

From: CASTLE Vaughan
Sent: Monday, 19 September 2016 9:12 AM
To: ESR; HARRISON Daniella
Cc: Corro EHP CLLO
Subject: RE: HANSARD EXTRACT - Thursday, 15 September 2016

Hi Trin

All the tabled documents can be downloaded from the 'Tabled Papers' section of the Qld Parliament website.

<http://www.parliament.qld.gov.au/work-of-assembly/taled-papers/online-taled-papers>

Regards,

Vaughan



Vaughan Castle
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From: LOWE Trinity **On Behalf Of** ESR
Sent: Friday, 16 September 2016 4:44 PM
To: HARRISON Daniella <Daniella.Harrison@ehp.qld.gov.au>
Cc: Corro EHP CLLO <EHPCLLO.Corro@ehp.qld.gov.au>
Subject: RE: HANSARD EXTRACT - Thursday, 15 September 2016

Afternoon Daniella

Your below email mentions an Adjournment by Mr Pyne – in which he mentions a paper he has tabled relating to an update on the Toogoom Rock Wall .

My research has lead me to Hansard on 13/09. – page 3361 (the town name is spelt wrong) what do we have to do to get a copy of that tabled document?

Cheers

Trin

13 Sep 2016 Ministerial Statements 3361

Member for Cairns (Mr Pyne)—

Document, undated, titled 'Queensland on the Rocks—The Toogoom Esplanade Rock Wall: An administrative fiasco'



Trinity Lowe
Senior Program Officer
Office of the Deputy Director General
Environmental Services and Regulation Division
Department of Environment and Heritage Protection
P 07 3330 5812

From: HARRISON Daniella
Sent: Friday, 16 September 2016 8:45 AM
To: Steven Miles (Steven.Miles@ministerial.qld.gov.au)
Cc: REEVES Jim; 'Philip.Halton@ministerial.qld.gov.au'; 'Peter.Spencer@ministerial.qld.gov.au'; Megan Surawski; 'Cameron.Mitchell@ministerial.qld.gov.au'; 'Eddie.Fraser@ministerial.qld.gov.au'; HANSARD EHP; Corro EHP CLLO; COLLINS Jodie; GRIFFIN Peter; Neil.Doorley@ministerial.qld.gov.au; Katharine.Wright@ministerial.qld.gov.au; Corro EHP CLLO
Subject: HANSARD EXTRACT - Thursday, 15 September 2016

Good morning,

Please note that there were discussions in the Parliament Sitting of **Thursday, 15 September 2016** which may be of interest to your Division/Region. These appear in Hansard. The topics are:

MINISTERIAL PAPER

Hon SJ Miles – Revocation of a State Forest Area – Page 3544

NOTICE OF MOTION

- **Hon SJ Miles – Revocation of State Forest Area – Page 3544**

MINISTERIAL STATEMENTS

- **Hon SJ Hinchliffe – Commonwealth Games, Nerang Mountain Bike Trail – Page 3552**

QUESTIONS WITHOUT NOTICE

Mr Furner – Solar Industry – Page 3557

Mr Pegg – Trade and Investment – Page 3558

SECOND READING

- **Hon SJ Miles - Health and Other Legislation Amendment Bill – Page 3603**

MOTION

Nil

PRIVATE MEMBERS STATEMENTS

- Nil

ADJOURNMENT

- **Mr Pyne – Toogoom Esplanade Rock Wall – Page 3629**

QUESTIONS ON NOTICE

The following questions were asked on Thursday, 15 September 2016. In accordance with the Standing Orders, answers are required by email to TableOffice@parliament.qld.gov.au by **Monday, 17 October 2016**.

1672 **MR CRIPPS** ASKED THE MINISTER FOR ENVIRONMENT AND HERITAGE PROTECTION AND MINISTER FOR NATIONAL PARKS AND THE GREAT BARRIER REEF (HON DR S MILES)—

With reference to all crocodiles removed by the Queensland Government, or its contractors, listed by local government area for each of the past five years—

Will the Minister advise how many of these crocodiles were (a) removed and released within the same local government area, (b) removed and released in another local government area and which one, (c) removed and euthanised and (d) removed and placed in a zoo, crocodile farm or other facility and where?

1704 **DR ROWAN** ASKED THE MINISTER FOR ENVIRONMENT AND HERITAGE PROTECTION AND MINISTER FOR NATIONAL PARKS AND THE GREAT BARRIER REEF (HON DR S MILES)—

Will the Minister provide a breakdown of the number of crocodiles removed by the state government, or contractors to the government, listed by local government area and year for the past 5 years?

1711 **MR MILLAR** ASKED THE MINISTER FOR ENVIRONMENT AND HERITAGE PROTECTION AND MINISTER FOR NATIONAL PARKS AND THE GREAT BARRIER REEF (HON DR S MILES)—

With reference to the government's commitment to provide \$1M from the Environmental Grants Program administered by the Department of Environment and Heritage Protection to assist individuals and groups with access to legal advice on planning and environmental matter—

Will the Minister advise with regard to funds distributed under the program the (a) name of the individual or group receiving funds, (b) date the individual or group received funds, (c) value of funds allocated to the individual or group receiving funds, (d) legal service providers paid to provide legal advice and (e) specific planning and environmental matters being pursued by the individual or group receiving funds?

The Hansard can be accessed by clicking on the hyperlink-

http://www.parliament.qld.gov.au/documents/hansard/2016/2016_09_15_DAILY.pdf

The latest Notice Paper which outlines the Order/s of the Day, Parliamentary Committees and Questions on Notice can be accessed by clicking on the hyperlink –

http://www.parliament.qld.gov.au/documents/tableoffice/notice_paper/2016/161011_NP.pdf

Questions on Notice and their respective answers can be accessed by clicking on the hyperlink-

<http://www.parliament.qld.gov.au/work-of-assembly/question-on-notice/online-question-on-notice>

Please advise if you wish to be removed from or added to our Hansard mailing list.

PLEASE NOTE: While the Cabinet, Legislation and Liaison Unit endeavours to identify and highlight all items or issues relevant to the Department of Environment and Heritage Protection, we suggest that a suitable officer review the record of proceedings on behalf of your business unit, to ensure that all pertinent information has been captured and is actioned as necessary.

Thanks
Daniella



Daniella Harrison

Cabinet and Parliament Officer

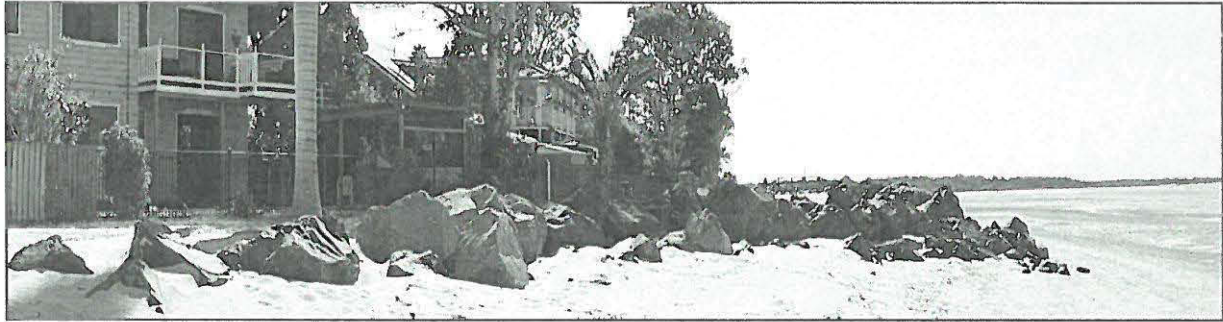
Cabinet and Parliamentary Services

Department of Environment and Heritage Protection

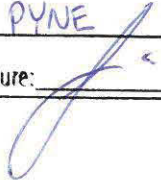
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Level 3, 400 George Street, Brisbane, Qld, 4000

Published on DES Disclosure Log
RTI Act 2009



QUEENSLAND
on
THE ROCKS

LAID UPON THE TABLE OF THE HOUSE	
No:	5516T661
	11 MAY 2016
MP:	PYNE
Clerk's Signature:	

the
TOOGOOM ESPLANADE ROCK WALL

An Administrative Fiasco

courtesy of:

The Fraser Coast Regional Council

with the assistance of:

The Department of Environment and Heritage Protection

The Department of State Development Infrastructure and Planning

The Department of Local Government

The Department of Natural Resources and Mines

The Department of Agriculture Fisheries and Forestry

Broken Rocks

Broken promises

Broken administration

SUBMISSION
re
TOOGOOM ESPLANADE ROCK WALL

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SUMMARY

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- D xxx** - Documents in support
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1. Overview

This document advises the involvement of Local and State Government entities in the construction of a 370m long section of rock revetment wall on a part of the Toogoom Esplanade road reserve and beach foreshore. No part of this development involves Kingfisher Parade as falsely claimed.

The matter had been considered by a previous local government, the former Hervey Bay City Council, in 2004. A rock wall option was rejected by HBCC following extensive engineering assessment of existing rock walls in Hervey Bay which were shown to be failing due primarily to the unsuitability of local quarried rock for use in a marine environment. These rocks were prone to rapid fracture and failure when exposed to the environment (thermal stress) and particularly to salt water inundation (chemical stress) due to the prominent presence of veins and seams of secondary minerals which react to water and exposure. Large rocks rapidly rupture and degrade to rubble.

The Hervey Bay City Council proposed to erect a geotextile sandbag wall on a section of that esplanade and foreshore as a result of those studies, and commissioned a firm [REDACTED] (later part of [REDACTED]) to design the structure. The Hervey Bay City Council had determined to fund the project itself consistent with all other erosion protection works on the Hervey Bay foreshore.

The project involved lengthy dealings with various State departments. The introduction of a Marine Park status on the nearby Hervey Bay waters contributed to HBCC ceasing communication with the State on the matter and abandoning the project in 2006.

In 2007, the State funded HBCC to prepare a Shoreline Erosion Management Plan, which purpose was to set out specific treatment guidelines for the Hervey Bay Foreshore on a locality by locality basis and avoid ad hoc decision-making. Following the amalgamation of the Hervey Bay City Council with the Maryborough City Council, the new Fraser Coast Regional Council took over the role of producing the Shoreline Erosion Management Plan for the new extended shoreline. This involved a three stage process by a firm [REDACTED] who were engaged to complete the Plan. FCRC terminated that process without explanation after Stage 2, the Fraser Coast Shoreline Erosion Management Options Assessment (SEMOA), and Stage 3, a Shoreline Erosion Management Plan (SEMP), has never been produced by FCRC or presented to the State for ratification.

In 2012, The CEO of the Fraser Coast Regional Council [REDACTED] contacted a number of residents of Kingfisher Parade Toogoom, advising them of a public meeting convened by FCRC to discuss the Toogoom matter.

█████ stated that this was as a result of the “completion” of the SEMP in 2012. That statement was knowingly false and █████ likely terminated that process to develop a SEMP.

A private meeting of some of those property owners was arranged in January 2013 by one or two owners, and it was agreed to conduct an interim sand push near some properties and appoint two owners to investigate options available for more permanent solutions and report back.

A turning point event of this matter was the unrecorded meeting of 17 June 2013, where nine officers from four State departments (DNRM, DAFF, DEHP, and National Parks), met with three only private property owners, in the presence of one council officer and an engineer, to decide the matter. The husband and wife owners present intended building the structure as they owned a contracting firm (█████ Constructions), and the other owner, █████ whose property was under no imminent risk of erosion, had been trying to sell that property without success.

