

East End Mine Action Group (Inc)
(EEMAG INC)

East End, Mt Larcom. Q. 4695

**ADDITIONAL INFORMATION TO OUR INITIAL
SUBMISSION (DATED 14 DECEMBER 2010)
TO SENATE INQUIRY INTO
THE MANAGEMENT OF THE MURRAY-DARLING BASIN**

21 March, 2011

The Committee Secretary
Senate Standing Committee on Rural Affairs and Transport
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Sir / Madam,

Thank you for accepting this additional information to EEMAG's previous submissions.

Attached is an electronic copy of a 30 July 1999 Submission to the Inquiry into Catchment Management from the Whistleblowers Action Group (Qld) Inc (WAG) to the Secretary, House of Representatives Standing Committee On Environment and Heritage, Parliament House, Canberra. EEMAG has approval to send it to the Senate Inquiry into Management of the MDB. We are advised that this submission was put on the web as sub118-e.pdf(application/ pdf Object). We are not aware of any Hansard hard copy.

We respectfully request the Senate Inquiry to fully consider the 1999 WAG submission's evidence that, quote P15 "There is an enormous long term problem in the management of catchments in Queensland, caused by non-enforcement of environmental regulations governing the mining industry." EEMAG's experiences/evidence presented to the Senate, confirms the situation/culture as described in the WAG Submission is current and ongoing.

Some key issues in the WAG Submission can be cross-referenced and confirmed by documented evidence within EEMAG's submissions. The WAG submission provides a harrowing account of highly positioned bureaucratic insiders who dared to speak out about the unofficial policies of non-enforcement of environmental regulations for mining, evidence of refusal/failure of the CJC (now CMC) to properly investigate the situation and demand that it be corrected, and the statement that the Queensland political system has capitulated before the enormity of the problem, and is no longer capable of taking the appropriate corrective action itself.

(The Queensland Ombudsman and Queensland CJC/CMC refused to investigate EEMAG's complaints on a number of occasions. Copies of letters available)

Some key points from the WAG Submission are quoted below:

- Page 1 - the unofficial policies followed by public authorities in Queensland – and by the Government of Queensland – are negating the best efforts of responsible persons and organizations to improve Queensland’s catchments and water resources. These unofficial policies, previously brought to public notice by two State inquiries and the national media, include:
 - The unofficial policy of non-enforcement of environmental regulations essential to the health of Queensland’s catchments.
- Page 1,2 - The unofficial policy of expulsion, from Queensland public authorities of officers who make public interest disclosures to those same public authorities, including officers who have made disclosures concerning the non-enforcement of environmental regulations. This expulsion policy impacts on the viability and survivability of environmental professionals
- Page 2 - An unofficial policy of inaction towards the expulsion policy, by the watchdog authorities charged with overview of the public administration of Queensland. The public administration of Queensland has been captured by those entities generating the threat to Queensland’s catchments, and has no longer the capacity to resolve these problems without intervention.

These non-enforcement policies have been followed by Queensland Bureaucracies under alternative Governments. The Queensland political system has capitulated before the enormity of the problem, and is no longer capable of taking the appropriate correcting action itself.

- Page 4 - Connolly and Ryan, in 1996/7, conducted an Inquiry into, inter alia, the effectiveness of the CJC in dealing with this matter. Counsel assisting the Connolly/Ryan Inquiry concluded that there was prima facie evidence of official misconduct that could have been investigated. **The CJC accepted during argument before that Inquiry that a policy of non-enforcement existed, but argued that the policy did not constitute official misconduct because the non-enforcement policy had been well publicised. In spite of this admission, the two principal parties to the matter – the Department of Mines and the Queensland Mining Council – both denied and continue to deny any non-enforcement.**
- Page 5 - Significantly, the inquiry into mining practices that Justice Matthews recommended to the CJC has never been conducted....
- Page 15 Conclusions - **There is an enormous long term problem in the management of catchments in Queensland, caused by non-enforcement of environmental regulations governing the mining industry. (My Bold)**
- Page 16 Conclusions cont. -For the purpose of the current Inquiry, it should be noted that Commonwealth funds provided to Queensland for the management of catchments may be negated by State authorities paying lip service to the goals of catchment management, while allowing powerful mining industry interests to ruin catchment rivers and aquifers, habitats and stock waters. Public sector CEOs may also remind their catchment management professionals of the fate meted out to Messrs Leggate

and McMahon should any consider repeating the behaviours of these two officers in making public interest disclosures.

The disgraceful standard of conduct evidenced by these watchdog authorities in the expulsions of these public sector professionals is a clear demonstration that the system of public administration in Queensland does not have within itself the capability, the will or the intention to establish proper husbandry either of Queensland's catchments or of the funds given by the Federal Government for that purpose.' End of quotes from WAG Submission.

LACK OF TRUST IN GOVERNMENT ASSESSMENTS AND REGULATORY PROCESSES

It is my interpretation that the response by adversely affected communities to the Murray Darling Basin Plan and to intended massive new developments of coal mining and CSG extraction in Queensland is marked by a deep and widespread lack of trust in Governments and industrial proponents on the part of landholders /others. From EEMAG's 15 year ongoing experience this deep mistrust is completely justified.

ALL the COAG Agreements on Water Reform, the NWI and the Water Act 2007 OMIT effective process (such as an independent appeal on the merits) for landholders to effectively challenge demonstrably inaccurate hydrological assessments, data and/or equity issues.

Landholders are powerless against inaccurate/unjust Government decisions to trade off their water supplies / welfare as a subsidy to mining /political interests.

Given the evidence in the WAG Submission and the fact that there is NO process for EEMAG to take our case to have it properly heard and effectively remedied, EEMAG members appeal to the Senate Inquiry to recommend;

- (a) For the Commonwealth to exert financial pressure to ensure termination of the unofficial policy of non-enforcement of environmental regulations governing the mining industry that currently permits mining (and coal seam gas dewatering) etc to be exempt from the Water Act 2007 and/or other applicable legislation, and for current operations to be brought into compliance.**
- (b) the development and implementation of an independent and affordable appeal on the merits (under the Water Act 2007) that incorporates the empirical local knowledge of landholders acquired in their day to day management of the land and its resources, so as to ensure that the best available science REALLY is used in decisions on water management, to protect the equity/ water supplies of landholders and provide a genuine and effective dispute resolution process.**

Thank you for accepting EEMAG's submissions,

Yours sincerely,
Heather Lucke
Secretary