

Senate Select Committee Inquiry into Certain Aspects of Queensland Government Administration related to Commonwealth Government Affairs

Simone Marsh,

Dear Committee

Thank you for your letter of 29 October 2014, and invitation to make a submission to the Select Committee into Certain Aspects of Queensland Government Administration related to Commonwealth Government Affairs.

This submission relates to the following established Terms of Reference (TOR) items:

- Approval process for the development of projects for the export of resources insofar as they are administered by the Commonwealth or under a bilateral agreement with the Commonwealth (TOR 1c)
- The extent to which Queensland State Government policies and practices are consistent with Australia's international environmental law instruments (TOR 1d) and international human rights instruments (TOR 1f);
- Whether it is appropriate for the Federal Minister for the Environment to delegated his approval powers to the Queensland State Government under the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999* (TOR 1e); and
- The adequacy of Commonwealth oversight of the approval of coal seam gas projects in Queensland (TOR 2).

This submission focuses on the assessment and approval of the Santos Gladstone LNG (GLNG) Project and the Queensland Gas Company (QGC) Queensland Curtis LNG (QCLNG) Project.

This submission reports on experiences at the Queensland Department of Infrastructure and Planning (DIP) from February to June 2010; drafting sections of the GLNG and QCLNG Coordinator-General's evaluation reports, pursuant to impact assessment process under the *State Development and Public Works Organisation (SDPWO) Act 1971* (Qld). Other laws were also relevant to the projects, including the *Environmental Protection Act 1994* (Qld).

The GLNG Project triggered *Matters of National Environmental Significance* (MNES) under the EPBC Act, and was assessed under the bilateral agreement between the State of Queensland and Commonwealth of Australia.

The QCLNG Project also triggered the EPBC Act, however a separate Environmental Impact Statement (EIS) was prepared by the proponent and submitted to the Commonwealth Department of the Environment, Water, Heritage and the Arts (DEWHA).

An extended interview was given to ABC Four Corners for the 'Gas Leak!' program in 2013, outlining deficiencies observed in environmental impact assessments of Queensland's unconventional gas projects. ¹

Due to the complexity of environment and law matters in relation to the coal seam gas (CSG) to liquefied natural gas (LNG) projects, this submission covers what is perceived as the most relevant examples of deficiencies and/or alleged misconduct. Should the Select Committee require further documents or details of events, please advise.

Yours sincerely,

Simone Marsh 18/11/14

¹ Interview and 'Gas Leak!' program, by Matthew Carney and Connie Agius, ABC Four Corners <http://www.abc.net.au/4corners/stories/2013/04/01/3725150.htm> (viewed 17 November 2014).

Environmental impact assessment: administration of laws

Issue 1 – Integrity of EIS documentation

- 1.1. Absence of independent, peer review of specialist reports in EIS documents.
- 1.2. Absence of signature of responsible person for overall conclusions in EIS documents.
- 1.3. Absence of audit statements by qualified and experienced persons, verifying compliance with EIS Terms of Reference.
- 1.4. EIS commitments are typically not written in a measurable, auditable, legally binding manner.
- *Relevance: TOR 1c, 1d, 1e and 2.*

Issue 2 – Sale of resources prior to legal impact assessment and approval processes

- 2.1. The sale of Queensland's gas prior to assessment of environmental, social and economic impact assessment in 2010.²
- *Relevance: TOR 1c, 1d and 2.*

Issue 3 – Failure to comply with EIS Terms of Reference

- 3.1. There were many instances of failures to comply with EIS Terms of Reference noted in draft text prepared for the Coordinator-General's evaluation reports in 2010, however this information was often not noted in the final report.
- 3.2. Economic costs analysis was missing from the QCLNG EIS and the Coordinator-General's Evaluation Report, despite this being a requirement of the EIS Terms of Reference and relevant to ecologically sustainable development – and hence environmental laws.³
- 3.3. The QCLNG EIS made conclusions regarding economic impacts without undertaking a detailed assessment.
- *Relevance: TOR 1c, 1d, 1e and 2.*

Issue 4 – Failure to provide basic information requirements of EP Act 1994

- 4.1. Key sections of the EP Act 1994 that appear to have been breached were (at the time) sections 310D and 310N. Environmental values were not described for the gas fields, as baseline studies were not provided. Details of the land on which activities were to be carried out were not provided (detailed infrastructure mapping was withheld). Thus the potential adverse impacts of the activities (individually or cumulatively) on the environmental values were not properly identified in Environmental Management Plans. The CMC was notified of these breaches of law during interviews and via correspondence in February, May and June 2013.⁴
- 4.2. A letter from the Coordinator-General to Santos' President GLNG and Queensland was drafted on 31 March 2010: *"It would appear that there is only sufficient information for an assessment of the transmission pipeline and one train of the LNG facility. Additional information would be required to address the construction and operation of gas field development ... In particular the following information is required for me to draw full assessment conclusions for the gas field development... operational plans showing locations of petroleum activities and infrastructure, and*

² Letter from Catherine Tanna Executive Vice President BG Group to Queensland Premier Anna Bligh, 24 March 2010. Tabled in Queensland Parliament 25 March 2010. Refer to Queensland Parliament, Record of Proceedings, First session of the Fifty-Third Parliament, Thursday, 25 March 2010.

³ See section 1.4.2, p 17, in Queensland Government, *Terms of Reference for an Environmental Impact Statement: Queensland Curtis LNG Project*, May 2009 <http://www.dsdiqld.gov.au/resources/project/queensland-curtis-liquefied-natural-gas-project/curtis-lng-tor.pdf> (viewed 17 November 2014)

⁴ Including email to Mark Pollock, CMC, on 1 June 2013

disturbance to regional ecosystems ... Environmental management plans for the gas field development in accordance with the Environmental Protection Act 1994... ⁵

- *Relevance: TOR 1c, 1d, 1e and 2.*

Issue 5 – Significant increase in scale of projects following public consultation on EIS

- 5.1. QGC significantly increased the scale of gas field impacts (up to 20 times the scale of previous disturbances nominated in the public EIS), in a Supplementary report in early 2010. This action appears to have been unlawful and not consistent with the assessment process under the SDPWO Act. ⁶

- *Relevance: TOR 1c, 1d, 1e and 2.*

Issue 6 – Applicant dictating timeframes and applying pressure

- 6.1 Pressure was applied to the Queensland Treasurer in order to end coal seam gas impact assessments without key information on 12 May 2010. ⁷
- 6.2. Pressure was applied to senior public servants of various agencies to finish environmental impact assessments without key information on 12 May 2010. ⁸
- 6.3. Government officials responded to international gas company pressure to end assessment processes - without key information, and against departmental legal advice. ⁹
- 6.4. My concerns regarding widespread gas field impacts, impossible time pressures and inadequate information were outlined in an email to senior executives on 24 May 2010. ¹⁰
- 6.5. A DERM officer relayed demands of applicant QGC in a meeting on 1 June 2010, as recorded in meeting notes: *'S. Cameron advises that BG expect EAs to be granted within 1 day of CG Report... S. Cameron advises that BG expect CG Report to come out this week'*. ¹¹

- *Relevance: TOR 1c, 1d, 1e and 2.*

Issue 7 – Technical officers placed under unreasonable timeframes and pressure

- 7.1. DERM's environmental impact assessment director complained of unreasonable timeframes. ¹²
- 7.2. Department of Infrastructure and Planning impact assessment officers pressured. ¹³
- 7.3. In relation to complaints of undue pressure, Queensland's Crime and Misconduct Commission concluded: *"while there was considerable time pressure placed on departmental officers to meet imposed timelines, there was no evidence that this was imposed by external agencies"*. It is difficult to comprehend that the CMC could come to such a conclusion given the evidence made available. ¹⁴

- *Relevance: TOR 1c, 1d, 1e and 2.*

⁵ Draft letter to Rick Wilkinson from Colin Jensen, created by Denis Wayper on 31 March 2010

⁶ Email to CMC, 5 March 2013, 'Class IC: Mi-13-0471 – Breach of legislated EIS process – Gas fields'.

⁷ Email from Ian Fletcher to Queensland Treasurer, 12 May 2010, 'Conversation with David Maxwell: QGC'

⁸ 'Under pressure!' email from Phil Dash, 12 May 2010, 'FW: Conversation with David Maxwell: QGC' (RTI-IA728, File A p.40)

⁹ Provided to Queensland Crime and Misconduct Commission: Draft Internal Memorandum to Project Manager, Significant Projects Coordination, from Special Counsel, Legal Services Division, Department of Infrastructure and Planning, 2 March 2010, GLNG Santos CSG field approval for Coordinator General (CG) Report.