█████ subsequently advised nearby property owners that those present were:

█████	█████	█████	DNRM
█████	█████	█████	DAFF
█████	█████	█████	DEHP
█████	█████	█████	National Parks &c.
█████	█████	█████	FCRC
█████	█████	█████	an engineer

█████ also advised, without revealing any prior “extensive consultation”, that:

“DNRM █████ advised that owners consent would be provided to the FCRC as applicant without additional reference to DAFF and EHP given the extensive consultation with those agencies to date”. (The “owner” was DNRM)

Following this pivotal private meeting, and further confidential (not advised or RTI refused or delayed) meetings of Mr. █████ with Ministers (DEHP and DNRM) in Brisbane, facilitated by the then State member █████ (LNP), other nearby property owners were advised by Mr █████ that only one outcome was allowable by the State, that being a rock revetment wall as preferred by him, despite the State later denying that to be the case and despite the rejection of such structure by the former HBCC. Owners were separately advised by █████ that further sand pushes or beach nourishment were not allowed by the State unless a hardened revetment was proposed, which was demonstrably untrue. Promoters separately advised that if other property owners did not agree to this proposal, they would get nothing and their homes would be “lost to the sea” in the next storm. These various statements were intimidatory and false and designed to promote one option only, that being a rock wall design that was potentially advantageous to █████ and the █████ but not necessarily to all other property owners.

██████████ and his supporters had a firm ██████████ who had made preliminary designs for a revetment for consideration by owners, replaced by the firm ██████████ on the suspect claim that ██████████ held "copyright" over the "investigation". ██████████ claimed it had provided the prior report to HBCC in 2005 through ██████████ now part of ██████████ That was not a design for a rock wall as now proposed. This private engagement process (by whom?) reeks of impropriety.

Following their unrecorded appointment for this project and the dismissal of ██████████ by the promoters, ██████████ proceeded to solely design a rock wall as specifically sought by those promoters, despite their assurances that they would consider alternative designs and options and cost those alternatives for comparison. ██████████ were deceptive and dishonest in their reports, in supporting this preferred option of those who facilitated ██████████ engagement.

██████████ produced a preliminary Proposal Report for FCRC in July 2013, and Council passed a resolution in July to construct a revetment at that location. They had determined that FCRC would recoup any such costs through a "special rates" levy on selected property owners. Not all of those owners initially chosen were subsequently levied, and at least one owner who was not at "imminent" risk from erosion and who opposed the structure, was forcibly included and levied against his will whilst similar nearby neighbours were allowed to withdraw and avoid the levy.

The CEO of the FCRC convened a meeting of selected property owners for 29 Aug 2013 at the private residence of ██████████ on the pretext of updating those owners as to estimated costings. At that meeting, which was attended by the CEO, Mayor, local Councillor, FCRC Officer, and the ██████████ engineer, owners were required to endorse or oppose the prior decision of the FCRC by show of hands and openly record their vote on a form submitted to them.

Despite the meeting being called by the CEO of the FCRC, ██████████ appointed herself chairperson and falsely advised owners that no further sand nourishment would be allowed by the State as an interim measure, unless a permanent revetment was agreed to be built. That statement was in direct contradiction of State Code (Module 10) which demands that sand replenishment must be proven to be not possible before a hardened revetment can be imposed on a foreshore. This false statement meets the definition of intimidation, ie. inducement through fear.

An ██████████ engineer ██████████ provided a video presentation to the owners in the absence of the owners being given the actual Design Report itself, which report was due on 30 Aug 2013.

This engineer announced that it had been found impracticable to design a structure to protect private properties, the proposition put by the CEO at the initial meeting of 2012. He demonstrated hydraulic testing of the [REDACTED] design as undertaken by the University of NSW Water Research Laboratory, which modelling showed that properties would still be impacted and inundated in a storm event, erosion would still occur behind this wall, and lives and property would still be at risk requiring emergency evacuation in such an event. Rocks in such a wall imposed additional risks.

He stated that this design could only achieve esplanade erosion stabilisation (public lands) and not nearby private property protection. He stated that he did not care if the wall was built or not as he would still be paid. He appeared to some to be advising against building this particular structure.

Following repeated badgering and intimidation of those present by promoters in stating that it was to be this wall or nothing, a majority decision to support the FCRC resolution of July 2013 eventuated, and the CEO, Mayor and FCRC officer then departed. The remaining councillor then announced that the CEO had asked him to advise those present that she wanted this matter to remain secret from the public, he agreed with her, and that if the matter got out, the project would be set back years. This secrecy regarding a piece of public infrastructure, erected entirely on public lands, is a direct breach of the Principles of the Local Government Act. The CEO maintained that secrecy in future dealings, refusing to provide "any information" on the matter in a written response to an involved ratepayer's inquiries and concerns.

Tenders were let to construct the wall to the [REDACTED] Design following a Development Application being submitted by the CEO of the FCRC to DSDIP. The application did not meet the State requirements for such a structure, however DSDIP Bundaberg relied on the advice of DEHP Maryborough, as assessing entity, in approving the application. DEHP Maryborough ignored the requirements as expressed in Module 10, The Coastal Protection Code, and subsequently the same DEHP officer turned a blind eye to the many breaches of Permit requirements by the contractors, despite DEHP being appointed the enforcement entity for that permit, by DSDIP. That officer and [REDACTED] direct superiors had been having private discussions with the main promoter of the rock wall.

The FCRC tender involved the applicants providing evidence of their prior experience in constructing three similar structures. It seems that this requirement was ignored.

[REDACTED] provided a cost estimate of circa. \$2,000,000 to construct the revetment, and cost estimates of \$1,062,500 for materials alone. [REDACTED]
[REDACTED]

That firm displayed little expertise in such constructions, their insurance covered “*pipe laying and associated works*” and they were traditionally involved in sub-divisional road construction/ drainage works. They were known to be in financial difficulties.

Despite the above concerns, FCRC engaged them to construct the wall. The contractors then selected the cheaper local quarry rocks that had been rejected by HBCC studies as unsuitable. They failed to undertake the mandatory testing of those rocks to the knowledge of FCRC [REDACTED], DEHP and the supervising engineers engaged by FCRC. Those deficient rocks fractured on delivery, on placement, and subsequently when inundated, placing the integrity of the wall at clear risk.

The construction commenced in disregard of the assurances of [REDACTED] contained in the DA submission to DSDIP, that the wall would be built to completion in 10m section at a time, to minimise erosion and inundation issues. This non-compliance also resulted in massive environmental pollution through loss of tonnes of topsoil and excavated material to the sea, through improper storage in breach of the environmental conditions imposed by the permit.

The contractors partly built a 70m section at the eastern end then abandoned it for months in the face of the storm season leaving nearby property owners more exposed to storm threat than before construction commenced. The excavated material was lost to the sea. They then moved to near the main promoters' residences and partly built a 300m (approx) section of wall, and likewise abandoned it for months with further material loss. The structure was repeatedly inundated by tides despite fair weather prevailing throughout construction. The trench collapsed, the geotextile was torn and the rocks fractured into multiple pieces. The remaining structure bore little resemblance to the drawings and breached the conditions applied by DSDIP in the DA permit.

The Mayor of the FCRC falsely claimed that the abandonment of construction was due to lack of available rock material, when this was not the case. Others were advised that the contractors, by that time, were on a “cash only” supply basis with local quarries.

The contractors breached many safety provisions and environmental requirements relating to safe storage of excavated materials with major adverse consequences. These breaches were formally brought to the notice of both FCRC and DEHP and state Ministers by local residents, and those documented wrongdoings were ignored or otherwise denied and covered up by DEHP inspectors. These assessments were conducted by the same Maryborough DEHP officer who was involved in the initial dealings with DSDIP and the non-observance of State Codes.

Following persistent complaints by local residents, a further investigation was ordered by DEHP Brisbane. The contractors were then forewarned (admitted) by DEHP Maryborough and, in concert with the main promoter, Mr [REDACTED] undertook hurried rectification of the breaches. The senior DEHP officer (Mr [REDACTED]) then inspected part of the site in the company of Mr [REDACTED] with whom he seemed to be on friendly terms. The local complainant was present but was denied access to the site by this DEHP officer and the specific location of the main complaint was not inspected. This officer, the superior of the Maryborough DEHP officers, then gave the contractors a clear report, denying any breaches, and the proponent then wrote that the complaint had been shown to be false when such was not the case. Documentary evidence proves the deceit in these dealings.

The badly damaged structure needed major repairs by January 2014, requiring an amended design by [REDACTED]. Attempts to effect those repairs commenced in March prior to the approval by DSDIP. The repairs did not follow the requirements of the new design and much evidence exists. As a result of this and initial failings, the wall did not comply with the permit conditions as it was not *"constructed in accordance with the approved drawings and conditions"*.

All of these added design and repair costs (\$17,578 & \$87,717) were billed by FCRC to owners as *"contingencies"* when such contractual contingencies were only allowed for adverse weather events and these were construction errors, not weather impact. The contractors experienced ideal weather conditions and these additional FCRC charges to owners were fraudulent.

In 2014, the contractors went into voluntary administration prior to effecting any warranty works which were clearly needed in order to comply with the DA permit.

FCRC had engaged a firm [REDACTED] to supervise the construction as well as their own *"compliance officer"*. Both ignored clear breaches of permit requirements by the contractors, despite complaints to FCRC. These engineers were paid \$32,500 to *"supervise"* construction and also provide a final Certificate of Compliance, yet only made occasional appearances on site.

They later produced a Practical Completion Certificate stating that the wall had been completed save for a few *"defects"*. These defects were significant yet remain as the contractors have now avoided their obligations [REDACTED]. Civil enacted voluntary administration, then re-commenced as [REDACTED]. Contracting with the same director, and continued contracting to FCRC under that new entity with the arrangement and assistance of the CEO. These dealings reek of impropriety.

Work ceased on the wall in the first half of 2014, and the permit required a Certificate of Compliance to be issued by an RPEQ engineer within three months of completion. [REDACTED] engineers had agreed to assist the issuing of such certificate though they were rarely present to inspect construction, and much of the structure is buried beneath sand so construction compliance could not possibly be truthfully attested to after such inundation, or by occasional visitations.

[REDACTED] produced an initial "letter" of compliance that did not state that the wall was constructed in accordance with the approved drawings and conditions, and was rejected by DEHP following complaints. [REDACTED] subsequently had discussions with FCRC (CEO?) in order to circumvent that problem. They produced a new letter stating that the wall complied with the design "intent", which is still not a proper certificate of compliance.

As of early 2016, there is still not a proper Certificate of Compliance attesting that the wall was *"constructed in accordance with the approved drawings and conditions"*.

[REDACTED] and [REDACTED] are both well aware that the rocks were not tested in accordance with those conditions and seem unwilling to produce a knowingly false certificate. DEHP have been advised that any such false certification will be challenged and tested, in court if necessary.

Despite the design engineers stating that this wall design will not provide private property protection from wave impact in a storm, FCRC have charged selected property owners a "special rate" levy of some **\$10- \$20,000 each, per year** for construction, maintenance and repairs to both the esplanade and the wall **over 10 years**, on the basis that it is providing an unspecified *"special benefit"* to those properties. That assertion is knowingly false.

