

Darren Edward
179 Hansen Rd
Dagun QLD 4570

Director
Referrals Section (EPBC Act)
Approvals and Wildlife Division
Department of the Environment and Heritage
GPO Box 787
CANBERRA ACT 2601

Cc: Federal Minister for the Environment, Senator Ian Campbell
Minister Malcolm Turnbull
Queensland Member for Gympie, David Gibson
Other federal senators

**Re: QUEENSLAND GOVERNMENT EPBC ACT REFERRAL-TRAVESTON
CROSSING DAM ON THE MARY RIVER. (Reg No: 2006/3150)**

Dear Director,

I am writing to you regarding your consideration of the submission for EPBC referral of the Traveston Crossing Dam project by Queensland Water Infrastructure Pty Ltd (QWI).

In summary, I submit that:

1. It is not appropriate to just assess Stage 1 of the dam, as requested by QWI in their submission. I request that the Environment Minister apply his authority under Section 74A of the EPBC Act to reject the referral of Stage 1 and only accept any subsequent referral which relates to the entire dam proposal (Stage 1 plus Stage 2).
2. It is not appropriate that the proposed action be assessed by the Queensland Department of State Development, as stated in the QWI referral submission. I request that the action be assessed by public enquiry as set out in Part 8 Division 7 of the EPBC Act. If necessary, the Environment Minister has the power to suspend the bilateral agreement with the Queensland Government for this purpose.
3. The QWI referral submission contains statements which I believe to be false or misleading. I therefore request that this matter be investigated under sections 489 (Providing false or misleading information to obtain approval or permit) and 491 (Providing false or misleading information to authorised officer etc.) of the EPBC Act.

1. Rejection of the proposal to only refer and assess “Stage 1”

Queensland Water Infrastructure has only referred Stage 1 of the proposed dam under the EPBC Act (sections 2.1 and 2.6 of the referral):

“It is proposed to construct the dam in two stages but to seek full approval for Stage 1 only at present. QWI acknowledges that a separate referral would be required for Stage 2 should it proceed.”

“It is proposed to seek full approval for Stage 1 of the Traveston Crossing Dam and to notify the long term intention to develop Stage 2. At this stage it is not considered

prudent to seek full approval for Stage 2 as the current planning horizon does not envisage construction for another 28 years.”

However it is proposing to build the dam to full height as part of Stage 1 and is now acquiring all the land for both stages 1 and 2. This fact has been confirmed by QWI and Queensland Government ministers several times in the past five months. It was first admitted by the Premier Peter Beattie in a letter to landholders in July 2006:

“While the Traveston Dam wall will be constructed to its maximum height, in the first stage the water levels will be limited to an elevation of no more than 71 metres, plus a buffer that includes provision for flood inundation.”

The “staging” of the project is thus purely an exercise in semantics. The dam wall is being built to its full final height in Stage 1, and all land is being acquired. The so-called “construction” of Stage 2 simply involves the push of a button to raise the height of the flood gates. Even if one takes the view that “construction” of Stage 2 is defined by the raising of the water level from 71m RL to 79.5m RL, Mr Graeme Newton and Ms Anna Bligh made it quite clear at a public meeting in Gympie this month that such water levels and greater will occur during periods of high flow and flooding.

As a result, the referral is fundamentally flawed in that the Queensland Government has only referred Stage 1 of the proposed dam for assessment, when it is clear that the proposal must be assessed in terms of its total and ultimate impact. I request that the Environment Minister apply his authority under Section 74A of the EPBC Act to reject the referral of Stage 1 and only accept any subsequent referral which relates to the entire dam proposal (Stage 1 plus Stage 2).

2. Assessment by public enquiry

You are no doubt already aware of the local community outrage at the lack of public consultation regarding this project. QWI and the State Government have made a mockery of the concept of “transparent process” and the Freedom of Information laws, denying public access to a wide range of relevant information, especially regarding river hydrology and environmental impacts. This is despite their obligations under the Intergovernmental Agreement on a National Water Initiative that was signed by the Commonwealth of Australia and the Governments of New South Wales, Victoria, Queensland, South Australia, the Australian Capital Territory and the Northern Territory on 25 June 2004. Section 93 of this agreement (Community Partnerships and Adjustment) states:

“Parties agree that the outcome is to engage water users and other stakeholders in achieving the objectives of this Agreement by:

- i) improving certainty and building confidence in reform processes;*
- ii) transparency in decision making; and*
- iii) ensuring sound information is available to all sectors at key decision points.”*

The formally appointed Community Reference Panel associated with the development of the Mary Basin Water Resource Plan has advised that they were “profoundly deceived” by the State Government during the formulation of the plan and have publicly withdrawn their support for the process. Subsequent to the Community Reference Panel’s involvement, the Queensland Government made substantial changes between the draft and final Water Resource Plan to accommodate the proposed Traveston Dam without any further consultation.

Furthermore, the proponent, QWI and the Queensland State Government are effectively one and the same. QWI has only one \$1 shareholder (a State Government

employee) and five of the six Directors are Queensland Government employees. Further, QWI has been granted State Government powers to progress the proposal and is therefore not an independent company. The Queensland Government must not be allowed to assess the impact of a proposal put forward by QWI. In effect, this would be the State Government referring its own proposal to itself for assessment, akin to allowing a person charged with a serious crime to be a juror at their own trial.

Due to the way the Queensland Government has approached all aspects of the dam proposal, the communities represented by the Mary River Council of Mayors (500,000 people from Maroochy to Hervey Bay) have no confidence in the honesty, integrity and transparency of Queensland Government processes. Therefore I request that the action be assessed by public enquiry as set out in Part 8 Division 7 of the EPBC Act. If necessary, the Environment Minister has the power to suspend the bilateral agreement with the Queensland Government for this purpose.

3. Investigation of False and Misleading Statements

As discussed in section 1 above, I believe the statements in the QWI referral submission regarding staged construction to be false, or at the very least deliberately misleading. This is not a minor or trivial error – it underpins the entire basis for the referral.

However, Section 7.1 of the QWI referral submission contains the following signed statement:

“I, Graeme W Newton, declare that the information contained in this form is, to my knowledge, true and not misleading”.

The residents of the Mary Valley have become quite accustomed to receiving what appears to be false and misleading information from QWI. However I believe it is another thing altogether to do so in a Statutory Declaration to the Federal Government. I therefore request that this matter be investigated under sections 489 (Providing false or misleading information to obtain approval or permit) and 491 (Providing false or misleading information to authorised officer etc.) of the EPBC Act.

I realise, Sir, that public comment on the QWI referral submission was not invited. Nonetheless I feel strongly enough about this issue that I wanted to make sure you were aware of my opinions, shared I believe by many others in the Mary Valley. Indeed, the opposition to the proposed Traveston Crossing Dam has very strong support from individuals, scientists and environmentalists across the country and around the globe. The plight of the endangered Queensland Lungfish – just one of the several species and ecosystems threatened with extinction / destruction by this dam – is particularly sensitive worldwide.

I thank you for taking the time to read and consider my comments, and trust you will act in a way that maintains Australia’s environmental standing in the global community. I look forward to receiving your response.

Regards,

Darren Edward