¹⁰ Email from Simone Marsh, DIP, 24 May 2010, 'Environmental Report – CSG LNG EIS Reports – Week ending 21 May 2010'

¹¹ See meeting notes of 1 June 2010

¹² Email from Stuart Cameron, 4 May 2010, 'Re: Request for Qld Curtis LNG draft conditions' (RTI-IA728, File B p.1)

¹³ 'Under pressure!' email from Phil Dash, 12 May 2010, 'FW: Conversation with David Maxwell: QGC' (RTI-IA728, File A, p.40)

¹⁴ Queensland Crime and Corruption Commission, Media Release 19 September 2013, 'CMC Completes assessment of CSG complaints'

Issue 8 – Applicants withheld critical impact information

- 8.1. Applicants withheld detailed gas field infrastructure maps and cumulative impact information, claiming the information was not available during the EIS process. ¹⁵
- 8.2. An ABC Four Corners program *'The Gas Rush'* (February 2011) featured impacted landholders Robert and Anne Bridle examining QGC infrastructure maps dated 2008. These maps were not provided to the government or landholders during the public EIS phase in 2009 and 2010. ¹⁶
- 8.3. Santos withheld gas field development mapping from government officials in 2010, claiming that gas field infrastructure maps would not be available until after contractors were engaged, i.e. after the EIS assessment process. ¹⁷
- 8.4. Santos withheld information on cumulative land disturbance associated with the GLNG Project. ¹⁸
- *Relevance: TOR 1c, 1d, 1e and 2.*

Issue 9 – Applicants dictated environmental conditions and also without transparency

- 9.1. Applicants dictated environmental conditions, and there was a lack of transparency in how Coordinator-General conditions were agreed upon. ¹⁹

Issue 10 – Government withheld critical information on cumulative greenhouse gases

- 10.1. Cumulative greenhouse information struck through, without justification, and not presented in the Coordinator-General's evaluation report. ²⁰
- 10.2. Environment department, DERM, failed to provide input on cumulative greenhouse gases. ²¹

Issue 11 – Cumulative environmental impacts unknown

- 11.1. Cumulative groundwater impacts were unknown at the time of project sign-off in May and June 2010. Geoscience Australia and Dr. M.A. Habermehl confirmed this in September 2010. ²²
- 11.2. Final advice had not been received from DERM regarding the GLNG groundwater impacts at the time of Coordinator-General sign-off in May 2010. The department had requested further information from the proponent, and was awaiting the requested information. ²³
- 11.3. No evaluation of groundwater impacts in the Coordinator-General's Evaluation Report for the GLNG Project. ²⁴
- 11.4. Cumulative vegetation disturbance (removal, direct and indirect disturbance) not quantified. This information was not received prior to ending of the EIS process: *"we're waiting on information from Santos and*

¹⁵ Email from Ian Fletcher to Queensland Treasurer, 12 May 2010, 'Conversation with David Maxwell: QGC

¹⁶ See ABC4Corners

¹⁷ Memo re 'the usual information' is not available

¹⁸ Email requesting land disturbance totals

¹⁹ Email from James MacDermott QGC, 16 May 2010, *Responses on environmental conditions* (RTI-IA728, File C, p 28)

²⁰ Draft of Chapter 6.3 Greenhouse Gases prepared for Santos GLNG Coordinator-General's Evaluation Report

²¹ DERM comments on Santos GLNG

²² Geoscience Australia and Dr. M.A. Habermehl, 2010. *Summary advice in relation to the potential impacts of coal seam gas extraction in the Surat and Bowen Basins, Queensland – Phase 1 Report*. Canberra

²³ Refer to emails in RTI-IA728

²⁴ Queensland Government, May 2010. *Coordinator-General's evaluation report for an environmental impact assessment: Gladstone Liquefied Natural Gas – GLNG project*.

DERM ... information on total land disturbance based on 'reasonable worst-case scenario'. This information has not been received."²⁵

- *Relevance: TOR 1c, 1d, 1e and 2.*

Issue 12 – Known long-term, irreversible, widespread impacts ignored or downplayed

- 12.1. High sodium absorption ratio (SAR) values of CSG wastewater, with potential to cause widespread erosion were ignored.
- 12.2. Cumulative volumes of contaminated water brought to the surface, estimated at 22.4 Sydney Harbours, was re-stated as 11,200 GL i.e. units which are difficult for the general public to grasp.²⁶
- 12.3. Cumulative volumes of contaminated solids, estimated at 45 million tonnes, were not included in the Coordinator-General's evaluation report.²⁷
- 12.4. Cumulative release of contaminated CSG water on land without limits.²⁸
- 12.5. Cumulative greenhouse gases ignored.
- *Relevance: TOR 1c, 1d, 1e and 2.*

Issue 13 – Amount of unknowns – Matters of National Environmental Significance (MNES)

- 13.1. A meeting of State and Commonwealth environment officers in Canberra on 20 April 2010 discussed the significant unknowns regarding the Santos GLNG EIS and Supplementary EIS and concluded the amount of unknowns precluded an approval under the EPBC Act: *"If (Santos) can't demonstrate how they arrived at total figures, then DEWHA can't approve" ... "DEWHA don't want to do partial approval" ... "DEWHA can't imagine that Minister can give approval – given the amount of unknowns."*²⁹
- 13.2. CSG-LNG project unknowns included: unknown infrastructure locations; unknown areas of vegetation, land, riverine, surface water and groundwater disturbances; and a lack of baseline studies for the gas field region.
- 13.3. It is not clear how the Coordinator-General (on behalf of the Commonwealth Environment Minister) conducted the EIS assessment of impacts on groundwater-dependent ecosystems (i.e. MNES) without: infrastructure location mapping; vegetation, land and water disturbance mapping; groundwater impact evaluation; and baseline studies for the gas field region.
- 13.4. Gas field activities are occurring in areas of State Forest, previously earmarked for National Park status. This intention was not made clear in EIS documentation.
- 13.5. Despite significant unknown impacts on MNES, including groundwater-dependent ecosystems to be impacts, the Queensland Coordinator-General ended the Santos GLNG EIS assessment process on 28 May 2010.
- 13.6. Commonwealth's lead complained about the lack of Queensland technical officers at Brisbane-based meetings regarding EPBC Act matters in 2010.³⁰
- *Relevance: TOR 1c, 1d, 1e and 2.*

²⁵ Email of 21 May 2010, FW:Disturbance limits (RTI-IA728, File F Email Documents, p 23)

²⁶ Email to Mark Pollock, CMC, 27 May 2013, 'Santos GLNG – Contaminated wastes in the gas field'

²⁷ Email to Mark Pollock, CMC, 27 May 2013, 'Santos GLNG – Contaminated wastes in the gas field'

²⁸ Email to Mark Pollock, CMC, 31 May 2013, *Release of contaminated CSG water on land – Irrigation & Dust Suppression*

²⁹ Meeting notes of 20 April 2010, DEWHA, Canberra

³⁰ Email of Mary Colreavy, DEWHA RTI-IA728

Issue 14 – Failure to consider the National Strategy for Ecologically Sustainable Development and International Conventions

- 14.1. Repeated failure to consider the *National Strategy for Ecologically Sustainable Development* (1992) and obligations under International Conventions.
- *Relevance: TOR 1c, 1d, 1e and 2.*

Issue 15 – Coordinator-Conditions that seek to override environmental law

- 15.1. Coordinator General conditions were written to override requirements of the EP Act section 310D. [Extract from EP Act]
- *Relevance: TOR 1c, 1d, 1e and 2.*

Issue 16 – Adaptive management approach is inappropriate

- 16.1. The adaptive management approach to environmental regulation of Queensland’s gas field activities is entirely inappropriate. Environmental planning lawyer Dr. Nicola Swayne has outlined the serious flaws and risks of an adaptive management approach toward gas field regulation.³¹
- *Relevance: TOR 1c, 1d, 1e and 2.*

Issue 17 – Failure to adequately monitor when conditioning environmental authorities

- 17.1. Lack of monitoring of contaminants of health concern in environmental authorities for gas field activities, issued under the *EP Act 1994* in 2011 and 2013.³²
- 17.2. Lack of monitoring of contaminants of environmental concern in environmental authorities for gas field activities, issued under the *EP Act 1994* in 2011 and 2013.³³
- *Relevance: TOR 1c, 1d, 1e and 2.*

Issue 18 – Failure to apply limits when conditioning environmental authorities

- 18.1. Lack of limits for contaminants of health concern in environmental authorities for gas field activities, issued under the *EP Act 1994* in 2011 and 2013.³⁴
- 18.2. Lack of limits for contaminants of environmental concern in environmental authorities for gas field activities, issued under the *EP Act 1994* in 2011 and 2013.³⁵
- 18.3. So-called ‘model conditions’, prepared behind closed doors by DERM and gas industry representatives, were inadequate.
- *Relevance: TOR 1c, 1d, 1e and 2.*

³¹ Swayne, Nicola (2012). Regulating coal seam gas in Queensland: lessons in an adaptive environmental management approach? *Environmental and Planning Law Journal*, 29(2), pp 163-185.

³² Email to Mark Pollock, CMC, 31 May 2013, *Release of contaminated CSG water on land – Irrigation & Dust Suppression*

³³ Email to Mark Pollock, CMC, 31 May 2013, *Release of contaminated CSG water on land – Irrigation & Dust Suppression*

³⁴ Email to Mark Pollock, CMC, 31 May 2013, *Release of contaminated CSG water on land – Irrigation & Dust Suppression*

³⁵ Email to Mark Pollock, CMC, 31 May 2013, *Release of contaminated CSG water on land – Irrigation & Dust Suppression*

Issue 19 – Failure to apply the Precautionary Principle

- 14.1. Repeated failure to apply the Precautionary Principle, in the absence of information, when making decisions regarding CSG applications.
- *Relevance: TOR 1c, 1d, 1e and 2.*

Issue 20 – Failure of CMC to investigate misconduct regarding environmental matters

- 20.1. On 19 September 2013, the Queensland Crime and Misconduct Commission released a , statement in relation to complaints made in February 2013: *“It is important to note that the assessment did not examine matters of government policy or the environmental and health impacts of the coal seam gas industry as these issues do not fall within the CMC’s jurisdiction”*. A copy of the CMC’s assessment report was not provided to complainants.³⁶
- *Relevance: TOR 1c, 1d, 1e and 2.*

Issue 22 – Integrity of evidence and statements – Potential false and misleading information

- 22.1. Evidence given to the Senate Standing Committee on Environment and Communications on 18 April 2013, during questioning of QGC Vice-President Policy and Corporate Affairs and Vice President Environment, was grossly false and misleading. The evidence related to the assessment process for the QCLNG Project.

³⁶ Queensland Crime and Corruption Commission, Media Release 19 September 2013, ‘CMC Completes assessment of CSG complaints’

³⁷ Email of 17 July 2013, QGC Map 1 (Pages 1-24)

³⁸ Deloitte Access Economics, July 2014. *Gas market transformations – Economic consequences for the manufacturing sector.*

³⁹ See meeting notes of 1 June 2010

Referring to QGC's submission, the Vice President Environment falsely states: "*Our submission was made to government, with all of our studies, in 2008*". Contrary to these assertions, State government records show that the QCLNG project was significantly up-scaled in a supplementary report in 2010.

