

Land and Resources Tribunal

REGISTRY: Brisbane
NUMBERS: AML 207/2006
 ENO 208/2006
TENURE IDENTIFIER: 4761-ASA 2

Applicant: **XSRATA COAL QUEENSLAND PTY LTD AND OTHERS**
 AND
Respondents: **QUEENSLAND CONSERVATION COUNCIL INC,**
 MACKAY CONSERVATION GROUP INC
 AND
Statutory Party: **ENVIRONMENTAL PROTECTION AGENCY**

AFFIDAVIT OF NIGEL ELLIS PARRATT

Filed on: 15 January 2007

Filed by: Environmental Defenders Office (Qld) Inc
Service address: Level 9, 193 North Quay
 Brisbane QLD 4000
Phone: (07) 3211 4466
Fax: (07) 3211 4655

I, Nigel Ellis Parratt, Acting Coordinator, Queensland Conservation Council Inc, 166 Ann Street, Brisbane, in the State of Queensland affirm:

1. I am the Acting Coordinator of the Queensland Conservation Council Inc (“QCC”). I am authorized to make this affidavit on behalf of QCC.
2. This affidavit has been prepared to explain QCC’s interest in objecting to the large open-cut coal mine proposed by Xstrata Coal Queensland Ltd and its joint venturers, known as the Newlands Wollombi No. 2 Project, located 129 km west of Mackay.

Background of the Queensland Conservation Council Inc

3. QCC began in 1969 and quickly grew to become the peak umbrella body for conservation groups in Queensland. QCC represents the interests of concerned individuals and of over 65 member groups in community campaigns.

Signed: Taken by:

AFFIDAVIT OF NIGEL ELLIS
PARRATT
Filed on behalf of Queensland
Conservation Council Inc

Environmental Defenders Office (Qld) Inc
Level 9, 193 North Quay
Brisbane Qld 4000
Telephone: (07) 3211 4466
Facsimile: (07) 3211 4655
Email: edoqld@edo.org.au

4. The objectives of the QCC include bringing together Queensland bodies to advocate nature conservation and environmental protection. **Exhibit NEP-1** to this affidavit is a copy of QCC's articles of association which lists the objectives of QCC.
5. To achieve these objectives, QCC engages with government, national environmental non-government organisations and peak sector organisations in the development of policies that generate beneficial environmental outcomes. QCC is also active in community education, law reform, and, when other channels have failed, litigation.
6. Some of our achievements, gained in partnership with other environmental groups, include protecting: Fraser Island from further sand mining; the Great Barrier Reef from oil drilling; Cooloola from further sandmining; many of Queensland's endangered eco-systems from land clearing; Shoalwater Bay from sandmining; Cooper Creek from cotton farming; and the Wet Tropics from the Tully Millstream dam. QCC has also been involved in securing: The Great Barrier Reef Marine Park; the Sugar Coast Environment Rescue Package; dugong sanctuaries along the coast; and the instigation of Queensland World Heritage Areas.

QCC and climate change

7. QCC believe that climate change is the biggest environmental threat facing Queensland and the world. QCC is actively involved in climate change policy, law reform and education.
8. QCC's recent work in climate change includes:
 - (a) Development of "*A Greenhouse Reduction Plan for Queensland*", which was tabled in the Queensland parliament on 1 November 2006 by Peter Wellington (member for Nicklin) who moved that the Queensland Parliament acknowledge the threat of climate change. The motion was successful after an amendment to include the current Queensland government actions. **Exhibit NEP-2** is a copy of QCC's "*A Greenhouse Reduction Plan for Queensland*".
 - (b) An invitation to, and involvement in, the Queensland Climate Change Summit held by the Queensland Government in July 2006.
 - (c) Publication of report "*Climate Change is Already Happening*" in 2006.
 - (d) Submission on the "Climate Smart Adaptation Strategy" released by the Department of Natural Resources and Mines (2005).
 - (e) Submission to the Department of Transport (QT) Green Paper on Smart Travel Choices for South East Queensland (February 2006). This submission considers the importance of climate change and emissions reduction to transport issues.
 - (f) Joint submission with the Environmental Defenders Office (Qld) Inc on the review of the *Integrated Planning Act 1997*. The submission highlights to

importance of state, regional and local planning to reduce climate change impacts (November 2006).

