Keep the Scenic Rim Scenic

LEVY, Mrs Lois, Campaign Coordinator, Gecko—Gold Coast and Hinterland Environment Council

MAGIN, Mr Donald, Private Capacity

RICHARDS, Mr Robert, Committee Member, Stop the Gold Coast Quarry Association

SIKORA, Mr Romuald, Private Capacity

STEWART, Mr Samuel, President, Stop the Gold Coast Quarry Association

Brisbane, Wednesday, 21 November 2014

Committee Members in attendance: Senators Canavan, Conroy, Ketter, Lazarus, Ludwig, Ian Macdonald, McGrath, O'Sullivan and Waters

Witnesses:

HUTTON, Mr Peter, President, Lock the Gate Alliance

KEARNEY, Ms Ged, President, Australian Council of Trade Unions

MARTIN, Mr John, Research and Policy Officer, Queensland Council of Unions

PASCOE, Mrs Heather, Private capacity

WOODS, Ms Georgina, Policy Coordinator, Lock the Gate Alliance

Brisbane, Wednesday, 28 November 2014

Committee Members in attendance: Senators Canavan, Ketter, Lazarus, Ludwig, Ian Macdonald, McGrath and Waters

Witnesses:

BATES, Mr Kevin, President, Queensland Teachers' Union

DAVIS, Dr Chris, Private capacity

MARSH, Ms Simone, Private capacity

McCALLUM, Mr Lance, National Policy Officer, Electrical Trades Union of Australia

ROY, Mrs Kimberley, Research Officer, Queensland Teachers' Union

SIMPSON, Mr Peter, State Secretary, Electrical Trades Division, Communications Electrical Plumbing Union

TRAILL, Mr Stuart, Electricity Supply Industry Coordinator, Electrical Trades Union of Australia

WELLINGTON, Mr Peter William, Member for Nicklin, Queensland Parliament

Brisbane, Wednesday, 4 February 2015

Committee Members in attendance: Senators Ketter, Lazarus, Ludwig and Waters

Witnesses:

ANDERSON, Dr Robert, OAM, Quandamooka Yoolooburrabee Aboriginal Corporation

CAMPBELL, Mr Roderick, Director of Research, The Australia Institute

CONNORS, Dr Libby, Spokesperson, Save the Reef

COSTELLO, Mr Cameron, Chief Executive Officer, Quandamooka Yoolooburrabee Aboriginal Corporation

HOOBIN, Mr James (Sean), Policy Manager, Freshwater, World Wildlife Fund

JEREMIJENKO, Dr Andrew, Scientific Adviser, Save the Reef

McGRATH, Dr Chris, Private capacity

WISHART, Ms Felicity, Manager, Great Barrier Reef Campaign, Australian Marine Conservation Society

Cairns, Thursday, 5 February 2015

Committee Members in attendance: Senators Ketter, Lazarus, Ludwig and Waters

Witnesses:

CASTLEY-WRIGHT, Mr Noel, Private capacity

JULIEN, Mrs Patricia, Research Analyst, Mackay Conservation Group Inc.

MATHEWS, Mr Brynn, Treasurer, Management Committee, Environmental Defenders Office of Northern Queensland

PICONE, Mr Andrew, Northern Australia Program Officer, Australian Conservation Foundation

ZIEHRL, Ms Angelika, Director, Cairns and Far North Environment Centre

Toowoomba, Thursday, 19 February 2015

Committee Members in attendance: Senators Ketter, Lazarus, Ludwig and Waters

Witnesses:

BENDER, Mr George, Private Capacity

BENDER, Mrs Pamela, Private Capacity

BEUTEL, Mr Glenn, Private Capacity

BRIDLE, Mrs Anne, Committee Member, Basin Sustainability Alliance

COPELAND, Dr Mark, Executive Officer, Social Justice Commission, Catholic Diocese of Toowoomba

DAGLISH, Mr Luke, Wildlife Preservation Society of Queensland (Bayside Branch) Inc.

DAHLHEIMER, Mr William, Private capacity

DAHLHEIMER, Mrs Lynette, Private capacity

DANNEVIG, Mr Colin, Secretary, Rosewood District Protection Organisation Inc.

HAMMOND, Ms Glennis, Private Capacity

HILL, Mr Joseph, Private Capacity

HILL, Mrs Jennifer, Private Capacity

JENKYN, Mr Fredrick John, Private capacity

KANE, Mr Michael, Campaign Director, Clean Air Queensland

KEOGH, Mr David, President, Wildlife Preservation Society of Queensland (Logan Branch) Inc.

LAFFY, Mrs Veronica, Private capacity

LAWS, Dr Nicki, Secretary, Oakey Coal Action Alliance

LUCKE, Mr Alec, Research and Communications Officer, East End Mine Action Group Inc.

LUCKE, Mrs Heather, Assistant Secretary, East End Mine Action Group Inc.

PLANT, Ms Marilyn, Private capacity

SHANNON, Mr Peter, Solicitor, Basin Sustainability Alliance

SLAUGHTER, Reverend Graham, Private capacity

STEPHENSON, Mr Paul, Private Capacity

THOMPSON, Mr Colin, Rosewood District Protection Organisation Inc.