- 22.2. Statements made by former Santos executive, Rick Wilkinson during interviews for the ABC Four Corners program 'Gas Leak!' in 2013, appear to have gone unchallenged by the State government. The ABC editor notes (in the extended interview transcript) the false and misleading statements regarding the legislated approvals process.
- *Relevance: TOR 1c, 1d, 1e and 2.*

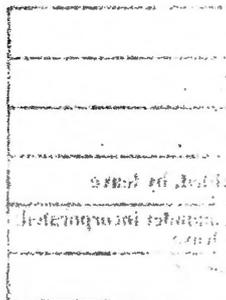
Appendix A

Letter of 24 March 2010 to Queensland Premier, Anna Bligh, tabled in Queensland Parliament on 25 March 2010.



24 March 2010

Anna Bligh, MP
Premier of Queensland
Level 15
Executive Building
100 George Street
BRISBANE QLD 4000



Dear Premier

I write today from Beijing to advise that BG Group – the parent company of QGC Pty Limited – and the China National Offshore Oil Corporation, have just signed one of Australia's largest sales and purchase agreements for liquefied natural gas.

The contract allows for China to buy 3.6 million tonnes of Queensland liquefied natural gas each year for 20 years from 2014.

The sales contract was signed by the BG Group chief executive, Frank Chapman, and the CNOOC president, Fu Chengyu. It was witnessed by the Federal Minister for Resources, Energy and Tourism, Martin Ferguson, the Duke of York, and the Vice Minister of China's National Energy Administration, Liu Qi.

QGC plans to produce coal seam gas from its petroleum licences in the Surat Basin and transport it by pipeline for export at the Queensland Curtis LNG plant on Curtis Island near Gladstone.

When combined with our existing LNG supply agreements – a 20-year agreement with Singapore for three million tonnes a year and a 21-year agreement with Chile for 1.7 million tonnes a year – the China contract underpins full production for the first two production "trains" at Gladstone.

This achievement is remarkable, particularly as Queensland's coal seam gas industry was virtually non-existent a decade ago and plans for a liquefied natural gas industry emerged only two to three years ago.

We thank you and your Government for the assistance and support you have given the gas industry to allow us to reach this milestone.

Similarly, we thank your public servants for their hard work and support in ensuring we have made such good progress.

While success should be celebrated, we still have a significant way to go to ensure that the QCLNG Project proceeds to a final investment decision later this year.

We look forward to your continued support and to bringing you further good news.

Yours sincerely

Catherine Tanna
Executive Vice President, BG Group
Managing Director, QGC Pty Limited

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Appendix D

'Under pressure!' email from Assistant Coordinator-General on 12 May 2010, in response to Ian Fletcher email of same day.

Humphries, Sylvie

From: Phil Dash
Sent: Wednesday, 12 May 2010 1:37 PM
To: Melanie Harris; Denis Wayper; Russell Davie
Subject: FW: Conversation with David Maxwell: QGC

Under pressure!

Regards

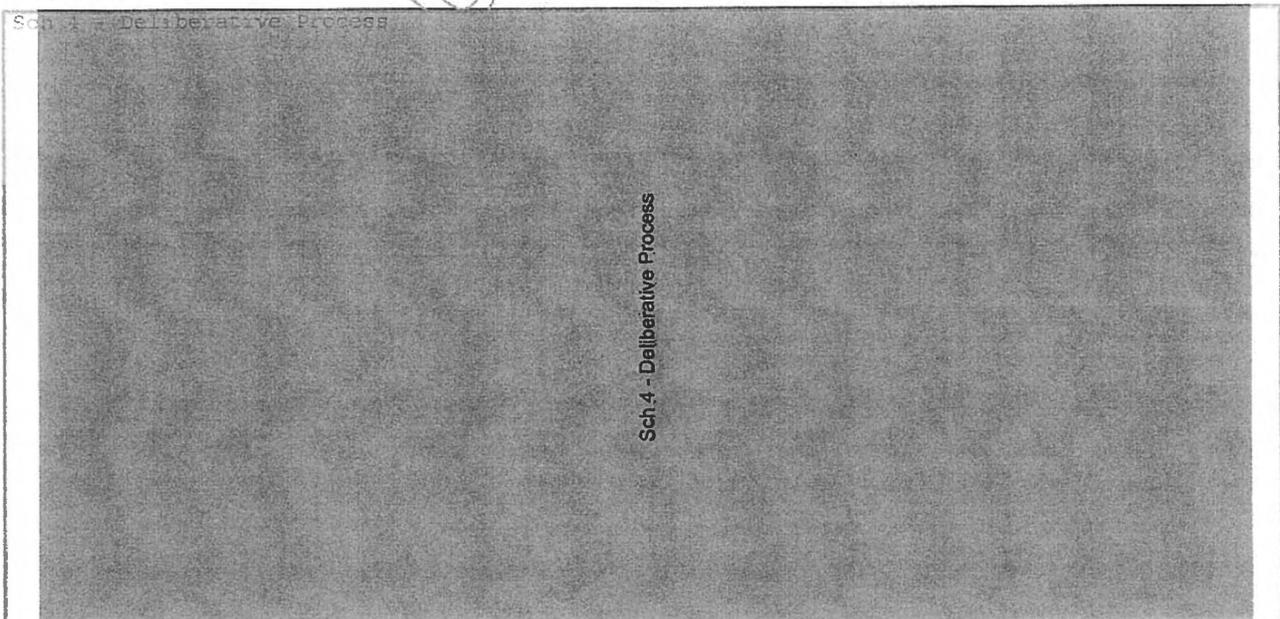
Phil Dash
Assistant Coordinator-General, Industry Projects Facilitation
Ph 61 7 3225 1215
Mob 0439 714 558

From: Colin Jensen
Sent: Wednesday, 12 May 2010 1:23 PM
To: Phil Dash; Geoff Dickle; Shane McDowall
Subject: Fw: Conversation with David Maxwell: QGC

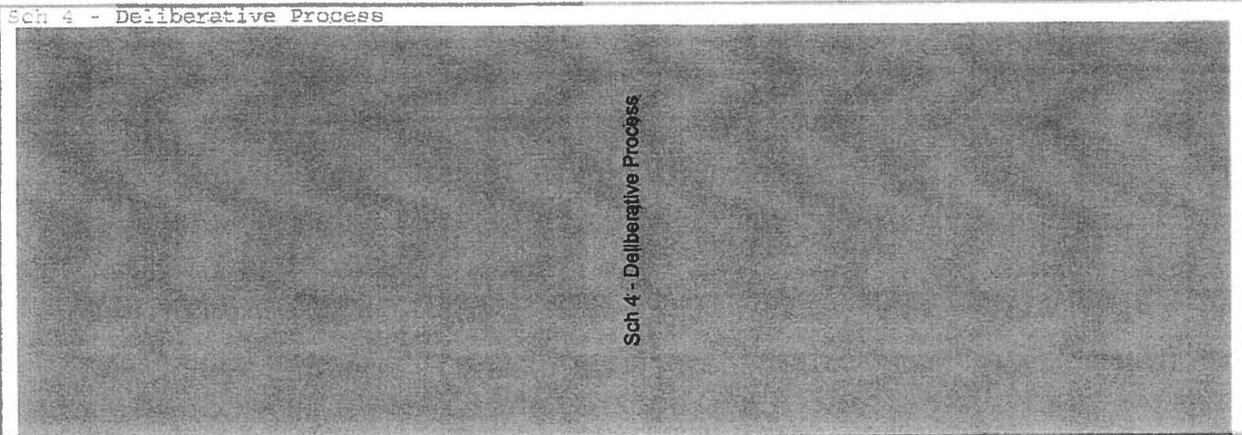
FYI

From: Conaty, Paula <Paula.Conaty@deedi.qld.gov.au>
To: andrew.fraser@ministerial.qld.gov.au <andrew.fraser@ministerial.qld.gov.au>
Cc: Colin Jensen; Bradley John <John.Bradley@derm.qld.gov.au>; Bermingham, Mark <Mark.Bermingham@deedi.qld.gov.au>; Mal Hellmuth (Deedi); Hunt, Dan <Dan.Hunt@deedi.qld.gov.au>
Sent: Wed May 12 12:35:41 2010
Subject: Conversation with David Maxwell: QGC

Treasurer



Sch 4 - Deliberative Process



IAN FLETCHER
Director-General
Department of Employment, Economic Development and Innovation

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Appendix E

Email to Deputy Coordinator-General and Assistant Coordinator-General and others, from Simone Marsh, on 24 May 2010.

Simone Marsh

From: Simone Marsh
Sent: Monday, 24 May 2010 9:13 AM
To:

Subject: Environmental concerns - CSG LNG EIS Reports - Week ending 21 May 2010
Importance: High

Environmental Report – CSG LNG EIS Reports - Week ending 21 May 2010

I feel obliged to report overall concerns with the environmental impact assessment process for the Santos GLNG project EIS for the reasons outlined below, and consider that the CG report should be delayed until these matters are properly addressed - in spite of current pressures for immediate delivery of a report.

The nature, intensity, duration and extent of proposed petroleum activities proposed across an extensive, fragile and stressed landscape, extensive and integrated surface and groundwater systems, vegetation communities and ecosystems, provides a complex range of environmental impact assessment issues for consideration.

I have sincere concerns that the reputation of the CG and the EIS process under the SDPO Act could be at risk, and I am particularly concerned regarding the resultant environmental impacts and consequential impacts on current and future generations of Queenslanders and others, should this report be finalised as is.