One particular owner whose property was not at imminent risk of erosion, was charged more than his immediate neighbours and significantly more than others who had initiated this process. His neighbour of two doors away, with similar erosion of the foreshore nearby, had the development extend in front of his property but was given a waiver from any contribution by FCRC. Other nearby neighbours were allowed to withdraw completely. He was refused similar treatment to them despite his protests.

This owner had agreed to contribute to an erosion mitigation structure of a size and type appropriate for the very minor (600mm high) erosion escarpment 15-25m from his property boundary. He was ignored by both FCRC and the design engineers when he suggested this.

The CEO of the FCRC stated to the Ombudsman that private individuals decided who would be included and who would not. No private individual with vested interests should hold such power over his neighbours simply because a CEO so anointed him without any council approval.

Two vocal promoters and the person exempted from contribution all had visually obstructive native vegetation needlessly cleared from in front of their properties by this flawed design alignment, and promptly sold their properties promoting the ocean views now available which views did not exist before. This included Mr [REDACTED] who was given privileged treatment by the CEO and Mayor of the FCRC and by certain officers of DEHP, and whose personal dealings with those parties have been denied RTI release for two years. One other principal promoter owned an earthworks construction business and initially proposed building the wall without it going to tender.

The Local Government Act allows councils to invoke a "*special rate*" levy on individual property owners for council providing some "*special benefit*" to those owners that is not provided to others. The act is flawed in that councils do not need to demonstrate that they are in fact providing any particular special benefit, do not need to state what the benefit is, and there is no recourse should a benefit be proven not to accrue to a particular property. The local government only needs to "*deem*", ie. pretend that an unspecified benefit accrues before charging unlimited levies. There is no right of review to QCAT or power of the Ombudsman to intervene. Only the Minister has power.

In this case, the CEO of the FCRC refuses to state what is the "*special benefit*" applying to particular property owners. FCRC separately state that they may charge a special levy for providing "*protection from seawater*". They refuse to state that this particular revetment will provide such property protection from seawater in a storm event, to those properties being levied. They state that the "*service*" that they are providing is the wall. That is a structure, not a service. They are answerable to nobody save the Minister for Local Government for this deception and successive ministers have refused their duty to supervise such dealings, as a matter of departmental policy. Local governments are effectively answerable to nobody and know so.

The local government owns the structure and can only levy property owners for a service being provided by such structure. They cannot charge ratepayers for the wall itself, nor any component of the wall under current legislation, merely for any "*special benefit*" a property is receiving over and above other properties. The ATO has ruled (private ruling) that this Toogoom wall levy is not an income tax deduction to rental properties, as several owners asserted, as it does not involve expenditure on the income producing property itself. It may have capital gains impact.

The CEO has repeatedly stated that the nearby property owners can pay "*in full*" for "*their component*" of the wall. This statement is knowingly false and fits the description of obtaining money by deception, a criminal offence. Several owners unwittingly complied with her advice. When one owner sought a bill to include the "*full amount*" owing, he was refused and advised by the CEO that he had to "*offer to pay*" that amount to FCRC. The CEO was knowingly offering an inducement through a claimed discount, for a person to gift money to council by deception.

This council cannot pre-determine what future annual levies may be. All "*special rate*" levies must be considered and passed in each year's budget. No council can predict future councils' budgets. There is no "*outstanding amount*" owing other than each year's special rate and the persistent CEO statement to that effect is misleading and false. Separate email communications of the CEO to certain privileged owners demonstrates that she in the least was aware of that.

Individuals have purchased properties on the mistaken belief that they are paid "*in full*" when no such future "*special rates*" have been yet determined nor can be in advance. The CEO has stated that owners will be responsible for maintenance and repairs for ten years, which, based on similar experiences elsewhere in Hervey Bay, could easily exceed the initial cost of the wall. Purchasers of properties wrongly state that they are not exposed to such future maintenance levies at the hands of future councils, all because this CEO has stated that those properties have paid "*in full*". These deliberate deceptions pervade FCRC dealings with owners, and the CEO statements in particular. This evidences a policy of overt dishonesty within FCRC officialdom.

Successive Ministers for Local Government have refused to intervene when these wrongdoings are brought to their notice. The Ministers for Environment, Lands, Fisheries &c. have likewise been dismissive of documented breaches. Local Government CEOs in Queensland are well aware that they are all powerful provided they have a compliant Mayor, as no other party will scrutinise and bring to account their errant behaviour (councillors have no say in the CEO's dealings).

Following persistent complaints from local ratepayers that the wall was not constructed in accordance with the approved drawings or conditions, DEHP sent their coastal engineer to inspect the wall. DEHP Brisbane agreed to have the complainant attend that inspection and assured him that he would be so advised of the date in advance.

The engineer who inspected the site in November 2015, Mr [REDACTED] was none other than the original DEHP engineer who attended the private meetings with promoters in 2013.

██████████ claimed that Mr ██████████ was responsible for enforcing this illogical wall design and alignment.

Mr ██████████ did not advise the complainant of the meeting date as promised by his superior in Brisbane, but met with the local EHP officials, the A ██████████ engineer, the supervising engineer, and the FCRC compliance officer (subject to confirmation in his final report), all of whom had ignored permit requirements throughout the dealings to date and were subjects of the repeated complaints to DEHP and others.

A reasonable person could construe this to be a colluded conspiracy by the negligent parties to concoct a method of DEHP passing a clearly non-compliant structure as being somehow compliant using semantic gymnastics. Despite months having passed since that inspection, this contentious report was appropriately released on April Fool's Day 2016. If a group of related business people had met together in private in this manner to discuss and formulate a particular outcome, they could be exposed to investigation by authorities.

Following further complaint on point by the original complainant (failure to notify), a second visit was arranged with the very EHP officer from ██████████ who had failed to correctly assess the original application for DSDIP in accordance with the legislation, and falsely stated that no sediment discharge could be seen at ██████████ initial inspection of December 2013, despite video and photographic evidence of that inspection proving that to be a lie. The contaminant release was clearly visible at ██████████ feet and the partly built wall was submerged by the tide during ██████████ "inspection". ██████████ contributed nothing to this new meeting. ██████████ was not an engineer.

It appears to be policy of the Department of Environment and Heritage Protection to have individuals assess their own performance when complaints are raised about them. This self assessment policy also applied to the original FCRC application for a DA Permit where FCRC were both Applicant and Assessment Manager, yet deliberately conducted those affairs in secret from the community. The Minister for Local Government refuses to become involved in what is clear disregard for the provisions of the Local Government Act.

These various departments all handed over authority on this matter to one or two private individuals who then directed public affairs in their own personal interests to the detriment of their neighbours and the wider community.

This is no way to run a state.

Website evidence: ██████████.id.au

2. Hervey Bay City Council

As far back as 1999, the former Hervey Bay City Council engaged consultants to investigate the functionality of erosion protection measures used in different coastal suburbs in Hervey Bay.

In 2004, HBCC responded to the concerns of a small number of Toogoom property owners who had raised the issue of recent isolated erosion of the Toogoom esplanade near their particular properties. They engaged a firm [REDACTED] to consider prior studies and design an appropriate solution, that being eventually decided as a geotextle sandbag revetment that would essentially be buried in the dune structure as a last line of defence. (D 001)

3. Engineering studies

3.1 1999 [REDACTED] Services.

This firm was engaged by HBCC to investigate the existing rock walls throughout Hervey Bay, including those in front of Toogoom township on Beelbi Ck. itself. The [REDACTED] SEMOA report on pages 37-39 gives a summary of that report. (D 002).

It commented in reference to several walls : *"the local rock used in construction tends to fracture and this can affect the integrity of the seawall,"* and *"... the rock seawall sections between the Pier and Churchill St were in very poor condition in places due to the degradation of the rock material."*

The former mayor of the Hervey Bay City Council, Mr [REDACTED] MP, now state member for Hervey Bay, has confirmed that these considerations contributed to the rejection of a rock wall option in 2004.

3.2 2001 [REDACTED] Partners

The Hervey Bay City Council commissioned [REDACTED] Partners to assess the local quarries for the suitability of rock material for use in the Urangan Boat Harbour walls.

According to [REDACTED] Gap Analysis Report of 2011 at Page 44, Douglas Partners concluded that the [REDACTED] Quarry (as later used by FCRC) was: *"an unsuitable source of armour stone due to the potential for fracturing."* (D 003)

Why was this ignored by subsequent engineers engaged by promoters and FCRC?

3.3 2004

were contracted by HBCC to design a geotextile sandbag revetment extending 500m along the Toogoom Esplanade road reserve and foreshore.

The proposed revetment was positioned within the vegetated esplanade landform extending parallel to the rear property boundaries of those properties facing to . The revetment was to be essentially buried in the dune as far seawards as practical, and revegetated in front and behind the structure. (D 001)

This design was not proceeded with due to HBCC changing its mind through State legislative difficulties, in particular Marine Park designation of nearby waters.

These matters were addressed in an article published in the Journal of Coastal Research, Special Issue 50, 2007 (D 004). That article stated that HBCC had resolved in August 2006, to:

"confirm the alignment of the seawall as far seaward from the property boundary as possible", and "confirm sand may be taken from the spit for construction and to replenish the wall."

The article also stated that:

"the community has changed quite dramatically since the project started and the feeling is more that they don't care too much about the trees anymore as long as the wall is built."

The article concluded in regards to State involvement that:

"The attempts by Hervey Bay City Council to progress this project were halted though, through changing legislation and the conflicting nature of objectives of various Queensland state government agencies."

an engineering firm, subsequently advised certain property owners that they had taken ownership of the Report, and thus held copyright. Owners were advised by the main promoter that held "copyright over the investigation." (D 005) Such a claim was not plausible as one cannot copyright an investigation process, only a specific design.

This was a deliberate deception by those seeking engagement as design engineers for a new proposal, without competitive quotations being sought.

3.4 2011 [REDACTED]

[REDACTED] had been engaged by the former HBCC under previous guise as early as 2006.

In 2011 [REDACTED] was commissioned to conduct a three stage State funded process to assess and address shoreline erosion and practical control measures, on behalf of the HBCC.

Stage 1 was a Gap Analysis Report including a Stakeholder Consultation Report conducted by [REDACTED] Project Resources Group. (D 003)

Stage 2 was a Shoreline Erosion Management Options Assessment Report (SEMOA), the purpose of which was to present to council a list of ranked options worthy of consideration for a final plan, and a list of rejected options, in order to then proceed to that final stage:

Stage 3 was to be the final outcome of the process, the production of a final document: the Shoreline Erosion Management Plan (SEMP).

FCRC aborted that process after completion of the SEMOA in 2012, without debate, and no SEMP has ever been produced by FCRC or presented to the State for endorsement or ratification.

The repeated claims of the CEO and Mayor that a SEMP had been completed in 2012 (D 006) were knowingly false (D 007), yet this claimed event was used by the CEO to resurrect dealings regarding a Toogoom revetment in 2012, claiming such was a result of the "completion" of the SEMP.

[REDACTED] produced an Appendix J (D 008), listing the available options for consideration in a final plan and ranking those options as to priority. It also listed rejected options without ranking them. In its 2012 resolution, Council determined that any such policy must ensure that any such works must comply with the Appendix J rankings of the [REDACTED] SEMOA report.

A Rock Wall at Toogoom was specifically rejected and not ranked in Appendix J, and only sandbagging and beach nourishment options were ranked as permissible. FCRC chose to defy their own resolution (D009), in supporting and facilitating the construction of a rock wall on the Toogoom Beach esplanade, using knowingly sub-standard locally quarried rocks from the [REDACTED] Quarry, that could not pass mandatory testing standards.

