



8 May 2013

Committee Secretary  
Senate Standing Committee on the Environment and Communications  
PO Box 6100  
Parliament House  
**CANBERRA ACT 2600**

By email only to [ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au)

Dear Committee Secretary,

**Re: Environment Protection and Biodiversity Conservation Amendment (Great Barrier Reef) Bill 2013.**

I humbly apologise for the lateness of this submission but I was unaware of this bill until only two (2) days ago. I am usually very vigilant when it comes to matters concerning the EPBC Act, but having been unwell over the past couple of months obviously a few issues including this one have slipped through my net. I respectfully request that the Committee accept this very brief but late submission.

## MY BACKGROUND

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I am an avid environmentalist and over many years have written several submissions on EPBC referrals and Environmental Impact Assessments mainly dealing with coal mining operations and impacts on the Great Barrier Reef World Heritage Area. I have also written many reports to Ministers, both Federal and State, International Organisations (UNESCO and the IUCN), and government organisations (QPWS, DPI, Coordinator General, etc). I have also presented submissions to previous Senate Committees.

I reside in Merinda, half way between Bowen and Abbot Point, and have a vested interest in the proposed developments at Abbot Point.

## FOREWORD

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### 'THE REEF AT CRISIS POINT'

I am the Great Barrier Reef - the greatest collection of coral reefs in the world. The unquestioned place of me, 'The Reef', on the World Heritage List arises principally from my status as the richest marine habitat on earth, supporting an extraordinary diversity of life forms which both depend on and create me. Many of my species exist nowhere else in the world.

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I am one of the world's premier natural resources and am a national and international icon, famous for my beauty and vast scale. By universal acclaim, I am a place of grandeur to be cherished by people of all nations and protected from threats.

When under threat, I also attract widespread public concern for my conservation. This interest is not confined to Australia. Like the Amazon rainforest, I am known throughout the world as one of the greatest natural ecosystems of our planet.

Here in Australia those tasked to protect me have long abandoned their duty of care and man-induced climate change; unsympathetic coastal development; removal of vegetation; disturbance of turtle and bird nesting sites; dredging of lagoons; filling in of mangroves; destruction of coral; damage to fringing reefs from excessive trampling or effluent pollution; and port development with associated infrastructure for the mining sector, is killing me.

It is clear that the Australian government, the Queensland government, and the mining industry are pushing to see my demise. My World Heritage status is an enormous barrier to their proposed developments and with me gone they will be able to turn what is left of me into a 'Coal and Coal Seam Gas Super Highway'. These governments and people are already totally and utterly ignoring the recommendations of the World Heritage Committee and are ploughing ahead with business as usual.

In July of last year the World Heritage Committee (WHC) recommended that "... the State Party [Australia] to not permit any new port development or associated **infrastructure outside of the existing and long-established major port areas within or adjoining the property, and to ensure that development is not permitted if it would impact individually or cumulatively on the Outstanding Universal Value of the property.**" The WHC also recommended that the Australian Government adhere to the recommendations of the Monitoring Mission. The monitoring team made the following recommendation that "**It is essential that development is not permitted if it would impact individually or cumulatively on OUV, including the integrity of the property. This measure should apply both within and in the adjacent areas to the property. This measure should take immediate effect and requires full application until the Strategic Assessment and the resulting long-term plan for the sustainable development of the property has been completed, and has been considered by the World Heritage Committee at its 39th session in 2015.**"

But already we have the Australian Government approving developments at Abbot Point in North Queensland totally against the recommendations of the WHC, and the mining sector ably assisted by the Queensland government pushing to turn Abbot Point into the largest coal terminal in the world with estimated exports around 400 Million tonnes of coal per annum. This massive amount of coal will ultimately be burnt and contribute greatly to greenhouse gas emissions, don't forget we are already at 396.80 ppm of CO<sub>2</sub>.

Most of the major ports and some of the minor ports along the Queensland coast were established in the late 1800s or early 1900s. Abbot Point wasn't established until 1984. The major ports have movements either near or upwards of 1000 shipping movements a year. Abbot Point has about 170. Abbot Point is not in the league of the major ports.

This ramping up of the Abbot Point Coal Terminal to make it the largest coal exporting terminal in the world will have major cumulative impacts on my 'Outstanding Universal Value' and will ultimately see the death of me, along with my tourism industry, the fishing industry and many communities so heavily reliant on me.

Reef tourism contributed \$17.6 billion to Queensland's gross state product in 2010-11 and employed around 70,000. The commercial fishing industry in 2004-05 brought in around \$195 million. I am one of our greatest assets and the governments of Australia have a financial obligation to protect me.