Concerns

1. I am concerned that the CG report has to-date been drafted and altered with utmost haste, without key impact assessment information, and with insufficient transparency and insufficient time for checking, analysis, reflection or discussion.
2. I am concerned that the proponent has in recent days been submitting comments and requesting alterations to the draft CG report and that paragraphs containing important text appear to have been deleted and other changes made in a non-transparent manner, and without adequate justification.
3. I am concerned that cumulative environmental impact matters for the emerging CSG LNG industry, such as cumulative volumes of associated CSG water removal, salt generation, land and vegetation clearing and greenhouse gas production have not been made transparent, and publically disclosed in the report. This information is in the public interest, and it would appear that this information is being covered up.
4. I am concerned that the CG conditions currently request key impact assessment information and location-specific and activity-specific information be provided after environmental authorities are granted. This would appear to be in conflict with the *Environmental Protection Act 1994*.
5. I am concerned that the assumptions and calculations, forming the scientific basis upon which much of the statements are made in the EIS and SEIS, have not been provided and have not undergone independent peer review. Peer review is particularly important for those environmental matters with potential for long-term negative consequences – of which there are numerous.
6. I am concerned that there is no clear justification for project beyond the potential for short term economic benefits. My assessment is that the negative short, medium and long-term

- environmental impacts and associated negative long-term do not as currently presented. The information presented does not demonstrate that the proposal is ecologically sustainable.
7. It is clear that the project activities will lead to widespread serious environmental harm and material environmental harm, as defined by the *Environmental Protection Act 1994* (Qld), both during and following the removal, transportation and processing of coal seam gas.
 8. I am concerned that the information, as currently presented does not provide a clear need or justification for the project beyond the potential for short term economic benefits. In my opinion, those short-term economic benefits have the potential to be negated and outweighed by the detrimental short, medium and long-term environmental impacts and associated long-term social and economic costs (of which there are likely to be many, and that have not been assessed). The information presented in the EIS does not demonstrate that the proposal represent ecologically sustainable development.
 9. I am concerned that total direct and indirect land and vegetation disturbance information has not been provided. It is therefore impossible to properly assess environmental, social and economic impacts.
 10. An officer in the Department of the Environment and Resource Management has informed myself and others within the DIP team working on the CSG LNG EIS projects that he was “instructed” several weeks ago, “not to hold up” the CSG LNG projects.
 11. I therefore have concerns regarding the advice that DIP and the CG have been receiving from DERM regarding the adequacy of the environmental impact assessment information, the extent of conformance with the Terms of Reference, the likely environmental impacts of the proposal, the proposed management and mitigation measures for those impacts (including proposed ‘model conditions’), and thus the projects acceptability to proceed in accordance with the *Environmental Protection Act 1994* (i.e. in accordance with the principles of Ecologically Sustainable Development).
 12. I am concerned at the failure of the DERM ‘model conditions’ to nominate location and disturbance information for all infrastructure and activities (e.g. irrigation areas) associated with level 1 environmentally relevant activities.
 13. I am concerned that numerous conditions needed to manage or mitigate key environmental impacts are either missing or ineffective – resulting in potential for further widespread serious and material environmental harm.
 14. I am concerned with DERM policies allowing CSG water to be used for ‘dust suppression’ for up to 3 months at any location. I am concerned that this activity will be difficult to monitor and regulate, and it is likely that significant areas of land will become contaminated via this (what is essentially waste disposal) irrigation method.
 15. I am concerned that discussions on several key environmental matters are currently missing from the report.
 16. I am concerned that assessment advice from specialist agencies on several key environmental issues is currently missing from the report.
 17. Groundwater is an area that is unsatisfactorily dealt with at this point. We are awaiting further comments from DERM on this matter, as insufficient information has been provided by the proponent to enable an assessment.
 18. I note that cumulative greenhouse gas emissions for emerging CSG LNG activities are alarming, representing significant percentages of existing National targets (forming the basis of international agreements), and yet have not been presented in the draft CG report. Also, it is not clear that the contribution from leaking gas wells or flared gas in the field has been included in estimates presented, although this is likely to be a significant contribution to gasfield greenhouse contributions, given the number of wells and duration of activities.
 19. I consider that all the above matters are in the public interest.
 20. Further, I do not consider that the report accurately reflects the genuine concerns of the

scientific community and regional communities that are aware of this emerging CSG LNG industry.

21. I conclude that the proponent has not yet adequately met the final Terms of Reference prepared for the EIS.
22. Given the above, it is appropriate that the precautionary principle be applied. Hence, I am concerned regarding advice that the CG report for the Santos GLNG project is potentially to be signed off in a matter of days.
23. In addition, I note that certain relevant information that I have previously extracted and drafted has not been utilised in the report, and certain recommendations and proposed conditions appear to have been ignored. Whilst I understand that is at the discretion of DIP management, as I have not been provided feedback on my draft reports or responses to emails pertaining to certain matters, I am uncertain whether non-utilisation of this information this is intentional, or whether the material has been overlooked or not considered because of short timeframes.
24. Also regarding delivery timeframes, to date the majority of time has been dedicated to the impact assessment matters pertaining to the Santos GLNG EIS project, and on the drafting of various sections of the associated CG report. I note, that at a team meeting on Thursday (20 May) it was indicated that a draft CG report would be required to be prepared for the QCLNG project by Tuesday 25 May.
25. I advise that it is not humanly possible to undertake the necessary work in the allocated timeframe. Even with the knowledge gained through work on the Santos GLNG project, it is not possible (within 2 business days) to read the thousands of pages of EIS and SEIS information pertaining to the QCLNG project, read the comments from various submitters, extract the relevant information, reference it, analyse it, report recommendations of other agencies, consult with other agencies on technical and policy matters, formulate conclusions and CG conditions and finalise the draft CG report on the range of environmental matters specific to locations (across several million hectares of land), activities and potential impacts pertaining to the QCLNG project.
26. The project team consists of numerous dedicated individuals, whom have been working very hard for several months. Whilst the work is challenging, stimulating and exciting, I nevertheless imagine that attempting to continue working under unrealistic timeframes and expectations has the potential to cause significant stress and lead to exhaustion, not to mention the requirement for significant sacrifices of team member's personal and family time and the resultant impact on other family members.

Regards

Simone Marsh

Contractor
Significant Project Coordination
Infrastructure and Economic Development
Department of **Infrastructure and Planning**
Queensland Government

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25/05/2010

Appendix G

Email of 19 July 2010, subject 'Disturbing Disturbance'.

Marsh, Simone

From: Simone Marsh
Sent: Monday, 19 July 2010 4:04 PM
To: Marsh, Simone
Subject: FW: Disturbing Disturbance

From: Simone Marsh
Sent: Thu 27/05/2010 3:25 PM
To:
Subject: Disturbing Disturbance

Hi ... This is further information regarding the disturbing disturbance matter. I'm not certain that CG is fully informed regarding this.

Normally the significant projects that the CG considers are limited to areas of disturbance that are known, and fairly limited in area and extent - ie. localised impacts (e.g. such as mining projects, where areas proposed to be disturbed are within the boundary of a few mining tenements, and are nominated in the EIS and considered during the impact assessment). The tenement area for these "normal" significant projects are in the ball park of around 3,000 ha (e.g. Daunia mine 4 Mtpa per annum project that is employing 300 people during operational phase of the 21 year project).

However, the CSG LNG project is unprecedented. It is the first time in Queensland history, where the CG is being asked to consider and assess unknown, and yet extensive, areas of disturbance (including unprecedented volumes of waste) proposed across large numbers of tenements. We have continually asked the proponent as part of the EIS assessment for total disturbance area information and the basis of calculations, however, this has not been provided.

However, we do have some disturbance information from the EPBC Referral for the GLNG gas fields (EPBC referral 2008/4059), which includes a greater CSG field area than the GLNG RFDA in the EIS as it nominates additional petroleum tenements that are outside of the RFDA nominated in the EIS. According to the referral, the figures presented appear to be based on LNG Facility Train 1 only of the LNG project [i.e. 5300 petajoules (PJ) (140 billion m³) CSG, equating to approximately 600 development wells prior to 2015 and possibly 1400 or more wells after 2015 (excluding exploration wells)].

According to referral, the approximate development area (i.e. size of the development footprint for these areas are):

1. Dennison Trough = 592,310 ha
2. Fairview field = 481,790 ha
3. Mahalo field = 62,640 ha
4. Scotia field = 75,350 ha
5. Eastern Surat Basin = 36,240ha
6. Roma field = 839,280 ha
7. Other areas = 131,700 ha

Total 2,087,610 ha.

This indicates that the **total disturbance** in the gas fields (to supply **Train 1 only** of the **GLNG facility**) will be more than **2 million ha**. This is about **600 times** the area of typical mining project. Perhaps you'd like to check these figures.

From: Simone Marsh
Sent: Tuesday, 25 May 2010 7:04 PM
To:
Cc:
Subject: RE: GLNG Email Responses (proposed condition, groundwater & Disturbance limit)

Thanks for your advice . I have responded regarding groundwater matters in a separate email.

Regarding disturbance limits

As you are aware, we have continually asked the proponent for total land and vegetation disturbance area information, and the basis on which it has been calculated (i.e. infrastructure and activity areas).

Without this proposed disturbance information, it is difficult to undertake an environmental impact assessment in the first place.

I think the offsets condition is a good start in minimising impacts. However, as you would be aware the disturbances identified in the Environmental Offsets Strategy only relate to a tiny portion of the project disturbances (as there is very little of conservation value remaining). The Environmental Offsets Strategy only considers the direct disturbances to areas containing listed species and communities under selected pieces of legislation (e.g. NC Act, VM Act, Fisheries Act).

However, I would have thought that DERM has interests in all actual and potential environmental harm in the State, under the provisions of the EP Act.

All proposed land and vegetation disturbance as part of the GLNG project has the potential to cause environmental harm (serious and material environmental harm) under the EP Act. Hence, by authorising an activity, but not nominating the total land and vegetation disturbance, the total environmental harm cannot be limited. There is also no measuring stick by which to determine when there is a 'significant increase in environmental harm'.