The question that deserves answering is why did the FCRC CEO act in this manner?

3.5 2013

The appointment of [REDACTED] as design engineers for this project reeks of impropriety.

When FCRC separately sought a supervising engineer in 2013, the CEO advised that, because of the value, competitive quotes would be required to be sought. In the appointment of [REDACTED] and dismissal of the [REDACTED] approach, no competitive quotes were sought on the dishonest claims of a promoter that [REDACTED] held copyright over the "investigation" (D 005). Such proposition is absurd as no party can prevent other engineers investigating the matter in this manner. The [REDACTED] fees were several times the cost of the supervising engineer's fees, yet no quotes were sought, nor formal engagement recorded in any council dealings. This defies probity.

Following their engagement, [REDACTED] proceeded to design a ROCK revetment wall as preferred by the main promoter who facilitated their engagement (D010). This defied promises [REDACTED] made in their reports, to assess and cost three (later four) options for addressing the erosion concerns. Despite the reasoned rejection of a rock wall at this location when the same [REDACTED] engineer [REDACTED] designed the HBCC sandbag revetment in 2004 (as [REDACTED]), he now complied with the main promoter's wishes in only promoting and designing a rock wall (as [REDACTED] in 2013.

[REDACTED] falsely described this project as the [REDACTED] Seawall (D012 -13) when none of the structure was on or adjacent to [REDACTED]. This would be akin to describing a structure in Adelaide St Brisbane as being the Queen St structure. This deliberate deception assists those (CEO & ors.) who falsely claim that the end result of constructing this wall was to protect [REDACTED] properties (that was the initial purpose claimed by the CEO in 2012), when the subsequent testing by the University of NSW demonstrated that to be not the case (D062). The final structure was admitted by [REDACTED] as only providing stabilisation of the public esplanade land on which it was erected and it could not protect nearby private properties in a storm event.

It should rightly be described as the **Toogoom Esplanade Rock Wall** (as noted by [REDACTED] in the DA Application (D014 Page 5)). Why is it not so described by [REDACTED] or FCRC elsewhere?

[REDACTED] promised a detailed Options Analysis Report, but produced a superficial document that glossed over or ignored most promises in its table, in promoting a rock wall only (D011). A reasonable person could view this as a tit for tat arrangement whereby the engagement of [REDACTED] was somehow privately arranged on the expectation, at least, that the main proponent's wishes would be followed, despite years of contrary engineering evidence and promises of [REDACTED]

The various reports of [REDACTED] contained many false and misleading statements which supported the main proponent's wishes.

[REDACTED] falsely stated that [REDACTED] properties from [REDACTED] to [REDACTED] (initially [REDACTED] were under immediate threat from erosion, thus necessitating a revetment structure. Surveys and photos (P001-2 D015-18) of the time and historical surveys prove otherwise.

The property of the main promoter at [REDACTED] was behind 50m of densely vegetated esplanade and foreshore (P003 D024) that was wider in 2013 than indicated by the original land surveys of 1910 (P005 cf. D016). Long term local residents had evidenced how that nearby area of beach had widened considerably over recent decades (P004). This promoter was attempting to sell his property without success, and the rock wall option, as preferred by him, involved clearing the esplanade vegetation, thus generating "priceless panoramic views" and the property was promptly sold after construction finished. **Was this the true incentive for engaging a compliant engineer?**

The various [REDACTED] reports (D012-14) contained false statements such as implying that certain properties had their vegetated esplanade landform reduced to a few metres from their boundary when, in truth, such separation was 15-25m at the time for at least one included property (D024). [REDACTED] falsely stated that there was an escarpment of 1-2m height at that location, when in reality it was less than 600mm at the time (P001). This is a common transient occurrence throughout Hervey Bay, and was rapidly reinstated through natural sand accumulation over a short period of time (D018).

[REDACTED] also falsely represented photographs by wrongly identifying the properties in those photographs. [REDACTED] also include a misleading petrographic report on [REDACTED] rock, which assessed the rock for suitability as 10mm road base only, not 6 tonne marine armour (D029). Whether by intent or error, [REDACTED] falsely exaggerated the erosion risk to particular properties, (e.g. 78-86) thus assisting their initial forced inclusion in this project and thus forcing some of them to contribute significantly to the costs of "protecting" a small section of nearby public esplanade, despite their own properties being under no imminent risk from erosion (D018).

[REDACTED] failed to consider the many adverse references to local rock walls contained in the [REDACTED] SEMOA report, which was purportedly the initiating document for revisiting this revetment proposal. As the same engineer (Mr [REDACTED] was involved in the earlier HBCC dealings (D012 [REDACTED] CV), it is inconceivable that he would not have been aware of those adverse findings.

██████ failed to in any way address issues which may have been contributing factors to the localised erosion near properties ██████ to ██████ which were the only properties which could rightly claim "imminent risk", a pre-requisite for state approval of a hardened revetment. Many of those higher properties illegally discharged their stormwater into the dune structure behind their properties using single point source discharge through poly pipes (P006), thus promoting super-saturation of the sand, liquefaction and slumping. Others with no immediate erosion risk did not so discharge their stormwater. As any high school geology student would know, supersaturating sand with water forms an unstable slurry. Why was this pivotal factor ignored by ██████?

██████ did not take into account the groundwater issues of the locality where water from inland lakes flowed seawards just below the surface and visibly exited the beach within the footprint of the wall. This made a rock wall option far less suitable due to potential subsidence issues. Using geotextile fabric behind the wall only exacerbates the problem as it silts up over time and forms a barrier. Why were considerations that opposed a rock wall ignored by ██████?

One particular process used to great effect at Noosa and also used by FCRC at the same time as this wall at Torquay in Hervey Bay (D028), involves relocation of the sand that has moved from one locality to another, to be returned to nourish the erosion zone. This option was totally ignored in the Toogoom matter despite such consideration being a mandatory pre-requisite, under State Code (D044 Module 10 AO5.4), for an application for such an erosion control structure. The displaced sand was accumulating nearby where it could have been easily recovered (D027). Why was this process not considered for Toogoom and why did DEHP not enforce such consideration?

██████ quoted a "lump sum offer" of \$ 63,951 (D019) for their services in their Proposal Report, and thereafter charged \$ 124,000 following their engagement (D020). FCRC paid these fees and passed those costs on to selected property owners living nearby. Those forced to pay for this structure had no say in such dealings and FCRC did not care as they were contributing little towards the cost.

██████ stated that they would monitor construction through to completion, then assist the issue of the necessary RPEQ Certificate of Compliance. The engineer only attended the site on a small number of occasions (D023), by which time the wall had been essentially submerged in sand (P012) and construction compliance could not possibly be truthfully asserted to as a result of those visits, yet ██████ attempted to so assert on two separate occasions (D022).

██████ was aware that the rocks were not tested in accordance with their own Technical Specification requirements, which mandated testing for suitability in a marine environment. Those Technical Specifications formed part of the conditions set by DSDIP in approving the development. ██████ assessed the quality of the ██████ Quarry rocks as “moderate” in the absence of appropriate testing, and later stated that alternative rocks from ██████ were “marginally suitable” but were still superior to these ██████ rocks (D021). A reasonable person could conclude that ██████ knew that the ██████ rocks were unsuitable, on their own admission, yet ██████ later attempted to fraudulently certify the structure as compliant (D022).

The Technical Specifications of ██████ (D026) also demanded that no rocks displaying cracks, cleavage planes or seams were to be incorporated in the structure. These prohibited features are present in a large proportion of the visible rocks (P013), and such would be obvious to ██████ during inspections, yet they still attempted to pass the wall as being compliant.

In stating that the ██████ rocks were “marginally suitable” ██████ did so on the false claim that they would only be used as capping rocks and would not be exposed to immersion. These rocks appear throughout the wall, are immersed by the tides, and fracture (P008) in a similar manner to the ██████ rocks (P007). This is a widespread occurrence throughout the wall leading to failure of the structure. ██████ ignored that issue in claiming compliance.

The geotextile fabric was torn and damaged (P009-10) during the three months abandonment of works, the trench batter slope collapsed (P009) and the structure no longer complied with the drawings. ██████ charged \$ 17,578 to design repair works involving new geotextile laydown in accordance with a new design (D031). The contractors did not lay the new geotextile down in the manner specified (under the bedding rock down the batter slope), and simply placed it horizontally on the ground (P011) and covered it with rocks and sand, thus defeating its designed purpose. ██████ ignored this non-compliance also, as did the supervising engineers.

As part of the engineering process, some 60 individual rocks had numbered medallions fixed to them for monitoring purposes. Surveyors marked the height and position of those rocks and resurveyed them again some time later in order to monitor movement or failure of the rocks (D032). Despite the surveyors having GPS plots for each rock, they were only able to find 35 out of 60 that were originally tagged. One tagged rock had fractured and one other tag was missing. FCRC handed these survey results over to ██████ for assessment.

In a fraudulent documented assessment (D025), [REDACTED] assumed, with no evidence available, that all rocks that could not be found were deemed to be intact when the reverse is more likely to be the case. Failure to locate a rock of a known GPS position would more likely indicate displacement and/or dislocation through failure, rather than prove the integrity of those rocks.

[REDACTED] produced a fraudulent report for FCRC stating that the failure rate of the rocks was 1 in 60 (1.6%), not 1 in 35 as evidenced by the survey. This is a deliberate attempt to deny the true failure rate of the rocks that this same engineer assessed and excused as being less than "marginally suitable" and which did not meet the requirements of his own Technical Specifications.

This fraudulent behaviour parallels the attempted verification of the wall as being compliant when this Aurecon engineer was only present after sections of the wall being inspected had been submerged and inundated with sand (P012 – this photo was taken the day before [REDACTED] inspected that site for his first on site inspection). He was prepared to certify the integrity of those buried structures that he could not possibly evidence himself.

[REDACTED] RPEQ letter No 1. and responses: D022

[REDACTED] RPEQ Certification letter No 2. : D023

3.6 [REDACTED]

[REDACTED] were engaged by FCRC to supervise the construction compliance of the Toogoom Rock Wall following competitive quotes from three firms. They failed miserably in those duties.

This company was paid \$32,500 to "supervise" construction. A condition of their appointment included that they must provide, upon completion of the works, a Practical Completion Certificate and a separate RPEQ certification that the observations, inspections and testing the engineer undertook during the works, indicated that the works were constructed "in accordance with the approved drawings and conditions". Such certification was not provided by [REDACTED] who ignored clear breaches of the approved design requirements and only attended the site once a week during construction according to an email from the FCRC CEO, [REDACTED]

It was not possible for a person to truthfully certify that the wall was built according to the conditions when each days work was either deliberately backfilled with sand or otherwise inundated and filled by tidal action. At no stage were the works re-excavated to show the placement of those buried rocks. There is evidence that the eastern wall section is less than the width specified yet was inundated with sand when incomplete, a few days after excavation.

There were two specific requirements of the conditions that cannot be denied as being breached:

1. The Approved Conditions required compliance with the Technical Specifications (D026) in that:

The rocks were required to be tested for suitability in a marine environment and no testing was done for this project, let alone testing for a marine environment as specified, and both [REDACTED] and [REDACTED] were aware of that.

The CEO of the FCRC falsely responded to complainants that the rocks had been so tested in NSW when such was not the case. That was a lie.