But here in Australia we have greedy governments, mining companies and port authorities willing to destroy me - an international icon - for the sake of economic gain.

The evidence is clear that each proposed development at Abbot Point in North Queensland will cause a catastrophic domino effect with irreversible impacts. It will be the death of me in a very short time.

In the words of an Australian author, Bradley Trevor Greive:

**“This wonderful Reef and the amazing creatures that inhabit it will not argue their case. They will not put up a fight. They will not beg for reprieve. They will not say goodbye. They will not cry out. They will just vanish.”**

*Jan Lee* for 'The Great Barrier Reef'

## INTRODUCTION

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This Submission has come about in light of the recent findings and decisions adopted at the World Heritage Committee's 36<sup>th</sup> Session.

As has been pointed out by the World Heritage Committee (WHC) the significant impacts on the 'Outstanding Universal Value' of the property from the proposed LNG Plant and terminal on Curtis Island are unacceptable to say the least. However, the impacts from the LNG Plant pale into insignificance when confronted with the proposed developments at Abbot Point. The proposed developments at Abbot Point are mind boggling to say the least, and individually, let alone combined, they will have a significant impact on the 'Outstanding Universal Value' of the Great Barrier Reef World Heritage Area.

## COMMENTS

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The wording of the proposed amendment does not fully adhere to the recommendations of the World Heritage Committee (WHC). The proposed Bill states:

***24D No port development in designated areas***

*Notwithstanding any other provision of this Act, or of a regulation made pursuant to this Act, the Minister must not approve the taking of an action if:*

*(a) the action relates to the building or development of a port outside existing port areas; or*

*(b) the action relates to the building, development, expansion or improvement of a port located in any of the following areas:*

*(i) the Fitzroy Delta;*

- (ii) Balaclava Island;
- (iii) Port Alma;
- (iv) northern Curtis Island (north of 23°45'S);
- (v) the north section of the Great Barrier Reef as defined by Great Barrier Reef Marine Park Authority maps as at 20 March 2013;
- (vi) any other area, to the extent that the building or development of the port in that area could have a significant impact on the environment of an area referred to in subparagraphs (i) to (v).

However, this does not truly reflect the recommendations of the WHC. The WHC recommended the following:<sup>1</sup>

... 2. Recalling Decision **35 COM 7B.10**, adopted at its 35th session (UNESCO, 2011),

3. Welcomes the initial positive results of the Reef Plan and associated measures to address major long-term impacts on the property from poor water quality, and requests the State Party, in collaboration with its partners, to maintain, and increase where necessary financial investment and sustain the positive trend beyond 2013;

4. **Takes note of the findings of the joint World Heritage Centre/IUCN reactive monitoring mission to the property undertaken in March 2012, and also requests the State Party to address the mission recommendations in its future protection and management of the property;** [emphasis added]

5. Notes with great concern the potentially significant impact on the property's Outstanding Universal Value resulting from the unprecedented scale of coastal development currently being proposed within and affecting the property, and further requests the State Party to not permit any new port development or associated **infrastructure outside of the existing and long-established major port areas within or adjoining the property, and to ensure that development is not permitted if it would impact individually or cumulatively on the Outstanding Universal Value of the property;** [emphasis added]

6. Requests furthermore the State Party to complete the Strategic Assessment and resulting long-term plan for the sustainable development of the property for consideration by the World Heritage Committee at its 39th session in 2015, and to ensure that the assessment and long-term plan are completed against a number of defined criteria for success, fully address direct, indirect and cumulative impacts on the reef and lead to concrete measures to ensure the overall conservation of the Outstanding Universal Value of the property;

7. Urges the State Party to establish the Outstanding Universal Value of the property as a clearly defined and central element within the protection and management system for the property, and to include an explicit assessment of Outstanding Universal Value within future Great Barrier Reef Outlook Reports;

8. Recommends the State Party, in collaboration with its partners, to sustain and increase its efforts and available resources to conserve the property, and to develop and adopt clearly defined and scientifically justified targets for improving its state of conservation and enhancing its resilience, and ensure that plans, policies and development proposals affecting the property demonstrate a positive contribution to

<sup>1</sup> World Heritage Committee. *Decisions adopted by the World Heritage Committee at its 36<sup>th</sup> Session 24 June-6 July 2012.* (36<sup>th</sup> Session, UNESCO, Saint Petersburg WHC 12/36.COM/19, 6July 2012, pp. 57 & 58)

the achievement of those targets, and an overall net benefit to the protection of Outstanding Universal Value;