Regards,
Simone

From:
Sent: Tuesday, 25 May 2010 10:41 AM
To: Simone Marsh
Cc:
Subject: GLNG Email Responses (proposed condition, groundwater & Disturbance limit)
Importance: High

Hi Simone,

I hope this response gets to you in time:

- The condition provided regarding authorising harm refers to "*environmental nuisance, serious environmental harm or material environmental harm*". The department never refers to these terms.

DERM does not recommend the use of this condition.

However, DERM has used the following condition in model conditions, LNG and gas transmission pipeline conditions:

"This environmental authority does not authorise environmental harm unless a condition contained in this environmental authority explicitly authorises that harm. Where there is no condition, the lack of a condition shall not be construed as authorising harm."

These words would be more appropriate for both the CG's report and conditions.

- Groundwater:

The only aspect that has not been covered in the email (which could be covered elsewhere in the CG report) is the new changes to the EP Act in relation to CSG Water Management Plans to be incorporated into the EM Plan. Some text that could be used as you wish:

1. In October 2008 the Queensland Government released the *Queensland Coal Seam Gas Water Management Policy*. The policy included, among other policy principles, the intention for a CSG Water Management Plan (CWMP) is to be incorporated into the Environmental Management Plan (EMP) required for a level 1 environmental authority application.
2. The September 2009 Blueprint also contains several policy statements aimed at improving the environmental management of water produced while exploring or extracting CSG. This includes the introduction of 'an adaptive environmental approval regime'. This policy is now to be implemented through legislative amendments to the EP Act through the *South-East Queensland Water (Distribution and Retail Restructuring) and Other Legislation Amendment Bill 2010* which was passed by Parliament on 20 May 2010. The reform amends section 310D (Environmental management plan (EM Plan)) of the EP Act to include the requirement for a CSG Water Management Plan (CWMP). The new provisions will require the EM Plan to provide details on:
 - the quantity of CSG water the applicant reasonably expects will be generated in connection with carrying out each relevant CSG activity;
 - the flow rate at which the applicant reasonable expects the water will be generated;
 - the quality of the water, including changes in the water quality that the applicant reasonably expects will happen while each relevant CSG activity is carried out;
 - the proposed management of the water including the use, treatment, storage or disposal of the water;
 - measurable criteria (the management criteria) against which the applicant will monitor and assess the effectiveness of the management of the water including criteria for each of the following:
 - the quantity and quality of the water used, treated, stored or disposed of;
 - protection of the environmental values affected by each relevant CSG activity;
 - the disposal of waste, including, for example, salt generated from the management of the water;
 - the action that is proposed to be taken, if any of the management criteria are not satisfied, to ensure the criteria will be able to be satisfied in the future.
3. The legislative amendments also require that each annual return include an evaluation of the effectiveness of the management of CSG water under the measurable criteria {section 310D(5)(e)} for carrying out each relevant CSG activity. On the basis of these findings the administering authority may decide the conditions of the environmental approval require amendment in relation to CSG water management.
4. The content requirements for a CWMP have been included in the DERM guideline: *Preparing an environmental management plan (EM Plan) for Coal Seam Gas (CSG) activities*.

Number three above is the important part.

Also, it is considered that the Surat Basins likely to be a single "cumulative management area" in the new arrangements.

- Disturbance limit:

This is a very complex issue and it is hard to determine the limit of impact from the tables that Santos has presented.

3 sheets of A4 paper = 1 litre of water

+-----+

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Appendix H

Various emails to the Queensland Crime and Misconduct Commission, March – June 2013.

CLASS IC: MI-13-0471 - Breach of legislated EIS process - Gas fields

March 05, 2013 9:12 PM

From Simone Marshundefined

Attn: Melanie Mundy, Mark Pollock

Dear Melanie & Mark

One of the major breaches of the legislated environmental impact assessment processes occurred under the *State Development and Public Works Organisation Act 1971* (SDPWO Act). The breach involved a significant increase in scale of the gas field infrastructure and disturbances associated with the QGC QCLNG Project, and is evidenced in public documents (see below).

The SDPWO Act gives powers to the Coordinator-General to ask proponents for supplementary information about the EIS and the project [s.35(2)].

<http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/S/StateDevA71.pdf>

However, the SDPWO Act does not permit a proponent to seek to change the scale of a project at the Supplementary EIS (SEIS) stage (final stage) of the public EIS process; nevertheless, this is what occurred in 2010.

QGC QCLNG Project SEIS

QGC significantly increased the scale of the QCLNG project during the final stage, proposing a doubling, tripling and even twenty-fold increases in major gas field disturbances, waste products and land contamination. This increased scale significantly increased environmental, health, safety and economic risks and increased the short-term and long-term liabilities. The SEIS provided no detailed mapping of locations of gas field infrastructure nor baseline environmental data for the additional disturbances.

The public were unaware regarding the true scale of gas field impacts; the significant increase is hidden and played-down in the SEIS:

"The following sections provide an outline of the Project components and how these have evolved since release of the draft EIS. It should be noted that although there have been some changes to the design and scale of the development, this is not affected the overall risk assessment that was outlined in the draft EIS." (QGC QCLNG, SEIS, Executive Summary p.13, Jan 2010)

In SEIS Volume 2, Chapter 7, Table 2.7.2 *Summary of Project Description Changes to Gas Field Operations*:

- The length of disturbance from gas gathering lines between wells and field compression stations (FCS) more than doubles (increasing from 2,500km to 6,700km) and the easement width also doubles (from 15m to up to 30m). Overall this considerably increases the area of direct and indirect disturbance from this infrastructure item alone, although the indirect disturbance area is not provided.
- The length and width (hence area) of disturbances associated with gas trunklines from FCSs to Central Processing Plants (CPPs) also increases.

- The number of FCS doubles, increasing from 27 to 53. And the area for each FCS increases from 5ha to 7ha. Hence area of direct disturbance tripples from 135ha to 371ha. The volume of waste (including air emissions) also doubles.
- The area required for CPPs increases from 9x7ha (63ha) to 4x19ha (76ha).
- The length of water gathering lines connecting wells to infield buffer storages and regional storage ponds increases from 500km to 9,200km (including easement); a twenty-fold increase. The easement width doubles (from 15m to up to 30m). Overall this considerably increases the area of direct and indirect disturbance from this infrastructure item alone, although the indirect disturbance area is not provided.
- No figures were provided in the EIS regarding the water trunklines connecting regional storage ponds to collection header ponds or raw water ponds. However, the SEIS proposes that a total of 600km of direct disturbance will be associated with this infrastructure, with an easement width of up to 54m. These are additional disturbances.
- No figures were provided in the EIS for Collection Header ponds, however the SEIS proposes 50ha of direct disturbance & contaminated land. These are additional disturbances.
- The number of water pumping stations increased from 27 to 200 and maximum power requirements for each station also increased from 800kW to 1,500kW.
- Brine evaporation ponds footprints increased from 21ha to 90ha (for brine ponds) and 390ha (for brine evaporation ponds); a near twenty-fold increase in disturbance and contamination.
- Contaminated salts disposal to landfill increased from 4,500,000 tonnes to 5,400,000 tonnes. The footprint of each landfill increased by another 50ha.

In SEIS Volume 2, Chapter 15, p.4 Table 2.15.2, direct disturbance / contaminated land areas in the gas field increased by 11,671 ha (from 15,089ha to 26,760ha). Estimates for indirect disturbance areas (which are much larger areas than direct disturbance areas) are not provided.

In SEIS Volume 2, Chapter 7, Table 2.7.7 *Energy Requirements*, we see that the power is no longer only sourced from the CSG production wells, but is taken from connection to the electricity grid. The electricity requirements per annum are large 2,090,000 MWh per annum. The greenhouse gas figures also increase from the EIS to the SEIS.

Sincerely,
Simone Marsh

On 27/02/2013, at 3:52 PM, Complaints wrote:

Dear Ms Marsh

Please find attached the CMC's letter dated 27 February 2013 re your concerns.

For Integrity Services

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<Mail Attachment>

Santos GLNG - Contaminated wastes in the gas field

May 27, 2013 1:10 PM

From Simone Marsh

To Mark Pollock

Documents for release - RTI098.pdf 5.79 MB

Dear Mark

Please find attached an additional RTI document I received last week from The Courier Mail journalist, John McCarthy. It appears to be the result of searches for documents prepared in March 2010 relating to the CSG/LNG projects. The bulk of material appears to be associated with the Santos GLNG Project.

Please find below some information, for yourself and the Judge, regarding alterations that were made to the CSG water section of the CG's report.

Kind regards,
Simone

Santos GLNG - Contaminated water and solid waste contaminant volumes

The contaminated water problem had dogged the gas industry for years. Public money had been spent attempting to resolve it, however unsuccessfully, and the issue had not gone away. In March 2010 I prepared various calculations of the volumes of CSG water and solid contaminants that would be brought to the surface (in the short & long-term), as this information was missing in the proponent's documents. I consulted Dr Ian Wilson (and other officers from DERM) regarding these calculations on 12 March 2010. [1] Dr Wilson made estimates of the additional volumes of solids that would be generated through the 'amendment' process. [1] I later prepared text for the draft CG's Report based on these calculations. Refer to *Section 3.3 Associated water production*, in my draft report dated 4 May 2010, commencing p.20. [2] This material was altered or deleted in the final CG's Report, resulting in significantly misleading (down-played) volumes of wastes, and hence impacts. Refer to *Section 7.6 Coal seam gas water*, p. 96. [3]

The alterations were made in a non-transparent manner and without consultation with myself, DERM or Commonwealth officers. No reasons were given for why the calculated estimates were altered or deleted.