The rocks also clearly failed visual inspection requirements demanding that they be free of seams, cracks and cleavage planes or be otherwise subject to breakage (P013).

2. EHP Environmental provisions demanded:

The excavated material was to be stored away from erosion risk, covered (D033), and fenced to protect the soil and prevent risk to the public (children in particular). This requirement was ignored (P016), to the knowledge of FCRC, the engineers and DEHP, and many tonnes of soil, sand and dark excavated material was lost to the sea over a few days, (P017 -18). It was a requirement that this material be protected for backfilling the works and the contractors then breached Fisheries regulations in illegally excavating the Fish Habitat on two occasions to replace the lost material (P019 -20).

Children were regularly seen to be playing on the dangerous sandpiles which were collapsing into the waters (P014 -15).

[REDACTED] ignored these breaches of the "approved conditions" and DEHP and DAFF turned a blind eye to valid complaints as did FCRC.

[REDACTED] certainly did not earn their \$32,500 fee if all they did was make occasional weekly visits to the site (as stated by the CEO), ignored breaches, and produced a Practical Completion Certificate (D034) that admitted and excused "deficiencies". They declined to produce a Certificate of Compliance despite being contracted to do so. When asked by a Toogoom resident whether he was going to sign that wall off as being compliant with the conditions, the engineer responded "no way". The matter of sign off was then handed over to Aurecon by FCRC.

Was this behaviour on instruction, and if so, by whom?

The CEO of the Fraser Coast Regional Council was the responsible officer and [REDACTED] dealt directly with [REDACTED] in these matters.

4. Fraser Coast Regional Council

4.1 Renewed involvement

In 2011 the FCRC had inherited a state funded process to prepare a SEMP. Following the completion of Stage 2 of that process by [REDACTED] in 2012, FCRC revisited shoreline erosion matters, the Toogoom esplanade in particular, having terminated the final SEMP preparation process.

4.2 Dealings at Council meetings

At Meeting 12 of 15 August 2012, (D037) a council officer with long involvement in shoreline erosion at Hervey Bay, a Mr [REDACTED] introduced the [REDACTED] Stage 2 SEMOA report to council (Ord 11.5) Doc 2228680, for consideration and recommended that council endorse the document and his separate recommendations as to a proposed policy framework.

His recommendations advised that council would develop a policy framework that supported landholders "wishing to protect private property" and, "Where works include more than one property, 90% of land-holders adjoining the shoreline agree...." and "The erosion works ...are consistent with the works as detailed in Appendix J – Management options – ranked...." He was then given no credit in the minutes for this recommendation which he authored.

There is no record in council minutes of this agenda item being discussed, amended or adopted. Instead, the later minutes record the adoption of the above recommendation as a new resolution of Cr. [REDACTED] (D038), but changing the "90%" requirement to "the majority of the landholders..". No such proposed resolution of Cr. [REDACTED] appeared in the agenda for discussion or forewarning.

At no time did 90% of owners support the Toogoom proposal, even when the promoters allowed several objectors to withdraw. It seems that this plagiarism of the officer's report was done to facilitate the Toogoom wall project as Cr. [REDACTED] was the main supporter of the proponents of that structure. The failure of council to acknowledge the work in the officer's report is profound. These irregular dealings do not conform with due process as standing orders insist that "any councillor wishing to give notice of any matters/motions must give notice in writing ... at least 48 hours before the meeting..." and that was not done by Cr. [REDACTED]

There was no motion to so amend the officer's report in this manner and no appropriate notice given by Cr. [REDACTED] for his motion, suggesting gross impropriety in these dealings.

The same officer included a report in an agenda item in the 19 September 2012 Meeting No. 14, Ord 11.10 still using the "90%" requirement (D039 - [REDACTED] document 2260295), not the "majority" previously adopted by Cr. [REDACTED] in August and passed by council unanimously. This officer's report therein proposed the adoption of the policy as "ATTACHMENT 1" to that agenda.

That attachment to the agenda of Meeting 14 (D045) was described as a Supplementary Business Paper (D039). This contained two separate documents with differing descriptions. Only one was described as a "Policy", that being the draft of Mr [REDACTED] (Doc 2260295). The minutes merely record that the "Policy" document was adopted. The attachment to the subsequent minutes, however, (the responsibility of the CEO) is not the document described as "Policy" in the agenda attachment (Doc. 2260297 was attached to the minutes not 2260295 D039).

How can councillors possibly know what they are passing, (2260295 or 2260297) when they are presented with two such conflicting documents in one attachment?

In 2013, the CEO introduced the Overall Plan (D040) that stated that the Policy requires consistency with the SEMP (which does not exist). The prior policy framework as moved by Cr [REDACTED] of compliance with the Stage 2 [REDACTED] Report Rankings in Appendix J, was ignored by council in approving the Toogoom Rock Wall which was specifically rejected in Appendix J.

Why was it that the officer's report of 2012 disagreed with the motion of Cr [REDACTED] which disagreed with the Policy framework recommendation which disagreed with the resultant Policy document which disagreed with the Overall Plan of 2013 and which Policy framework as passed, opposed a Rock Wall at Toogoom, yet FCRC proceeded to build one?

These whole dealings display either incompetence or dishonesty on somebody's part.

4.3 CEO deceptions

Following her recording of the above minutes of meeting No. 12 of August 2012, and their confirmation at meeting No 13 in September, the CEO, Ms [REDACTED] wrote to a number of property owners at Kingfisher Parade Toogoom on 12 Sept 2012 (D000), inviting them to a public meeting at the Toogoom Hall to discuss erosion issues. The actual FCRC Policy had not yet been passed (19th September). The CEO took personal control of the Toogoom matter which turned into a shambles and was the responsible officer in the Development Application.

The CEO falsely stated that:

"Council extends an invitation to you to discuss the recently adopted Fraser Coast Shoreline Erosion Management Plan and the impacts on private properties within Toogoom.

Council commissioned the completion of the Shoreline Erosion Management Plan "SEMP" to guide erosion management activities across the Fraser Coast.

You are invited to attend a meeting to discuss the SEMP outcome and more specifically the proposal and process regarding "Principle 3" for private property protection including:

- private properties most at risk..
- options e.g. Geotextile Bags etc:...
- estimated costs"

The CEO knew that a SEMP had not been so "completed" or "recently adopted" and would have been involved in the abortion of that process (D007). The subsequent FCRC process under the direction of the CEO did not address or assess "private properties most at risk" and included properties not at risk at the request of promoters. "Geotextile Bags" were dismissed at the request of the main promoter who demanded a rock wall to the exclusion of any other options. The CEO complied with his wishes.

Ms [REDACTED] continued her deceptions in a follow up email (E001) where she again referred to the "outcome of the SEMP and proposals for the protection of private property....with a view to maximising the protection of the remaining beach areas", when FCRC later stated that the sole purpose was private property protection and refused to contribute to public beach protection.

A person with long experience in coastal protection structures in the US approached council and others with valid criticisms of the rock wall, and submitted plans for an alternative, more modern approach (D046). Mr [REDACTED] objected to the CEO as he had consistently done from the outset, opposing any structure other than his preferred rock wall, and received the following response which was emailed to a select few privileged owners only:

Email CEO to [REDACTED] & [REDACTED] 17 Sept 2013: (E004)

"....I did not believe that the concept proposal put forward (whilst in the community's opinion is more environmentally friendly and cost effective), that it was very unlikely that the concept would meet all of the relevant design, engineering and approval processes for construction and therefore Council is not willing to investigate the alternative...."

The CEO is not an engineer but personally refused to allow council to investigate the matter and rejected such alternatives at the request of Mr [REDACTED]. She did not raise the submission with Council and its consideration did not appear in any council minutes.

Future meetings open to all included owners, were convened by the CEO in the premises of Mr [REDACTED] the main promoter of a rock wall, hardly a neutral venue where owners could discuss matters free of pressure from this domineering individual who berated and demeaned any person who opposed his views (D036). Some owners were quite elderly. Other private meetings were convened by the CEO exclusively for two or three promoters of a rock wall.

The subsequent dealings surrounding this piece of public infrastructure on public lands were conducted in strict secrecy from the public on the advice (according to Cr [REDACTED] of the CEO.

Council deliberations on this \$2,000,000 matter of public infrastructure on public land were held as confidential and closed to the public, meetings were held in private residences, no minutes were ever provided or shown to have been recorded, and subsequent enquiries by affected ratepayers to a number of individual councillors were refused "any information" by the CEO, who was not the addressee of those communications that were critical of her conduct (D041 -42).

Letter CEO to affected ratepayer 23 Aug 2013:

"As you are not the owner of property located at [REDACTED] Kingfisher Parade, Toogoom, Council is unable to provide you with any information in relation to this matter.

Should you wish to discuss this matter further or require further information, please do not hesitate to contact me."

This is proof definitive of a policy of secrecy from the community by the CEO. The writer was a Fraser Coast ratepayer who had significant financial interest in that property and was acting on behalf of his son, the owner. The matter was one of public importance and the writer did not seek any personal information. The response of the CEO to invite further information requests whilst denying any information is farcical and deliberately provocative.

In December 2013, the CEO provided a written response to a list of complaints raised by one owner through the Ombudsman. In almost every case the CEO response was either dismissive, dishonest or deceptive (D047 – This contains extracts from enquiries by an owner and questions from the Ombudsman to the CEO and her responses). The Ombudsman has no power to make the CEO respond truthfully, and no interest in testing the veracity of her responses.

The CEO deliberately misled owners in regard to the "special rates" levy imposed by council over the years 2014-15 and 2015-16 (D035)

Chapter 4, Part 1, Section 92 of the Local Government Act 2009 gives Council the authority to impose a special rate or charge.

Chapter 4, Part 1, Section 94 (2) stipulates that such charges must be decided by resolution at the Local Governments budget meeting for a financial year, what charges are to be levied for that year. (D064)

The CEO falsely advised owners in emails (E002) and by letter (D035), that they could pay “in full” for “their component” of the wall, and if they did, they could receive a discount. Nowhere, under State legislation, is this allowable. Councils can levy rates and special rates for providing special benefits to particular ratepayers on a year by year basis ONLY. They cannot charge for public infrastructure. The CEO previously acknowledged that this is not a loan but an annual “special rate”(E003).

This behaviour of the CEO attempting and succeeding to obtain money from ratepayers through deception is arguably a criminal offence.

Current councils cannot predict future levies and the CEO knows this. She refuses to invoice ratepayers for these “up front” payments when requested, stating that individuals must “offer to pay” rates that have not yet been passed by any council meeting or set in any budget as required. There would be no legal obligation for future councils to refund these gifted amounts. This behaviour suggests that she is aware that she is acting improperly. What business entity would ever refuse to invoice or bill someone for amounts of some \$100,000+ when asked to do so.

This reeks of impropriety.

There is no requirement for future councils to impose any special rate in a given year and they may choose not to do so in keeping with all other such foreshore revetments on the Fraser Coast.

Further, the property owners required to pay for the wall were advised they would also be responsible for any maintenance works for ten (10) years. Immediately following the completion of the wall, a number of properties were sold and to effect the sale, the owners “paid in full”. At property settlement FCRC failed to notify the new owners of the contingent liability for any future maintenance. This failure gives grounds for the new owners to be exempted from any maintenance costs or sue for deceptive conduct. As the maintenance costs are to be shared across all 14 properties and several are now exempted, the remainder of owners must accept those costs.