- (g) During the recent State election campaign Queensland Conservation brought together the Queensland Farmers Federation, the Queensland Tourism Industry Council and the Queensland Council of Social Service to discuss the impacts of Climate Change on their respective sectors.
- (h) QCC continues to actively liaise with Queensland Government Agencies, peak sector organizations, such as: Agforce; the Queensland Farmers Federation; the Queensland Council of Social Service; and Queensland Tourism on climate change issues and policy.
- (i) QCC maintains a website which provides information to the Queensland community about climate change and includes copies of the above publications.

Why QCC commenced these proceedings

- 9. QCC is concerned that Queensland is a major contributor to global emissions and to climate change due to its coal mining industry. Australia accounts for around a third of world coal trade. In 2005 Australia was the world’s largest exporter of black coal (Fairhead L, Curtotti CR, and Melanie J, *Australian Coal Exports: Outlook to 2025 and the Role of Infrastructure* (ABARE Research Report 06.15, Canberra, October 2006). The State of Queensland is the largest exporter of seaborne coal in the world (Department of Natural Resources and Mines website).
- 10. Despite the growing threats to Queensland from climate change, and increasing debate on the need to reduce emissions, Queensland’s saleable coal production increased by over 170% in the 10 years since 1996. **Exhibit NEP-3** is the “Queensland Coal Industry 10 Year Summary” taken from the website of the Department of Natural Resources and Mines.
- 11. In 2004 the State Government announced the ending of broadscale land clearing in Queensland. At that time landclearing represented 28% of direct State emissions (excluding indirect emissions from coal exports). This had a significant impact. Indeed, it led to the Federal Government being able to announce it had reached its promises on Australian greenhouse emissions, made at Kyoto negotiations in 1997. However, the reductions gained are one off and do not reflect a trend of emissions reductions in Queensland.
- 12. The Queensland Government has developed a *Queensland Greenhouse Strategy* (“QGS”). This strategy has three key objectives:
 - (a) Foster greater knowledge and understanding of greenhouse issues and climate change impacts;
 - (b) Reduce greenhouse emissions throughout Queensland, and facilitate carbon sequestration; and

- (c) Help Queenslanders adjust to environmental, social and economic impacts that climate change might cause.
13. The Queensland Government response is to support the development of so-called “clean coal” technology, so that coal can continue to have an international market and so that coal for energy can continue.
 14. As outlined in the report of Professor Ian Lowe filed in these proceedings, based on currently available technology, QCC believe that none of the CO₂ emissions from the use of the coal from this mine will be captured and stored underground.
 15. The QCC has actively been involved in lobbying to obtain a cohesive and productive government response to climate change. However, under the current government response there is no mechanism to ensure that the emissions from the mining, transport and use of the coal from this coal mine will be reduced, avoided or offset.
 16. It is in the absence of effective government policy and effective action by the Environmental Protection Agency to address greenhouse gas emissions from mining activities, it has become necessary for QCC to bring these proceedings in order to seek a condition that the emissions from the mining, transport and use of the coal be reduced, avoided or offset. QCC is concerned that without such a condition, the emissions from this mine will contribute to the impacts of climate change.
 17. In lodging the objection which commenced these proceedings, it was not QCC’s objective to single out this particular coal mine expansion, or mining applicant. Subject to QCC’s available resources, QCC will seek to raise greenhouse gas emissions in all future coal mining lease applications which do not propose effective measures to reduce, avoid or offset the emissions from the mining, transport and use of the coal.

Affirmed by Nigel Ellis Parratt)
 at Brisbane, this)
 15 January 2007)
 in the presence of)

.....

Deponent

.....
 Justice of the Peace / Lawyer