The information was required by the *Terms of Reference* but was not provided in the *EIS*, *Supplementary EIS* or *CG's Report*. The public and interested and affected others (including landholders and regulators) were uninformed and misinformed.

Further, an inappropriate and misleading comparison was made between contaminated waste volumes (harmful waste) and sea salt production (economic product) at Port Alma. Refer to p.97 of the CG's Report. [3]

Alterations and deletions of highly relevant and important findings

Issue	Calculations (emails 12, 13 & 16 March 2010) and draft CG Report text [1] [2]	Final CG's Report [3]	Alterations & deletions
Average concentration Total Dissolved Solids	4,000 mg/L	3,000mg/L	25% Reduction

	(As agreed with DERM's Dr Ian Wilson)		
Annual volumes of contaminated water - GLNG	54,750 ML per annum (Based on 3 GLNG trains)	18,250 ML per annum (No reference to the number of LNG trains)	66.6% Reduction and no reference to the number of LNG trains
Annual volumes of solid contaminants - GLNG	219,000 tonnes per annum, plus 20% for 'amendment' (Based on 3 GLNG trains i.e. 54,750 ML x 4,000mg/L)	55,000 tonnes per annum (No reference to the number of LNG trains. No mention of additional 20% volume for amendment process)	<ul style="list-style-type: none"> • Significant underestimate and misrepresentation of the problem • No reference to the number of LNG trains • No addition of 20% for 'amended' water
20 year volumes of contaminated water - GLNG	985,500 ML (Based on 3 GLNG trains)	Silent	100% Deleted
20 year volumes of solid contaminants - GLNG	4 million tonnes (Based on 3 GLNG trains)	Silent	100% Deleted
Cumulative volumes of contaminated water - for all QLD CSG/LNG projects	22.4 Sydney Harbours	11,200 GL	Units altered - making volumes difficult to picture (i.e. meaningless for a non-technical public audience).
Cumulative volumes of solid contaminants - for all QLD CSG/LNG projects	45 million tonnes generated - first 20 yrs	Silent	100% Deleted

Cumulative volumes and impacts were not included in the CG's Report

Section 6.4.3 'Gas fields cumulative impact assessment' is silent regarding cumulative volumes of contaminated water and solid contaminants, and the high potential for land contamination. Refer to p. 69. [3]

[1] RTI documents 373-381, obtained by *The Courier Mail*, May 2013.

[2] *The Coordinator-General - Environment Report in relation to the EIS and EIS Supplementary for the proposed Santos Gladstone LNG (GLNG) Project undertaken in accordance with the State Development and Public Works Organisation Act 1971* (Draft 4 May 2010)

[3] *Coordinator-General's evaluation report for an environmental impact assessment: Gladstone Liquefied Natural Gas - GLNG project* (Queensland Government, May 2010)

Release of contaminated CSG water on land - Irrigation & Dust Suppression

May 31, 2013 2:00 PM

From Simone Marsh

To Mark
Pollock



Dear Mark

Please find below information for yourself and the Judge regarding release of contaminated CSG water on land.

Apologies for taking time to prepare this, unfortunately looking at this material re-triggers the trauma, and the resultant anxiety makes concentration difficult - hence slow going.

If you have any questions, please let me know. More material coming.

Kind regards,
Simone

Santos GLNG – Release of contaminated CSG water on land: irrigation and dust suppression

CSG water has a very high potential to cause water infiltration problems and land erosion. However, the gas industry has knowingly been offloading large volumes of contaminated water to land as a cheap form of waste disposal.

The proponent's project risk assessment found that management of CSG associated water is the highest risk of all project activities, due to environmental and social concerns. Refer to Santos GLNG EIS, Section 10.3.1.12. The details of the risk analysis were not made public (presented as EIS *Appendix FF – Confidential Information*).

The proponent's *Associated Water Management Plan* proposed that contaminated water of 2,500 mg/L (TDS) and 3,500 uS/cm salinity would be disposed of on land for irrigation and dust suppression, and that CSG water used for irrigation would first be 'amended'. Refer to Santos GLNG Supplementary EIS (SEIS), *Attachment D3 – Associated Water*.

Dr Ian Wilson (DERM) outlines his concerns about Santos' proposed disposal of CSG water in his email of 13 March 2010. [1]

"The amendment process actually increases the salt load appreciably and poses significant risk... they intend to add gypsum....and that will add another 20% or so of solids..."

The beneficial use Guideline would not allow water containing more than about 1000 mg/L to be used for irrigation ("irrigation water shall not exceed 1,500 uS/cm") I think there is a significant risk to soil structure and future movement of stored salts if we allow irrigation using saltier water "because the company has found a plant that it does not kill" That is not a useful criterion. There are tales of disastrous decreases in water infiltration rates after a single year of irrigation with untreated water at one farm near Chinchilla.

We have made it very clear that we do not want water with >2000 mg/L TDS used for dust suppression for similar reasons" (Dr Ian Wilson, DERM 13 March 2010)

I forwarded this advice to the DIP project directors on 16 March 2010, highlighting Dr Wilson's concerns regarding Santos' proposal to release this water on land (for irrigation and dust suppression). [1]

Agency advice received from DERM regarding the long-term environmental impacts resulting from release of water to land (for irrigation and dust suppression), in summary [2]:

- • The *Associated Water Management Plan* does not provide any certainty for the management of the significant volumes of associated water nor the salt it contains;
- • The proponent's associated water management strategy exceeds the water quality standards specified in draft DERM documents. The proposal to irrigate and suppress dust with large quantities of saline water (<2,500 mg/L (TDS) and <3,500 uS/cm) is likely to cause long-term problems for soils, waters, vegetation, ecosystems, crops and future land use;
- • The levels of contaminants in 'amended' water proposed to be released to land and environs, through irrigation and dust suppression, exceed the limits specified in related studies and in relevant guidelines prepared by Queensland Government; and
- • The proponent's *Associated Water Management Plan* does not provide the level of detail necessary to enable an impact assessment of the proposed petroleum activities in accordance with the requirements of Chapter 5A of the EP Act.

I included the above information, regarding the proponent's project risk assessment, the inadequacies of the proposed *Associated Water Management Plan*, and the DERM advice, in sections 3.3.3 – 3.3.6 of my draft report of 4 May 2010 [2]. However this much of this material did not appear in *Section 7.6.2 – Irrigated cropping and/or forestry and dust suppression* (p.97) of the final (published) version of the Coordinator-General's Evaluation Report for the GLNG project (May 2010). The material was deleted and/or altered in a non-transparent manner and without consultation.

The final CG's Report does point out (p.98) that typical TDS limits for irrigation of moderately salt-sensitive crops is 870 mg/L and salt-sensitive crops is 435 mg/L.

What happened regarding all of these risks and concerns, in the period of time between the drafting and finalization of the CG's report and the decision-making and conditioning of Environmental Authorities? It appears that the regulator is left with almost zero ability to actively regulate to prevent environmental harm from disposal of large volumes of CSG wastewater to land in many circumstances.

Releasing contaminated CSG water on land: A comparison of DERM advice & guidelines in early 2010 and various Environmental Authorities subsequently granted (to various CSG/LNG companies) for gas-field operations in 2011 & 2013

Issue	Dr Wilson's advice [1] & DERM 'Beneficial use guideline' [3] (Limit value)	Environmental Authorities issued 2011 [4] (Limit value)	Environmental Authorities issued 2013 [5] (Limit value)
<i>Irrigation – Electrical conductivity (salinity)</i>	1,500 uS/cm [1] [3] (It appears that the DERM guideline was later (2013) altered to increase this value to 3,000 uS/cm) [6]	2,000 uS/cm (Silent re application rates)	ANZECC and ARMCANZ Water Quality Guidelines 2000
<i>Irrigation – Total Dissolved Solids (TDS)</i>	1000 mg/L [1]	Silent	ANZECC and ARMCANZ Water Quality Guidelines 2000
<i>Irrigation – Sodium Absorption Ratio</i>	8 [6]	Silent	ANZECC and ARMCANZ Water Quality Guidelines 2000
<i>Irrigation – exclusion zones</i>	Good Quality Agricultural Land.	Silent	Silent

	Where standing water table of an aquifer is less than 30 m from the ground surface. [6]		
<i>Irrigation – application rate</i>	Shall not exceed the water deficit. Deep drainage shall not exceed 15% of the rate of irrigation water applied. Shall not be undertaken at a rate that results in water run-off to permanent watercourses. [6]	Silent	ANZECC and ARMCANZ Water Quality Guidelines 2000
<i>Dust suppression - Electrical conductivity (salinity)</i>	2,000 uS/cm [1] 3,000 uS/cm [3]	2,000 uS/cm (Silent re application rates)	Silent
<i>Dust suppression – Total Dissolved Solids</i>	2,000 mg/L [3]	Silent	Silent
<i>Dust suppression – Sodium Absorption Ratio</i>	15 [3]	Silent	Silent
<i>Dust suppression – time</i>	Not to exceed 3 months at any location [3]	Silent	Silent
<i>Total volumes of CSG contaminated water released to land – Irrigation and dust suppression</i>	Unclear In the Roma and Arcadia Valley fields approx. 25% of supply : <ul style="list-style-type: none"> • irrigation use stated to be up to 15% of supply (SEIS Attachment D3, Fig 3-1) • dust-suppression use stated to be approx. 10% of supply. In the Fairview field – volumes for irrigation and dust suppression not stated by proponents SEIS Attachment D3 – Associated Water.	Silent	Silent
<i>Total area of land to be contaminated by release of CSG water - Irrigation and dust suppression</i>	Not specified in EIS or Supplementary EIS	Silent	Silent

Release of contaminated CSG water on land: construction and operational purposes

It should be noted that Environmental Authorities also permit release of CSG water, for 'construction and operational purposes', at any (unspecified) location on a petroleum tenement. There are no site-based details.