Another example of failed administration with legal implications.

When asked to quantify the interest calculations the CEO claims FCRC are incurring on their wall expenditure (with no evidence that this interest is being incurred), which significant interest is also charged to nearby property owners, the CEO refuses, merely suggesting a % rate (D047). As council's purported borrowings would clearly reduce as owners paid substantial rates levies each year (share of cost + interest on "borrowings"), that interest amount should reduce year on year yet it does not in the levy.

This defies normal financial calculations yet the CEO refused to detail those calculations when a request was submitted by an owner in July 2014:

CEO: "The interest rate used to calculate the Special rate was 3.953% which is the indicative Queensland Treasury Corporation interest rate."

Question: "What interest component is applicable to the special charge ...for 2014-15...and is this an amortised interest over 10 years, or will the interest amount reduce each year as the wall is paid of?"

CEO: "As indicated above, there are still costings to be finalised.... Once these costings have been finalised, the final construction cost will be adjusted accordingly."

The second RESPONSE of the CEO is not an ANSWER to the question asked and bears no relationship to it. Is the CEO unable to comprehend the question? Is she competent to fulfil her duties, or just being deliberately evasive?

This interest methodology is surely tantamount to fraud. There is nothing open or transparent about the dealings of this CEO with ratepayers or the community. This behaviour defies the Principles of the Local Government Act.

4.4 Failure to Supervise

The Fraser Coast Regional Council was both Applicant and Assessment Manager for this project with the CEO being designated as the responsible officer in the Develop Application lodged with DSDIP. FCRC were thus obliged to assess the performance of the contractors separately to the DEHP enforcement provisions that also existed in the Permit conditions.

At the first inspection of the site in December 2013, which was by chance videoed from a nearby property (V003) whilst evidencing the remnant discharge of contaminants into the waters, those in attendance included two female DEHP officers from Maryborough, a representative of the contractors, Mr [REDACTED] from [REDACTED] some other unidentified individuals and Mr [REDACTED] a Compliance Officer from FCRC (P021).

It was the duty of that compliance officer to ensure that the FCRC conditions were complied with by both the contractor and supervising engineers (why else would he be there?). Condition three (3) applied by EHP to the Concurrent Agency Response stated:

“Contaminants, including sediment, must not be released from the site to any waters or the bed and banks of any waters”.

The inspection mentioned above followed a complaint from a Toogoom resident that many hundreds of tonnes had washed into the sea (P17 -18). This was at first denied by FCRC and EHP, and later excused by EHP (Mr [REDACTED] who wrote:

“.....the condition relating to sediment release was not completely practical for this type of work”.

The methodology described by the design engineer provided clear instructions on how to build the wall while keeping the site dry.

The EPA 1994, does not provide that the EHP may reserve the right to consider some approval conditions ‘impractical’ post noncompliance by a proponent IF THE PROPONENT IS A LOCAL GOVERNMENT ENTITY (FCRC)” In any event, the FCRC officer in attendance, was obliged to see that FCRC's own requirements were complied with.

In theory, one entity within FCRC (Compliance Officer) is supposed to ensure that other FCRC entities comply with FCRC requirements. This was the directive of DSDIP in their Permit.

The shambles that eventuated proves that such State sanctioned self assessment process by local governments is a farce.

4.5 Failure to respond to complaints including Ombudsman (Important document D075)

An overwhelming feature of the dealings with the FCRC in this matter, and the CEO in particular, was the dismissive way they responded to valid enquiries and concerns raised by involved property owners and other ratepayers. FCRC were responsible as “Assessment Manager”.

The owner of [REDACTED] sent a series of letters to FCRC citing specific concerns about his lower lying property in the circumstance where his neighbours sat some 1m higher than him, and the wall was designed for their potential benefit and ignored his circumstance (D048 -52). These letters were sometimes ignored and his concerns were dismissed out of hand by the CEO.

When a private citizen in Queensland becomes aware of improper and/or dishonest dealings by state or local government bureaucracies they are usually placed on the bureaucrats' merry go round as follows:

In this matter, DSDIP were the superior of others in that they issued the Development Approval and attached the conditions which required EHP to "administer and enforce" the permit conditions (E007). When documented and undeniable complaints of non-compliance with permit conditions were brought to the notice of EHP, they claimed that this was NOT their role, and complaints should be referred to FCRC as they were appointed "Assessment Manager" by DSDIP (D073). FCRC then used the excuse that EHP have not raised issue with the matter as their response.

When one formally complains about the dishonest behaviour of the above entities, they are advised to address their complaints to the Ombudsman. The Ombudsman has no power over these bodies, particularly Local Governments, and such power rests solely with the Minister, and these entities are aware of that lack of power and use the Ombudsman as a distraction.

The Ombudsman requires a complainant to once again draft and present their complaints to the State entity, and, if one is not satisfied with the response, he will then address the matter, summarise the complaints as a series of questions, and ask the State entity to respond to the complainant. The Ombudsman then declares he is finished with the matter and has no interest in the propriety or veracity of the entities answers to the complaints. Those entities can lie with impunity if they are so inclined by nature.

The owner of [REDACTED] formulated a lengthy complaint required by the Ombudsman before investigation, sent that to FCRC and received a dismissive response. The Ombudsman thereafter formulated a series of questions for the CEO to answer and she was either dishonest, deceptive or dismissive in her responses to the Ombudsman (D047 D075).

Some examples of her dishonest responses include:

1. **CEO:** "Fraser Coast Regional Council completed a "Shoreline Erosion Management Plan" SEMP in 2012..."

This is proven false in FCRC Document D007 which states, as at Nov 2014:

"..a final Stage 3 Management Plan has not been produced to date.."

The CEO stated that Council passed as policy Document 220297 in September 2012, though that is not specifically indicated as such in the Minutes as two documents were presented as policy (D039) to that meeting and it was not specified as to which was passed. In any case, the CEO now relies on a V2 of that document of which there is no evidence of such being passed by council in September 2012.

She now states that the purpose of the public meeting of Sept. 2012 was to *"convey the decision of council not to undertake any public works within this location...."* That contradicts her previous advice (E001) which stated that the purpose of the meeting was to discuss the protection of private property.

The CEO claims that the "SEMP" identified those residents exposed to "storm bite", however the design testing by WRL of the subsequently proposed revetment demonstrated and proved that it could NOT protect private properties from seawater impact in a "storm" (D062)

The CEO claimed that:

"Council undertook further preliminary investigations into a "vertical": rock-wall design compared to a "rockwall for further discussion with residents..."

Her private response was to three privileged owners only (E004) and contradicts that statement in stating:

"...I did not believe that the concept proposal ...would meet all of the ..approval processes... therefore Council is not willing to investigate the alternative...." She is not an engineer.

Council did not discuss the matter with the other residents as the CEO falsely claimed.

The CEO stated that:

"This private group of residents had undertaken the initial discussions and investigations for properties from numbers [REDACTED] to [REDACTED] Toogoom, as they had identified that these properties were the properties under immediate threat from erosion based on the SEMP (above)."

This response is false and concerning in that there is no such SEMP, the extent of properties initially included was clearly documented as being identified as [REDACTED] and one or two "private individuals" were allowed by the CEO to determine who would be excused and who would be forced to contribute some \$100,000+ each to their personally preferred plan with no right of refusal.

What gives a CEO the right to assign such immense power to a private individual?

These admitted dealings reek of impropriety on the part of the CEO.

The CEO admits that Council endorsed the Overall Implementation Plan in July 2013 which allowed council to "levy a special rate". It does not allow any other costs recovery yet the CEO fraudulently invited owners to gift the "amount in full" to FCRC on the false implication that such would indemnify those owners against future councils' budget determinations (D035) when she knew she had no such power to direct future councils.

The CEO misleadingly states:

"The [REDACTED] Report clearly indicates that the proposed protection works is to remove the on-going coastal erosion and shoreline recession which, if not undertaken, will threaten private properties and private residences."

That was part of the early [REDACTED] Proposal Report which related to properties [REDACTED] and was challenged by later testing of the design by WRL Uni of NSW in the final Design Report. She fails to mention that the final structure could not meet the intent of property protection proposed in that initial proposal report of [REDACTED]. Not all of those properties were under immediate threat from erosion, some were later excused participation, and WRL proved the design could not provide property protection from seawater in a storm. This CEO statement is a deliberate deception.

The CEO stated:

"A special charge will be levied on all properties within the defined benefited (sic) area according to the degree of benefit..."

The defined benefitted area included properties 48-86. Several were excused participation by private agreement with a neighbour or neighbours in undocumented dealings. One owner included in the FCRC DA (48-82) was likewise excused contribution. Properties not under immediate risk of erosion were charged more by FCRC than other properties experiencing greater risk. The degree of risk relates to the erosion escarpment height and proximity to the property, not fenceline length as inappropriately applied by FCRC. A property with a transient 600mm erosion scarp some 15-25m from the property was charged more than a property with a 2m escarpment a few metres from its boundary. **This statement of the CEO is FALSE.**

The CEO stated in response to groundwater concerns:

"extensive engineering testing was undertaken to determine the most appropriate erosion protection structure for use in the area."

The "testing" by WRL was for three minor variations of a Rock Wall and did not address the most appropriate structure as falsely claimed by the CEO.

When queries were made as to the recording of minutes at any of the meetings where pivotal decisions were made, the CEO responded:

[REDACTED] one of the affected residents, took notes at some of the meetings and should you require copies of these notes, it is suggested that approaches should be made to Ms. Smoothy in that regard.

Here are decision making meetings of a \$2,000,000 public infrastructure project on public land, being ignored record by FCRC, and the public are obliged to ask a private individual for her notes which she is under no legal obligation to divulge. **This defies probity.**

The CEO falsely states:

"Council has conducted all of decision making process in an open and transparent manner all of which are publicly available."

The meeting of the CEO, Mayor, Councillor and FCRC officer with a group of property owners and an engineer on 29.8.2013, was held in the main promoter's private residence, away from public scrutiny. At that meeting the councillor advised, following the departure of the Mayor and CEO that the latter required those present to keep the matter secret from the general public and if they did not, the matter would be set back years (D072).

When complaint was raised about the potential for placing his property at risk, the CEO responded:

"Council holds Liability Insurance. The Engineers involved in the project also have their own professional indemnity insurance".

This shows abject disregard by the CEO for the owner and his concerns for his property.

The CEO stated:

"The tender process has been undertaken in accordance with Council's policy and protocols....."

The tender evaluation panel undertook a detailed assessment selection process. The tender evaluation panel included:

A representative from Aurecon

A Council representative

A representative from Engineers Plus (appointed Project Manager)."

The Tender document advised that three examples of similar prior experience must be provided by tenderers. It is understood that such was not enforced. Aurecon themselves estimated the material costs ALONE as \$1,062,500, and FCRC accepted a tender for \$1,082,284.

This tender was so far below the [REDACTED] construction estimate of circa. \$2,000,000 and other tenderers, that is ought to have been viewed with suspicion. That contractor then built the wall with knowingly deficient materials, and declared voluntary administration before their warranty obligations were effected.

[REDACTED] stated in their SEMOA Report at Page 35:

"Drainage is a significant issue under these conditions, and the design of any erosion management option for the study area required careful consideration of these issues."

That specific concern was raised by the owner of [REDACTED] with FCRC and directly with [REDACTED] and was dismissed by the former and ignored by the latter (no response). [REDACTED] produced a design that suited the main promoter's circumstance and ignored the valid concerns of others.

