

THE SECRETARY  
SENATE STANDING COMMITTEE  
ON ENVIRONMENT COMMUNICATIONS  
AND THE ARTS

P.O. BOX 6100

PARLIAMENT HOUSE  
CANBERRA . ACT 2600 .

RE : INQUIRY INTO THE OPERATION OF THE ENVIRONMENT  
PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999.

DEAR SIR / MADAM,

THERE HAS BEEN A NUMBER OF HIGH PROFILE CASES  
IN RECENT YEARS OF CONDITIONAL APPROVAL GIVEN  
BY THE MINISTER FOR PROTECTS, WHICH THE PUBLIC  
EXPECTED WOULD NOT BE APPROVED.

CLEARLY WE THE TAXPAYERS, EXPECT MORE FROM THIS  
PROCESS THAN A SCANT REWARD FOR OUR ENVIRONMEN  
CLOAKED UNDER CONDITIONS STIPULATED BY THE MINISTER  
AT TIME OF APPROVAL.

TERMS OF REFERENCE b, c & d IN PARTICULAR  
SHOULD PROTECT THE ENVIRONMENT BY ASSESSING  
PROJECTS FOR THEIR IMPACTS ON THE ENVIRONMENT  
INCLUDING GREENHOUSE IMPLICATIONS AND CLIMATE  
CHANGE. GUNN'S PULP MILL CONDITIONAL APPROVAL  
BY MINISTER TURNBULL IS A GOOD EXAMPLE OF  
THIS FAILURE OF THE CURRENT ACT TO  
PROTECT THE ENVIRONMENT IN THIS MANNER.

FURTHER THE CONDITIONAL APPROVAL GRANTED BY  
MINISTER KEMP ON 25.1.2002 TO CONSTRUCT AND  
OPERATE THE BURNETT RIVER DAM IN QUEENSLAND  
ILLUSTRATES THE FAILURE OF THIS E.P.B.C. ACT 1999.

IN PARTICULAR CONDITIONS 3 TO 9 INCLUSIVE  
 RELATE TO THE PROTECTION OF THE ICONIC LUNGFISH.  
 THE RECENT AUDIT OF THE THE BURNETT RIVER  
 DAM CARRIED OUT ON 25-28 JUNE 2007 FOUND  
 THAT CONDITION 3.1 - "HAS BURNETT RIVER PTY. LTD.  
 INSTALLED A FISH TRANSFER DEVICE ON THE BURNETT  
 RIVER DAM" Y... YES IT HAS BEEN INSTALLED AND  
 WAS SIGHTED.

3.2 ... Y

3.3 ... P2 THE DOWNSTREAM FISH LOCK HAS NOT  
BEEN OPERATIONAL DUE TO THE LOW WATER LEVEL  
 IN THE DAM.

SO BECAUSE THE FISH TRANSFER DEVICE EXISTS IT  
 COMPLIES, REGARDLESS OF WHETHER IT IS SUCCESSFULLY  
 OPERATING TO TRANSFER THE LUNGFISH.

IT ANY ONE THINKS THAT THIS ACT PROTECTS  
 THREATENED SPECIES LIKE THE LUNGFISH THEN  
 THEY ARE SADLY MISTAKEN. EITHER ENSURE  
 THE DAMN FISH TRANSFER WORKS OR CHANGE  
 THE ACT TO REWARD PROPONENTS FOR  
 EXPENDITURE ON USELESS ENGINEERING SOLUTIONS.

IT IS INTERESTING TO READ THE PROPONENT'S RESPONSE  
 P02 ON P5 OF 10 OF THE AUDIT OF APPROVAL  
 CONDITIONS (EPBC 2001/422).

THIS MAKES A MOCKERY OF ANY <sup>CONDITIONAL</sup> PROTECTION  
 GRANTED BY THE MINISTER AT APPROVAL FOR THE  
 POOR OLD LUNGFISH.

YOURS FAITHFULLY

DAVE MILLIGAN