Measurable release limits are not specified: volumes, land area, application rates and measurable contaminant limits are not specified. In addition, contaminated water is released irrespective of soil types and vegetation.

Further, there are no measurable limits in relation to CSG water contaminants with the potential to cause **human health** impacts.

Refer to:

- • Condition G17 Use of Coal Seam Gas Water (p. 38) in PEN102125611 *Roma Shallow Gas Project Area East*;
- • Condition D9 Use of Coal Seam Gas Water (p.24) in PEN103814911 *Arcadia Valley*. [5]

[1] RTI 098 document No. 373

[2] *The Coordinator-General – Environment Report in relation to the EIS and EIS Supplementary for the proposed Santos Gladstone LNG (GLNG) Project undertaken in accordance with the State Development and Public Works Organisation Act 1971* (Draft 4 May 2010)

[3] DERM Draft Guideline: Approval of coal seam gas water for beneficial use (2009)

[4] Environmental Authorities (issued 2011) for CSG projects. For example EA No. PEN101741410.

[5] Environmental Authorities (issued 2013) for CSG projects. For example EA No. PEN102125611 Roma Shallow Gas Project Area East granted 25 Jan 2013 (<http://www.ehp.qld.gov.au/management/env-authorities/pdf/eppg00984113.pdf>) & PEN103814911 Arcadia Valley granted 25 Jan 2013 (<http://www.ehp.qld.gov.au/management/env-authorities/pdf/eppg00662213.pdf>)

[6] DERM Guideline: Approval of coal seam gas water for beneficial use – Version 2 (March 2013) <http://www.ehp.qld.gov.au/management/non-mining/documents/beneficial-use-guideline.pdf>

CSG wastewater management

June 01, 2013 10:34 AM

From Simone Marsh

To Mark Pollock

SMarsh_Draft ...gement_p20_29.pdf 4.24 MB,
Final CG Repo...Water_p96_101.pdf 2.88 MB

Dear Mark

Further information regarding breaches of environmental law; in particular the absence of information and management measures regarding release of contaminated CSG wastewater to land. Please see below.

Regarding information provided to you this week (on 27 & 31 May 2013) relating to CSG contaminated water matters; please find attached relevant sections of:

- my draft version (at 4 May 2010) of the Coordinator-General's Evaluation Report for the GLNG project; and
- the final version of the Coordinator-General's Evaluation Report for the GLNG project (May 2010).

I have referred to these sections in earlier emails.

Kind regards
Simone

Coal Seam Gas water management: not specified prior to issue of environmental authorities

The Coordinator-General's Evaluation Report for the GLNG project (May 2010) required the proponent to provide the Coordinator-General a *Coal Seam Gas Water Management Plan*, that addressed a range of specified government studies, policies and regulations, prior to the issue of environmental authorities. The Plan was required to be provided to DERM with applications for environmental authorities as a component of the *Environmental Management Plan* (i.e. as required under section 310D of the EP Act). Refer to Appendix 2, Part 2, Condition 3 (p.203).

The *Coal Seam Gas Water Management Plans* were required to incorporate government policy and guidelines on CSG water management, including any beneficial uses, and characterization of salinity limits related to any proposed use of CSG water for irrigation.

However, when we examine conditions of environmental authorities (EAs) issued for CSG projects in 2011 and 2013, we find that a document called a *Land Release Management Plan* (requiring the same information required by the *Coal Seam Gas Water Management Plan* component of/and the *Environmental Management Plan*) is required to be developed after EAs have been granted and petroleum activities have commenced. For example, refer to:

- Condition (D10) & (D11) PEN103814911 *GLNG Project - Arcadia Valley* granted 25 January 2013;
- Condition (D48) in PEN101741410 *QCLNG Project - Woleebee Creek Project Area*,

granted 8 July 2011.

These approval conditions present further evidence of breaches of the *Environmental Protection Act* 1994 at the time the EA's were decided and issued. There was no site-based information or assessment of land (or environmental values) proposed to be impacted/contaminated by releases of CSG wastewater via irrigation or dust suppression, or for operational or construction purposes.

On 31/05/2013, at 2:00 PM, Simone Marsh wrote:

Dear Mark

Please find below information for yourself and the Judge regarding release of contaminated CSG water on land.

Apologies for taking time to prepare this, unfortunately looking at this material re-triggers the trauma, and the resultant anxiety makes concentration difficult - hence slow going.

If you have any questions, please let me know. More material coming.

Kind regards,
Simone

Santos GLNG – Release of contaminated CSG water on land: irrigation and dust suppression

CSG water has a very high potential to cause water infiltration problems and land erosion. However, the gas industry has knowingly been offloading large volumes of contaminated water to land as a cheap form of waste disposal.

The proponent's project risk assessment found that management of CSG associated water is the highest risk of all project activities, due to environmental and social concerns. Refer to Santos GLNG EIS, Section 10.3.1.12. The details of the risk analysis were not made public (presented as EIS Appendix FF – Confidential Information).

The proponent's *Associated Water Management Plan* proposed that contaminated water of 2,500 mg/L (TDS) and 3,500 uS/cm salinity would be disposed of on land for irrigation and dust suppression, and that CSG water used for irrigation would first be 'amended'. Refer to Santos GLNG Supplementary EIS (SEIS), *Attachment D3 – Associated Water*.

Dr Ian Wilson (DERM) outlines his concerns about Santos' proposed disposal of CSG water in his email of 13 March 2010. [1]

"The amendment process actually increases the salt load appreciably and poses significant risk... they intend to add gypsum....and that will add another 20% or so of solids..."

The beneficial use Guideline would not allow water containing more than about 1000 mg/L to be used for irrigation ("irrigation water shall not exceed 1,500 uS/cm") I think there is a significant risk to soil structure and future movement of stored salts if we allow irrigation using saltier water "because the company has found a plant that it does not kill" That is not a useful criterion. There are tales of disastrous decreases in water infiltration rates after a single year of irrigation with untreated water at one farm near Chinchilla.

We have made it very clear that we do not want water with >2000 mg/L TDS used for dust suppression for similar reasons" (Dr Ian Wilson, DERM 13 March 2010)

I forwarded this advice to the DIP project directors on 16 March 2010, highlighting Dr Wilson's concerns regarding Santos' proposal to release this water on land (for irrigation and dust suppression). [1]

Agency advice received from DERM regarding the long-term environmental impacts

resulting from release of water to land (for irrigation and dust suppression), in summary [2]:

- The *Associated Water Management Plan* does not provide any certainty for the management of the significant volumes of associated water nor the salt it contains;
- The proponent's associated water management strategy exceeds the water quality standards specified in draft DERM documents. The proposal to irrigate and suppress dust with large quantities of saline water (<2,500 mg/L (TDS) and <3,500 uS/cm) is likely to cause long-term problems for soils, waters, vegetation, ecosystems, crops and future land use;
- The levels of contaminants in 'amended' water proposed to be released to land and environs, through irrigation and dust suppression, exceed the limits specified in related studies and in relevant guidelines prepared by Queensland Government; and
- The proponent's *Associated Water Management Plan* does not provide the level of detail necessary to enable an impact assessment of the proposed petroleum activities in accordance with the requirements of Chapter 5A of the EP Act.

I included the above information, regarding the proponent's project risk assessment, the inadequacies of the proposed *Associated Water Management Plan*, and the DERM advice, in sections 3.3.3 – 3.3.6 of my draft report of 4 May 2010 [2]. However this much of this material did not appear in *Section 7.6.2 – Irrigated cropping and/or forestry and dust suppression* (p.97) of the final (published) version of the Coordinator-General's Evaluation Report for the GLNG project (May 2010). The material was deleted and/or altered in a non-transparent manner and without consultation.

The final CG's Report does point out (p.98) that typical TDS limits for irrigation of moderately salt-sensitive crops is 870 mg/L and salt-sensitive crops is 435 mg/L. What happened regarding all of these risks and concerns, in the period of time between the drafting and finalization of the CG's report and the decision-making and conditioning of Environmental Authorities? It appears that the regulator is left with almost zero ability to actively regulate to prevent environmental harm from disposal of large volumes of CSG wastewater to land in many circumstances.

Releasing contaminated CSG water on land: A comparison of DERM advice & guidelines in early 2010 and various Environmental Authorities subsequently granted (to various CSG/LNG companies) for gas-field operations in 2011 & 2013

Issue	Dr Wilson's advice [1] & DERM 'Beneficial use guideline' [3] (Limit value)	Environmental Authorities issued 2011[4] (Limit value)	Environmental Authorities issued 2013[5] (Limit value)
<i>Irrigation – Electrical conductivity (salinity)</i>	1,500 uS/cm [1] [3] (It appears that the DERM guideline was later (2013) altered to increase this value to 3,000 uS/cm) [6]	2,000 uS/cm (Silent re application rates)	ANZECC and ARMCANZ Water Quality Guidelines 2000
<i>Irrigation – Total Dissolved Solids (TDS)</i>	1000 mg/L [1]	Silent	ANZECC and ARMCANZ Water Quality Guidelines 2000
<i>Irrigation – Sodium Absorption Ratio</i>	8 [6]	Silent	ANZECC and ARMCANZ Water Quality Guidelines

			2000
<i>Irrigation – exclusion zones</i>	Good Quality Agricultural Land. Where standing water table of an aquifer is less than 30 m from the ground surface. [6]	Silent	Silent
<i>Irrigation – application rate</i>	Shall not exceed the water deficit. Deep drainage shall not exceed 15% of the rate of irrigation water applied. Shall not be undertaken at a rate that results in water run-off to permanent watercourses. [6]	Silent	ANZECC and ARMCANZ Water Quality Guidelines 2000
<i>Dust suppression -Electrical conductivity (salinity)</i>	2,000 uS/cm [1] 3,000 uS/cm [3]	2,000 uS/cm (Silent re application rates)	Silent
<i>Dust suppression – Total Dissolved Solids</i>	2,000 mg/L [3]	Silent	Silent
<i>Dust suppression – Sodium Absorption Ratio</i>	15 [3]	Silent	Silent
<i>Dust suppression – time</i>	Not to exceed 3 months at any location [3]	Silent	Silent
<i>Total volumes of CSG contaminated water released to land – Irrigation and dust suppression</i>	Unclear In the Roma and Arcadia Valley fields approx. 25% of supply: <ul style="list-style-type: none"> · irrigation use stated to be up to 15% of supply (SEIS Attachment D3, Fig 3-1) · dust-suppression use stated to be approx. 10% of supply. In the Fairview field – volumes for irrigation and dust suppression not stated by proponents SEIS Attachment D3 – Associated Water.	Silent	Silent
<i>Total area of land to be contaminated by release of CSG water - Irrigation and dust suppression</i>	Not specified in EIS or Supplementary EIS	Silent	Silent

Release of contaminated CSG water on land: construction and operational purposes

It should be noted that Environmental Authorities also permit release of CSG water, for 'construction and operational purposes', at any (unspecified) location on a petroleum tenement. There are no site-based details.