Letter owner to CEO 10 July 2013:

"I have great concerns that a rock wall protruding above the natural level of sand/vegetation will create a dam which will cause flooding of my property which has not experienced such occurrence, even during the severe storm activity earlier this year. Storm surge waves that did impact the grassed areas immediately sweep back out to the sea. A wall will in the least inhibit that natural flow and place my property at immediate risk of inundation. A few drainage points will not be adequate to prevent this."

That is the culture that pervades the FCRC administration who appear to believe that they are answerable to nobody and they are possibly correct in holding that view. The CEO acts as if she IS the council, not simply an employee of council. Who allows her that authority?

5. Department of Environment and Heritage Protection

This department had the main role to play in ensuring that the construction of this wall complied with requirements of the State (as set down in the Module 10 – the Coastal Protection Code).

5.1 Disregard of Module 10, The Coastal Protection Code, by EHP Maryborough.

When DSDIP Bundaberg assessed the Development Application from FCRC, they assigned the responsibility of compliance requirements to the Maryborough office of DEHP. A [REDACTED] was the officer who responded to DSDIP. The fundamental requirements of such revetments are set out in Module 10, the Coastal Protection Code (D044).

DEHP Maryborough ignored ALL of the following REQUIREMENTS of Module 10:

PO1 Development in a coastal hazard area is compatible with the level of severity of the coastal hazard.

A 4.6m high rock wall of sharp fracturing armour extending 9m across a formerly pristine beach is NOT APPROPRIATE for minimising the “hazard” of a 600-700mm high escarpment that is transitory in nature and is not compatible with that low level of severity.

AO2.2 Development in a coastal hazard area is located, designed and constructed to ensure exposed structures can sustain flooding from a defined storm tide event.

The hydraulic modelling from the University of NSW Water Research Laboratory, commissioned to test the [REDACTED] design, demonstrated that it could NOT meet these requirements and significant displacement of armour (30%) was demonstrated in such an event, with associated overtopping, erosion and property damage predicted.

A more suitable design ought then have been investigated!

PO5 Natural processes and the protective function of landforms and vegetation are maintained in coastal hazard areas. (A supporting RPEQ Report is required).

AO5.1 Development in an erosion prone area within coastal management district:

- (1) maintains vegetation on coastal landforms where its removal or damage may:
 - (a) destabilise the area and increase the potential for erosion, ...
 - (5) reduces the risk of shoreline erosion for areas adjacent to the development footprint to the maximum extent feasible in the case of erosion control structures.

The DEHP engineer who was responsible for the insane alignment of this structure that needlessly promoted the destruction and removal of such large areas of mature, protective vegetation, completely ignored that mandatory condition of State Code. **WHY? His alignment has increased the potential for erosion at the western end.**

AO5.4 Development that is coastal protection work involves:

- (1) beach nourishment undertaken in accordance with a program of beach nourishment works that source sediment of a suitable quality and of a type and size which match that of the native sediment usually found at the location, or
- (2) the construction of an erosion control structure, where it is demonstrated that installing an erosion control structure is the only feasible option for protecting permanent structures from coastal erosion at those structures cannot be abandoned or relocated in the event of coastal erosion occurring.

Editor's note: Applications for coastal protection work should be supported by a report certified by an RPEQ that demonstrates how the engineering solution sought by the work will be achieved.

Editor's note: Applications for erosion control structures should demonstrate the consideration of beach nourishment techniques, and include a statement of why nourishment (in whole or part) has not been adopted as the preferred means of controlling the erosion risk.

This mandatory requirement to consider beach nourishment and demonstrate it was not feasible was IGNORED by DEHP, its engineer and all relevant authorities.

AO6.7 Development that is coastal protection work:

- (1) is in the form of beach nourishment that maintains the natural characteristics and landform of the beach or foreshore or
- (2) is in the form of an erosion control structure where beach nourishment is not feasible for addressing the risk of coastal erosion, and the erosion control structure is located on private land to the maximum extent feasible.

In the case of the lower lying properties at the eastern end, it would have been far cheaper and more effective and more sensitive to the environment and existing landform, to install a pier and beam revetment within the property alignment, yet such was not allowed consideration by FCRC as it did not suit the wishes of the main promoter who had his own agenda.

The authorities (DEHP Maryborough) deliberately ignored AO6.7 in the interest of a private individual with whom they had been having private discussions.

PO8 Coastal protection work is undertaken only as a last resort where erosion presents an imminent threat to public safety or permanent structures.

Editor's note: Applications for coastal protection work must be supported by a report certified by an RPEQ that demonstrates how the engineering solution sought by the work will be achieved.

- AO8.1 Coastal protection work is only undertaken to protect existing permanent structures from imminent adverse coastal erosion impacts, and the structures cannot reasonably be relocated or abandoned. AND
- AO8.2 Coastal protection work is undertaken on private land to the maximum extent reasonable. AND
- AO8.3 Coastal protection work does not increase the coastal hazard risk for adjacent areas or properties.

1. A number of the included properties were not under such "imminent" threat and any such works should not have included those properties under this condition.
2. Works (alternative pier and beam design) could have been undertake on private land if ever necessary at far less cost and greater effect, in the case of those eastern properties.
3. The weird alignment of these works (D016) does increase the risk to adjacent areas to the west, and that is evidenced by recent erosion events (sand erosion to the west, accumulation to the east, from littoral flow) as was predicted by engineers and others.

There needs to be serious investigation into the circumstances of these events whereby DEHP Maryborough, and a [REDACTED] and [REDACTED] in particular, disregarded this mandatory State Code in assessing the FCRC Development Application, and the acceptance of DSDIP Bundaberg of that application, when these breaches of Module 10 were specifically drawn to the attention of the latter (D063).

The President of the Wide Bay Burnet Environmental Council (WBEC) who is contracted to provide professional advice to the Minister for Environment and Heritage Protection (EHP), submitted a report to Minister [REDACTED] stating that the application submitted for the construction of the rock wall was not assessed in accordance with the legislation (D043).

DEHP Maryborough should never have agreed to the DA as submitted, based on existing legislation at the time. It has been advised that there was a directive from EHP Brisbane to the Maryborough regional office that there was an application coming and they were to, "....get it done". A senior DEHP officer will only admit that it was not a Ministerial directive. He refuses to comment or confirm if there was such a departmental directive.

Who would hold such authority to over-rule State legislation, and what connection would he/she need to have with a promoter of this wall? These dealings remained secret for two years.

5.2 Disregard of EHP policy re. Vegetation

DEHP have developed an Operational Policy document on such revetment structures. (D068)

One policy advises that such revetments should be constructed as close to property boundaries as practicable, supposedly to preserve coastal processes, i.e. allow erosion (Page 3). Another policy prohibits the destruction of soil or vegetation cover (Page 5). These competing policies were reversed in priority in this instance. A policy that prohibits an event became subservient to a policy that advises against a competing event. **This is an administrative nonsense.**

Mr [REDACTED] advised other property owners in an email, that Mr [REDACTED] was the DEHP engineer who insisted on the rock wall and its alignment that caused massive natural vegetation and soil loss from the esplanade. This included mature Cypress Pine trees and eucalypt trees (P022). This co-incidentally enhanced the sale prospects of Mr [REDACTED]'s property (P003 P023 D053). This assertion regarding Mr [REDACTED] has not been confirmed or denied by DEHP.

Mr [REDACTED] had advised that local property owners had planted most of these trees in supporting this action, when such was not the case (D036). Other owners wanted the trees removed for safety reasons as trees had fallen on at least one house in recent storms. That circumstance, however, applies throughout the state and is not confined to these few esplanade properties. The revegetation of the site required reinstatement of the lost vegetation in a certain manner as a condition of the permit to be "enforced" by DEHP but this was ignored.

The wider ends of the development suffered the greatest clearing yet received negligible, if any, required vegetation (see [REDACTED] Parade P024). That end of the development has been privately planted with prohibited exotic palms, not the mandated native vegetation mix. The former dense vegetation at the main promoter's end (48) was replaced by thin plantings nothing like the prior status.

DEHP officers from Maryborough are aware of this non-compliance by FCRC, yet turn a blind eye to these breaches consistent with their prior behaviour. This deficient revegetation was charged to owners at \$ 84,750, and was done "in house" by FCRC according to documents. This is an obscenely excessive charge for the small number and limited extent of the grassy seedlings and vines that were planted. The land near [REDACTED] was previously vegetated with very large eucalypts, was cleared completely as it was specifically included in the development footprint as described in the DA, yet NO revegetation was undertaken over that extensive area. That was the owner who was excused any contribution towards the development despite the wall extending half way across his property.

These environmental and other permit condition breaches are there today for any person to witness and confirm, yet DEHP denies their existence.

Once again, FCRC are allowed to breach requirements of the DSDIP Development Permit by DEHP Maryborough, with impunity.

Who in DEHP Brisbane directs this behaviour and, more importantly, WHY?

5.3 Denial by DEHP of breaches of conditions by contractor

DSDIP, in its concurrency agency response, stated that the permit holder must comply with the approved plans (of [REDACTED]). According to FCRC, the plans included in the Decision Notice No 136059 of 16 Oct 2013 included a Drawing schedule and Notes which stated inter alia:

G1 THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND OTHER CONSULTANTS' DRAWINGS AND SPECIFICATIONS.....

Those Technical Specifications were submitted to DSDIP and EHP as part of the [REDACTED] Design of 26.8.2013 and other advice supporting the Development Application by FCRC.

The conditions imposed by those Technical Specifications and the drawings were widely breached and ignored by the FCRC contractors to the knowledge of DEHP, FCRC and the engineers.

EHP were assigned the role by DSDIP, of "enforcing" the conditions.

The FCRC contractors displayed gross disregard for permit conditions, including:

The [REDACTED] assurance in the DA that the wall would be constructed in 10m sections at a time to minimise erosion and inundation impact, thus minimising environmental impact.

It was not: **P012**

The insistence that the rocks be appropriately tested for marine use and visually deficient rocks would be rejected.

They were not: **D029 P003**

The insistence that the batter slope be maintained and not altered.

It was so altered and never repaired: **P009**

The insistence that excavated soil and other material shall be safely stored away from erosion risk for use as backfilling and reinstatement of the esplanade, and covered and fenced off from the public for safety reasons.

It was piled up on the seaward side of the excavation and lost: **V 001 P017**

The insistence that the geotextile fabric shall be correctly placed down the batter slope under the bedding armour, not torn or damaged, and that successive layers shall be stitched together.

The geotec was torn and shredded and not rejoined: **P010 -011**

The insistence that trenches shall be kept free of water, "by pumping if necessary" during placement of the armour. Ignored: **V002 (n.b. where is the geotec?)**

The insistence that no sediment discharge be allowed to escape into the nearby waters.

There was widespread silt and soil dispersion with many tonnes of excavated material lost to the sea: **P025 V001** (lost to sea) and **V003** (residual discharge)

The insistence that rocks shall not be dropped (threshold height) during delivery or placement, or pushed into place during construction.

There was repeated evidence of this occurring **V002**

The design grading of the various layers of armour and their weight restrictions (minimum & maximum size).

Several rocks exceeded the 6 tonne maximum: **P026 (6.6t)**

The correct placement of the various grades of armour, such as the insistence that no rock shall be freestanding and shall be interlocked with its neighbours.

