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**Re: DRAFT GUIDELINES FOR A PUBLIC ENVIRONMENT REPORT FOR ABBOT POINT  
TERMINAL 0, TERMINAL 2 & TERMINAL 3 CAPITAL DREDGING, QUEENSLAND  
NORTH QUEENSLAND BULK PORTS CORPORATION LIMITED  
(EPBC 2011/6213 / GBRMPA G34897.1)**

North Queensland Conservation Council welcomes the opportunity to comment on the draft guidelines for the PER for the proposed action (EPBC 2011/6213 / GBRMPA G34897.1) and asks that the following comments be taken into account when finalizing the PER guidelines.

Before turning to specific sections of the Draft PER, NQCC wishes to make three overarching statements.

Firstly, the proposed action, which would occur within the GBRWHA, is would appear to be in conflict with the Australian government's commitment to and obligations under the World Heritage Convention to which it is a signatory and with the GBRMP Act 1975.

Article 4 of that Convention states:

*Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 [of the Convention] and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.*

At the same time, Subsection 7 (3) of the Great Barrier Reef Marine Park Act 1975 provides that the Authority must, in managing the Marine Park and performing its other functions, have regard to, and seek to act in a way that is consistent with, the objects of the Act, the principles of ecologically sustainable use and the protection of the world heritage values of the Great Barrier Reef World Heritage Area.

Neither the World Heritage Convention nor the GBRMP Act would appear to allow for the proposed action.

Secondly, the proposed action is unquestionably, an inextricable part of a larger action and NQCC contends that the proposed development must be assessed in its entirety so that the full impact and implications of the larger action can be assessed. NQCC requests that the capital dredging be assessed only in association with the use of the resulting export facilities of which it is, inarguably, an essential part.

Thirdly, NQCC would like to ensure that the PER requires a full and detailed cost/benefit analysis (CBA) of the project, on the grounds that this would greatly assist the public and government decision-makers compare what the country stands to gain against what it stands to lose should the full development go ahead.

Such a study would require, for example, explicit evaluation of all monetary and non-monetary (including but not limited to non-tangible, residual and non-user costs and benefits, including of externalities associated with the development and all direct, indirect and cumulative) costs and benefits, and an assessment of the distribution of costs and benefits.

Given the nature of this particular proposal, the analysis should extend to international (ie cross-international-border) costs and benefits, and quantify the costs and benefits over the lifetime of both the proposal and the MNES that are likely to be affected. For example, if foreign income earned is seen as a benefit, then the impact of carbon emissions arising from the project would need to be seen as a cost.

All assumptions made in the CBA would need to be stated in order to render the analysis fully transparent. Sensitivity analysis to test the impact of assumptions would be required.

The guidelines for conducting CBA prepared by the Department of Finance (DoF) would be an appropriate starting place for detailing the CBA required. These guidelines are provided in DoF's 2006 Handbook for Cost Benefit Analysis, which 'is intended for use by those officers involved in appraising and evaluating projects and programmes that carry major resource implications'. They are reproduced in Appendix 6 to the Federal Government's 2010 Best Practice Regulation Handbook. These guidelines would need to be augmented by the use of environmental accounting techniques, such as those referred to in the Australian Bureau of Statistics' publication *Completing the Picture - Environmental Accounting in Practice*.

Given that industry operates entirely on the basis of cost/benefit analysis, such a requirement would not be onerous, especially given that much of the data required will be collated to meet other requirements of the guidelines.

It is only when costs and benefits are compared that decisions about whether or not to allow damage to world heritage and national heritage assets and to matters of national environmental significance can be made by the public and decision-makers.

I turn now to some specific comments in relation to the draft PER.

1. To comply with the mandatory requirements of Schedule 4 of the EPBC regulations 2000 and to avoid any uncertainty as to the definitions of words used, the terms 'project' and 'proposal' as used throughout the Draft Guidelines be changed to 'action'.
2. That s. 5.3(k) be changed to read 'The specific EPBC Act and GBRMP Act objects and matters affected by the action'.
3. To ensure full compliance with the objects of the EPBC Act, s. 5.4 paragraph 1, sentence 2, be changed to read 'Those elements with potential implications for the

objects of the EPBC Act and for matters protected under Part 3 of the EPBC Act must be highlighted'.

4. That s. 5.9, paragraph 1, sentence 4, be changed to read 'This section is to also identify and reference any relevant (published and unpublished) studies undertaken which will assist in describing patterns and trends in the natural, social and economic environment.

5. That section 5.9 (c) be changed to read 'Identify the desired conservation outcomes that the action has for matters of national environmental significance and describe how these desired conservation outcomes comply with the objects of the EPBC Act and the GBRMP Act'.

6. In order to provide more detailed relevant information for the purposes of finalizing the PER, s. 5.9 (e) be expanded to read 'Identify, discuss and assess in relation to the proposed action, factors that influence matters of national environmental significance including human-induced and natural factors e.g. climate change and climate-change related phenomena and flooding.

7. In order to provide more detailed relevant information for the purposes of finalizing the PER, s. 5.9 (g) be changed to read 'Describe the extent to which the general environment, ecosystems and matters of national environmental significance are already stressed by natural and anthropogenic effects, and the forecast for changes in these stresses with and without the proposed action.'

8. That s. 5.9 (m) be expanded to include use of the area by residents.

9. In order to acknowledge the fluid boundaries operating within the area, remove the word 'vicinity' and the phrase 'at this location' from s. 5.10.2 and s. 5.10.3.

10. To conform the terminology of the World Heritage Committee, change the term 'Outstanding Universal Value' to 'Outstanding Universal Values' throughout the PER.

11. That, in order to comply specifically with s. 3 of Schedule 4 of the EPBC Regulations 2000, the terms 'short-term' and 'long-term' apply to s.5.10 and that the word 'describe' be replaced with the word 'analyse'.

12. That s. 5.10.6, paragraph 3, sentence 1 be changed to read 'The risk assessment should include known future and potential expansions and developments by the proponent and other proponents and known and potential impacts on ecosystem resilience and matters of environmental significance and the objects of the EPBC Act and the GBRMP Act.

13. That in ss. 5.10.6 (a), (b), (c), (d), (e), (f), (j), (l) the words 'Discussion' and 'Description' be replaced with the term 'Description and analysis'.

14. That s. 5.10.9 (b) (iv) be changed to read 'location of marine and terrestrial plants and species habitat within and surrounding the disposal location'.

15. That s. 5.10.11 be changed to read 'The PER must identify and evaluate, using standard and environmental accounting techniques the potential impacts of the proposed action on other uses of the area...'

Finally, in relation to s. 5.13, NQCC notes that offsets are not part of the EPBC Act, and that final guidelines for an EPBC offset policy are yet to be developed. The draft policy generated a number of comments from the community that need to be addressed prior to any policy being adopted and prior to offsets being used for the purposes of assessment under the EPBC Act.

Notwithstanding, NQCC, while not condoning the concept of 'offsets', notes the inappropriateness of claiming as an offset any area that is already protected. Thus, claiming any offset for damage to the GBRWHA in another part of the GBRWHA is unacceptable, as all of the GBRWHA is already protected ('to the utmost') by way of Australia's commitment to the World Heritage Convention.

I commend these comments to you and ask that they be incorporated into the final PER Guidelines for the proposed action.

A handwritten signature in grey ink, appearing to read 'Wendy Tubman', written in a cursive style.

Wendy Tubman  
Coordinator