Measurable release limits are not specified: volumes, land area, application rates and measurable contaminant limits are not specified. In addition, contaminated water is released irrespective of soil types and vegetation.

Further, there are no measurable limits in relation to CSG water contaminants with the potential to cause human health impacts.

Refer to:

- Condition G17 Use of Coal Seam Gas Water (p. 38) in PEN102125611 *Roma Shallow Gas Project Area East*;
- Condition D9 Use of Coal Seam Gas Water (p.24) in PEN103814911 *Arcadia Valley*. [5]

[1] RTI 098 document No. 373

[2] *The Coordinator-General – Environment Report in relation to the EIS and EIS Supplementary for the proposed Santos Gladstone LNG (GLNG) Project undertaken in accordance with the State Development and Public Works Organisation Act 1971* (Draft 4 May 2010)

[3] DERM Draft Guideline: Approval of coal seam gas water for beneficial use (2009)

[4] Environmental Authorities (issued 2011) for CSG projects. For example EA No. PEN101741410.

[5] Environmental Authorities (issued 2013) for CSG projects. For example EA No. PEN102125611 *Roma Shallow Gas Project Area East* granted 25 Jan 2013 (<http://www.ehp.qld.gov.au/management/env-authorities/pdf/eppg00984113.pdf>) & PEN103814911 *Arcadia Valley* granted 25 Jan 2013 (<http://www.ehp.qld.gov.au/management/env-authorities/pdf/eppg00662213.pdf>)

[6] DERM Guideline: Approval of coal seam gas water for beneficial use – Version 2 (March 2013) <http://www.ehp.qld.gov.au/management/non-mining/documents/beneficial-use-guideline.pdf>

Appendix I

Correspondence and media release from the Queensland Crime and Misconduct Commission, April – September 2013.

CRIME AND MISCONDUCT COMMISSION

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SCANNED



Our Reference:
Contact Officer:

26 April 2013

PRIVATE & PERSONAL

Ms Simone Marsh
By Email:

Dear Ms Marsh

RE: YOUR CONCERNS

I refer to our letter of 27 February 2013 in which we advised that we had commenced inquiries with the relevant State Government departments to progress our assessment of the concerns you raised.

This letter is to provide you with an update with respect to our assessment.

We have received the information requested from the relevant departments and in accordance with section 256 of the *Crime and Misconduct Act 2001* (the CM Act) we have engaged the services of a person with expertise in this area to undertake the assessment of this material.

Again, I wish to note that this course of action does not amount to an investigation but rather a further step in our assessment process.

We will provide you with a further update in due course.

Yours sincerely

KYLEE RUMBLE
Acting Director
Integrity Services

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19 September 2013

PRIVATE & PERSONAL

Ms Simone Marsh
Email:

Dear Ms Marsh

**RE: YOUR CONCERNS ABOUT COAL SEAM GAS PROJECT
APPROVAL IN 2010**

I refer to your telephone and email contact with the Crime and Misconduct Commission on 14 and 15 February 2013 in which you raised concerns about the approval of major coal seam gas projects in 2010.

I also refer to an interview with the CMC's Ms Melanie Mundy and Mr Mark Pollock on 18 February 2013. In that interview you expanded on your concerns about the approval of projects coordinated by the proponents, Santos Gladstone LNG (Santos) Qld Curtis LNG (QGC), and what you described as improper pressure placed on you and other staff to make sure these projects were approved.

Under the *Crime and Misconduct Act 2001*, the CMC's role is to ensure that complaints involving suspected 'official misconduct' in Queensland's public sector agencies are dealt with effectively and appropriately.

You will recall that we wrote to on 27 February and 26 April 2013 advising that your concerns were under assessment, and that we had engaged the services of an expert to assist us in that assessment.

As you now know the CMC engaged retired Supreme Court Justice Stanley Jones AO QC and we thank you for your cooperation in meeting with Mr Jones and providing information as required.

This letter is to advise you that Mr Jones' report has been completed. Based on the information provided by you, Mr Jones identified three specific allegations. They are that:

1. undue pressure was placed on departmental officers and consultants, and that not enough time was allowed to assess the environmental impacts of projects and to draft appropriate conditions,
2. the environmental impact statement processes for the projects breached the statutory provisions relating to environmental protection, and
3. there was undue influence on decision makers, including an allegation that one of the assessment processes was corrupted.

As well as the information you provided, Mr Jones thoroughly examined the available material, which included voluminous documents and lengthy interviews with relevant departmental staff.

In relation to the first allegation, Mr Jones concluded that while there was considerable time pressure placed on departmental officers to meet imposed timelines, there was no evidence that this was imposed by external agencies or unfairly by senior officers. Rather, Mr Jones found that the pressure came from trying to meet deadlines in a department that had to consider a large number of significant projects.

In relation to the second allegation, Mr Jones found no evidence that any officer either breached statutory provisions or knowingly facilitated such a breach. Mr Justice Jones concluded that there was no evidence that raised a suspicion of official misconduct and no grounds to warrant further investigation.

Mr Jones also found no evidence to support allegations of undue influence in relation to the third allegation.

In conclusion, Mr Jones could not find any evidence on which a complaint of official misconduct against any person could reasonably be based, and no circumstances which would justify further investigation under the *Crime and Misconduct Act (2001)*.

Having been informed by Mr Jones's consideration of this matter, the CMC has assessed the allegations and decided to take no further action.

As you would be aware the issues you have raised in relation to the 2010 coal seam gas project approvals have been the subject of media interest. As the CMC has previously placed on the public record our ongoing assessment of this matter we are of the view it is appropriate for a media statement to be issued outlining the results of that assessment. In issuing a media statement the CMC will not identify you as a complainant in the matter.

While we appreciate this may not be the outcome you were seeking, please be assured that the CMC has undertaken a thorough assessment of the allegations.

If you have questions about this matter, please contact Mr Mark Pollock, Acting Assistant Director on 3360 6045.

Yours sincerely

DIANNE MCFARLANE

Director
Integrity Services



CMC completes assessment of CSG complaints — 19.09.2013

The Crime and Misconduct Commission (CMC) has finished assessing complaints of official misconduct relating to the approval processes for two coal seam gas projects. The CMC has concluded that there is no evidence of official misconduct, and, on that basis, will take no further action.

When the CMC receives a complaint, it first conducts a preliminary assessment to determine if the complaint falls within the CMC's jurisdiction, if an investigation is required, and, if so, how it should be dealt with.

It is important to note that the assessment did not examine matters of government policy or the environmental and health impacts of the coal seam gas industry as these issues do not fall within the CMC's jurisdiction.

It was only within the CMC's jurisdiction to assess whether the conduct of any person in this matter could have amounted to official misconduct.

Under the *Crime and Misconduct Act (2001)*, official misconduct is conduct that could, if proved, be a criminal offence or a disciplinary breach providing reasonable grounds for dismissal.

The complaints raised three sets of allegations:

- That undue pressure was placed on departmental officers and consultants, and that not enough time was allowed to assess the environmental impacts of projects and to draft appropriate conditions.
- That the environmental impact statement processes for the projects breached the statutory provisions relating to environmental protection.
- That there was undue influence on decision makers, including an allegation that one of the assessment processes was corrupted.

Given the highly specialised and complex nature of the matter, the CMC engaged retired Supreme Court Justice Stanley Jones AO QC, based on his experience in the field of environmental and planning law.

Between April and September, Mr Jones thoroughly examined the available material, which included tens of thousands of pages of documents. He also interviewed former and current departmental staff.

In relation to the first set of allegations, Mr Jones concluded that while there was considerable time pressure placed on departmental officers to meet imposed timelines, there was no evidence that this was imposed by external agencies or unfairly by senior officers. Rather, Mr Jones found that the pressure came from trying to meet deadlines in a department that had to consider a large number of significant projects.

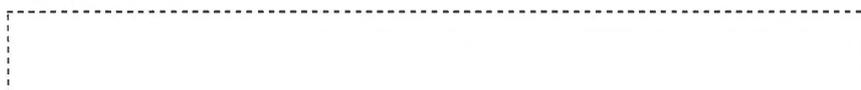
In relation to the second set of allegations, Mr Jones found no evidence that any officer either breached statutory provisions or knowingly facilitated such a breach. Mr Jones concluded that there was no evidence that raised a suspicion of official misconduct and no grounds to warrant further investigation.

In relation to the third set of allegations, Mr Jones found no evidence to support allegations of undue influence.

Mr Jones concluded that he could not find any evidence on which a complaint of official misconduct against any person could reasonably be based, and no circumstances which would justify further investigation under the *Crime and Misconduct Act (2001)*.

Having been informed by Mr Jones's consideration of this matter, the CMC has assessed the complaints and decided to take no further action.

Last updated: 20 September 2013



Contact the CCC

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