9. Requests moreover the State Party to undertake an independent review of the management arrangements for Gladstone Harbour, that will result in the optimization of port development and operation in Gladstone Harbour and on Curtis Island, consistent with the highest internationally recognized standards for best practice commensurate with iconic World Heritage status;

10. Finally requests the State Party to submit to the World Heritage Centre, by **1 February 2013**, an updated report on the state of conservation of the property, including on the implementation of actions outlined above and in the mission report, for consideration by the World Heritage Committee at its 37th session in 2013, **with a view to consider, in the absence of substantial progress, the possible inscription of the property on the List of World Heritage in Danger;**

11. Decides to also consider a further report from the State Party on the state of conservation of the property, the findings of the second Great Barrier Reef Outlook Report, and the anticipated outcomes of the completed Strategic Environmental Assessment and related long term plan for sustainable development at its 39<sup>th</sup> session in 2015.

In the *Mission Report* on the monitoring mission to the Great Barrier Reef, the monitoring team made the following recommendation:<sup>2</sup>

*In the immediate future the mission considers that it is clear that the scale of coastal development currently being proposed and consented presents a significant risk to the conservation of the OUV and integrity of the property, and that the scale and pace of development proposals appear beyond the capacity for independent, quality and transparent decision making. The Strategic Assessment is a vital response to this situation. Highly precautionary decision making consistent with the recommendations of the mission is required until the Strategic Assessment is completed, and its findings have been considered fully by the World Heritage Committee at its 39th session in 2015. The mission considers that the development of new ports or other types of large infrastructure, ahead of addressing demand through strategic planning and management within the existing port facilities would create a significant and largely irreversible negative impact on the OUV of the property. The mission considers further that an extension of the footprint of development outside of currently industrialized areas would clearly present a significant threat to the OUV and integrity of the property. Such decisions would entirely pre-empt the Strategic Assessment the State Party has committed to put in place, and thus undermine its effectiveness. ... ..*

**... .. R2: Not permit any new port development or associated infrastructure outside of the existing and long-established major port areas within and adjoining the property. It is essential that development is not permitted if it would impact individually or cumulatively on OUV, including the integrity of the property. This measure should apply both within and in the adjacent areas to the property. This measure should take immediate effect and requires full application until the Strategic Assessment and the resulting long-term plan for the sustainable development of the property has been completed, and has been considered by the World Heritage Committee at its 39th session in 2015. ... ..**

<sup>2</sup> Douvère, Fanny & Badman, Tim. *Mission Report: Reactive Monitoring Mission to Great Barrier Reef (Australia) 6<sup>th</sup> to 14<sup>th</sup> March 2012*. (UNESCO World Heritage Centre – IUCN, Paris, 14 June 2012, pp. 5, 6, 7 & 8)

... .. **R4: Ensure that any development, including ports and other types of development, as well as all associated infrastructure and supporting activities are carried out consistent with the highest international standards of best practice, commensurate with status of an iconic World Heritage property, and enabling the State Party to continue to provide global leadership for the conservation and sustainable development of multiple use marine protected areas. ... ..**

... .. **R8: Adopt the highest level of precaution in decision-making regarding development proposals with potential to impact the property, and to Prevent any approval of major projects that may compromise the outcomes of the Strategic Assessment, until the Strategic Assessment is completed and its resulting plan for the long-term sustainable development for the property has been considered by the World Heritage Committee. During this period, the State Party is requested to ensure no developments are permitted which create individual, cumulative or combined impacts on the OUV of the Great Barrier Reef World Heritage area and its long-term conservation.**

## PORT DEVELOPMENTS

The WHC has requested that no **“new port development or associated infrastructure”** be developed **“outside of the existing and long-established major port areas within or adjoining the property”** and in addition the Monitoring Team have recommended that **“it is essential that development is not permitted if it would impact individually or cumulatively on OUV, including the integrity of the property. This measure should apply both within and in the adjacent areas to the property. This measure should take immediate effect and requires full application until the Strategic Assessment and the resulting long-term plan for the sustainable development of the property has been completed, and has been considered by the World Heritage Committee at its 39th session in 2015.”**

The Australian Government’s approval of the Alpha Coal Mine and Rail Project (EPBC 2008/4648) and the Hancock Coal Terminal 3 Project (EPBC 2008/4468) goes completely against the recommendations of the WHC.

Paragraph 4 of the WHC decisions on the Great Barrier Reef World Heritage Area stated that the WHC recommends that the Australian Government addresses the recommendations outlined in the reactive monitoring teams *Mission Report* (2012).

The Australian Government has totally ignored these recommendations and proceeded to approve developments that that will have both individual and cumulative impacts on the OUV of the World Heritage Property.

Don’t forget the Monitoring Team recommended:<sup>3</sup>

**R2: Not permit any new port development or associated infrastructure outside of the existing and long-established major port areas within and adjoining the property. It is essential that development is not permitted if it would impact individually or cumulatively on OUV, including the integrity of the property. This measure should apply both within and in the adjacent areas to the property. This measure should take immediate effect and requires full application until the**

<sup>3</sup> Douvère, Fanny & Badman, Tim. *Mission Report: Reactive Monitoring Mission to Great Barrier Reef (Australia) 6<sup>th</sup> to 14<sup>th</sup> March 2012*. (UNESCO World Heritage Centre – IUCN, Paris, 14 June 2012, pp. 5, 6, 7 & 8)

*Strategic Assessment and the resulting long-term plan for the sustainable development of the property has been completed, and has been considered by the World Heritage Committee at its 39th session in 2015. ... ..*

*... .. R8: Adopt the highest level of precaution in decision-making regarding development proposals with potential to impact the property, and to Prevent any approval of major projects that may compromise the outcomes of the Strategic Assessment, until the Strategic Assessment is completed and its resulting plan for the long-term sustainable development for the property has been considered by the World Heritage Committee. During this period, the State Party is requested to ensure no developments are permitted which create individual, cumulative or combined impacts on the OUV of the Great Barrier Reef World Heritage area and its long-term conservation.*

## LONG ESTABLISHED MAJOR PORTS

I draw your attention to the following comparison table:

**TABLE 1: COMPARISONS BETWEEN THE LONG ESTABLISHED MAJOR PORTS ALONG THE QUEENSLAND COAST AND ABBOT POINT**

PORT	ANNUAL SHIPPING MOVEMENTS JULY 2011/JUNE 2012 <sup>4</sup>	ESTABLISHED	NOTES
Port of Brisbane	2531	Ca 1850 to 1885	During 1850 and 1885 there were exports of coal and rural products and imports of manufactured goods
Port of Gladstone	1665	Ca 1868	2 <sup>nd</sup> largest port in Qld. 5 <sup>th</sup> largest commodity port in Australia. World's fourth largest coal export terminal
Port of Hay Point	1084	1971	World's largest coal export port. Two separate coal terminals (Hay Point and Dalrymple Bay)
Port of Townsville	796	Established prior to 1896 but redeveloped following cyclone Sigma in 1903	Queensland's 3 <sup>rd</sup> largest port
Port of Cairns	474	1899	
Other small ports similar to Abbot Point:  Port Alma	  115	  Ca 1890	

<sup>4</sup> Maritime Safety Queensland. *Queensland Ship Movements Monthly Status Report June 2012*. (Queensland Government, Brisbane, June 2012)

<b>Lucinda</b>	13	Ca 1890	Mourilyan bulk sugar terminal was established in 1960 an upgrade of the old terminal
<b>Mourilyan Harbour</b>	26	1893	
<b>Abbot Point</b>	<b>174</b>	<b>1984</b>	

It is evidently clear from the information provided in the above table that Abbot Point could not be classified as a ***“long established major port area”***. It is clear that the major ports are Brisbane, Gladstone, Hay Point, Townsville and Cairns.

The current proposed developments for Abbot Point would turn the port into a major port with projected shipping movements making it the largest port on the Queensland coast and the largest coal terminal in the world.

If these developments are approved and proceed against the recommendations of the WHC then this would be perceived as a major regression and not ***“substantial progress”***.

The approvals of the Alpha Coal Project and the Terminal 3 Project have already placed the Great Barrier Reef in jeopardy of being placed on the ‘List of World Heritage in Danger’.

It is clear by these approvals that the Australian and Queensland Governments care more about the coal mining industry than it does of its international obligations.

## RECOMMENDATION

I respectfully request that due to the inclusion of Port Alma as an exclusion area, a port established since ca. 1890, then, it is only appropriate that the Port of Abbot Point, a minor port only established in 1984, must also be included in the list of port areas excluded from further development.

Should you require any further information please do not hesitate to contact me.

I sincerely hope that this brief submission is accepted by the Committee in its deliberations into the amendment of the EPBC Act.

Yours faithfully

Ian Lee