The placement of the armour is haphazard throughout: **P027**

The insistence that no foreign, unapproved material be incorporated in the wall.

Erosion episodes were filled with imported foreign rubble.

Each and every one of the above requirements were ignored and breached by FCRC, their supervising engineers, the design engineers and the contractors.

DEHP were given documentary evidence (photos and videos) of many of those breaches yet DEHP Maryborough and DEHP Brisbane ignored or denied them.

Because the contractor was known to be in financial difficult (admitted by Cr. [REDACTED] FCRC did not press compliance or rectification as required in their own development conditions which they were obliged to enforce as Assessment Manager.

The contractor then went into voluntary administration, recommenced under a similar company name with the same sole director, and continued working for council. The CEO even attended the creditors' meeting to assist this process though FCRC was not a creditor and needed special leave from the administrator to so attend (D054).

This contractor clearly did not have the experience or financial resources to correctly construct the Toogoom Rock Wall, and the ridiculously low tender ought to have been rejected as it directly challenged the Aurecon costings for the project.

5.4 Failure to appropriately address complaints (Important document D071).

A ratepayer with significant financial involvement in one of the affected properties wrote to the then Minister for Environment, (Minister [REDACTED] raising serious concerns about failures of EHP to "enforce" rectification of breaches of environmental and certification requirements (D070 E005 D071). He was rebuffed by the minister at the behest of his department and in reliance on their false advice that the loss of soil and vegetation was a result of "natural processes" when it was in fact the result of a 20 tonne excavator, and was advised that FCRC were responsible for assessing the application, not EHP.

Another Toogoom resident concerned about the blatant disregard shown by FCRC, the contractor, and EHP, to address the requirements of the construction approved design and technical specification attempted to have such issues addressed over a period of about two years (D069). The response from both FCRC and EHP has been denial, obfuscation, and in the case of one councillor, personal attacks on the complainant.

In late October 2015, the Deputy Director General (DDG) of EHP informed the Toogoom resident that he was sending the department's coastal engineer, Mr. [REDACTED] to Toogoom to inspect the issues of construction the resident had been raising with EHP, the agency responsible for "administration and enforcement" of the construction in accordance with the approved design. Following this inspection Mr. [REDACTED] was to write a report, a copy of which would be provided to the Toogoom resident. The DDG assured the Toogoom resident that Mr. [REDACTED] would contact him at least two days before the site inspection, to be sure availability to meet on site.

On 10 November 2015 Mr. [REDACTED] attended the site accompanied by the design engineer [REDACTED], the supervising engineer [REDACTED], a council officer and a representative of the construction company. Mr. [REDACTED] **did not** contact the Toogoom resident but found it appropriate to invite representatives of all of those about whom the resident had complained, to his "independent" inspection of the construction. It is clear that Mr. [REDACTED] did not want to be placed in a position where he would have to view and acknowledge those issues identified by Toogoom residents. **Plausible deniability?**

Mr. [REDACTED] was provided with, via the DDG, a large amount of documentary and visual evidence of noncompliance regarding the wall with instructions from the DDG to review it prior to writing his report. A copy of the promised report (D074) was finally delivered to the Toogoom Resident on 1 April 2016. It is in Memo format, addressed to a junior EHP officer at the Maryborough EHP regional office, and fails to address any of the matters of noncompliance raised with EHP over the previous two years.

This memo (so called "report") is an affront and an outrageous response to the serious matter of a collapsing piece of public infrastructure for which members of the public are forced to pay. It includes false claims of compliance, and makes assumptions that cannot be supported but are demonstrated to be false by the visual evidence provided and ignored.

In distributing such a contemptuous dissertation ostensibly on behalf of a State agency, Mr. [REDACTED] places serious questions about the credibility and integrity of himself and the Department of Environment and Heritage Protection. Further, as an example of how EHP mismanage a rather small environmental issue, it places serious questions over the suitability of those involved to manage much larger and complicated issues such as the Adani mine project.

Contrary to the claim made in the covering letter, sent with the memo (D073), authored by the DDG that, "EHP considers it has investigated and responded to the concerns you have raised." those matters have not been addressed but either ignored or denied. The DDG has ignored the Permit Approval document from DSDIP which states that EHP are responsible to "**administer and enforce**" the conditions listed.

A detailed response to the letter and memo will be drafted and sent to the Minister and will be published on the relevant website [REDACTED].[id.au](http://www.dhs.id.au) ASAP.

6. Department of State Development Infrastructure and Planning

This department was ultimately responsible for issuing a Development Permit for the project, and for setting the mandatory conditions that were to be complied with by FCRC as Applicant and Assessment Manager, and "enforced" by DEHP (D065).

DSDIP were advised that the application did not meet the requirements of Module 10, the Coastal Protection Code, yet deferred to the deficient advice of DEHP Maryborough (D Batten) that the application be approved. Later complaints of non-compliance were ignored by DSDIP Bundaberg who claimed that they had no power to over-rule EHP. (D056 D060 D063 -64).

7. Department of Natural Resources and Mines

This department holds "ownership" of the land on which the structure was to be erected and was required to give permission to FCRC to construct a wall. The Minister of the day, Minister [REDACTED] held private talks with Mr [REDACTED] regarding the wall, including a meeting with Minister [REDACTED] the local member and departmental heads, however those secret dealings have been denied RTI release for years on the original grounds that to do so would be a risk to public safety, a farcical proposition (D057).

Following the private meeting of three owners (one couple and Mr [REDACTED] with a group of bureaucrats (D005) on 17 June 2013, Mr [REDACTED] advised that [REDACTED] of DNRM had given FCRC their consent to proceed without reference to DAFF and DEHP on the basis that there had been extensive consultation with those entities (when?).

8. Department of Local Government

The ultimate responsibility for overseeing Local Government dealings in Queensland falls at the feet of the Minister for Local Government. Over successive administrations, it has become clear that this department and its ministers have no interest in administering the Act by which they are bound.

That Act mandates that "Parliament requires" the minister and those subject to the Act, to comply with certain Principles and rules of behaviour. There seems to be no avenue for recourse when the Minister and her underlings refuse to do so. That is certainly the current state of administration in Queensland.

The previous L G Minister, Mr [REDACTED] simply deferred complaints back to the Local Government as a matter of State Government policy (D058). If one was not satisfied, then he advised them to contact the Ombudsman, in the full knowledge that the Ombudsman has no enforcement powers in such matters which lie solely with the Minister. Current Minister [REDACTED] attitude is even more curt in rejecting complaints, suggesting her Department is not competent to perform its role in society (D059).

One could hardly imagine a more cushy job than to be highly paid to hold such office but ignore one's ministerial responsibilities. Money for jam would be an apt description.

CEO's are well aware of this attitude of the Local Government Department and effectively rule as oligarchs free of scrutiny if they have a suitably compliant Mayor.

CONCLUSION:

A reasonable person could conclude that a private individual or individuals, had contacts in a high place within DEHP or State Government, such that they could bring pressure on others to ignore State legislation and codes, in promoting a preferred outcome, which assisted the sale of one person's property (and two others), yet devalued neighbours' property and disadvantaged the wider community through the unnecessary destruction of a once popular section of recreational beach foreshore.

The failure of successive Ministers to do the job they are paid for by the community, aided and assisted this process.

One promoter who sold his property, had stated to others in the early stage of these dealings that:

"It pays to know the right people".

This is no way to run a State.

SUMMARY

These dealings demonstrate a complete breakdown of governance within the State of Queensland in that governments set Legislation, Regulations, Codes and Policies that can be ignored at will if a particular private individual has the right connections in the right places.

This culture transcends party politics as it is entrenched within the bureaucratic process.

In the matter of the Toogoom Esplanade Rock Wall:

1. The State administered a Local Government Act whose provisions include a series of Principles that "*Parliament requires*" individuals, Local Governments, their officials and even Ministers, to comply with. These include the principles of transparency and integrity and governance in the interest of the public etc.

In this matter, these principles were ignored by involved parties who were subject to their constraints, from the CEO, Mayor and councillors of the Fraser Coast Regional Council, to successive Ministers for Local Government. These were not oversights, as the breaches were brought to the attention of those parties but ignored in every case as a matter of "policy" initiated by Premier [REDACTED] in the former LNP government and continued by Deputy Premier [REDACTED] as part time Minister for Local Government today under Labor.

These dealings surrounding a piece of public infrastructure on State land were conducted in strict secrecy from the public by the Fraser Coast Regional Council on the instruction of the CEO (according to a councillor (D072)) and the support of the mayor and councillor .

2. The State introduced the Coastal Protection Code (Module 10) that mandates the dealings of applicants regarding such developments on coastal lands. It also produced an Operational Policy document that opposed this development as constructed.

DEHP Maryborough were assigned the role by DSDIP Bundaberg of assessing the FCRC Development Application for this project and knowingly ignored the mandatory provisions of that State Code in its assessment.

DSDIP were advised of the breaches of State Code prior to their issuing a Permit to FCRC, but deferred to DEHP in stating that they had no power to overturn the advice that they received from DEHP Maryborough, who were given the role of assessment.

Persistent breaches of Permit conditions and Environmental regulations were ignored by FCRC, and DEHP from Maryborough level to State level to the Ministers [REDACTED] and [REDACTED] when documentary proof of those breaches was provided to those entities.

Despite these breaches being documented and advised, DEHP accepted a fraudulent Certificate of Certification from the design engineers in falsely claiming that the development has been built appropriately in accordance with the drawings and conditions when any person can visit the site today and see that such was not the case.

Once again, a private individual was able to have private meetings with DEHP officials in Maryborough, nine State bureaucrats at a private meeting location with one other local couple, and separately with DEHP and DNRM Ministers and officials in Brisbane. The result was that he was given the power to drive this project to his personal agenda.

3. The Fraser Coast Regional Council passed various policies in 2012, using confusing, contradictory and deceptive processes, which initiated their implementing this development. The project, as finally agreed, opposed the very policy that FCRC had adopted the year before in initiating the process. They thereafter conducted their dealings in secret from the community and dishonestly in obtaining funds from ratepayers.

FCRC ignored many of the conditions they had imposed on themselves as both Applicant and Assessment Manager of the project. They failed to comply with State Regulations in seeking unlawful financial contributions from affected property owners.

This may appear to be a trivial matter to some, but should a Federal or State government impose a levy on a section of the population of some \$100,000+ each for deficient projects that would not benefit them or the wider community, there would be justifiable outrage that would resound around the country. Why can councils do so unfettered?

1/2
DLO EHP

Minister's office comments

1. Please liaise with CLLO EHP to bring me a copy of the tabled document. **DLO Liaising with CLLO.** Done GS
2. Please refer this Hansard extract for personal attention of DG EHP, together with another copy of recent incoming corro RE: Toogoom rock wall.
3. Trigger a BN request RE: outcomes of DG's handling of recent corro RE: Toogoom rock wall

① Pls liaise w CLLO EHP
✓ To bring me a copy
of tabled document ✓
DLO Liaising with CLLO. Done GS

② Pls refer this Hansard
extract for personal
attention of DG EHP,
together w. another
copy of recent incoming
corro RE Toogoom
Rock wall

③ Trigger a BN request
re outcomes of
74

DG's handling of
recent corro RE
Toogoom Rock wall

sch4p
20/9

pass along these thoroughfares. I ask the minister and his department to review this situation for the safety and security of our local communities.

Bundamba Electorate

Mrs JR MILLER (Bundamba—ALP) (7.04 pm): In my electorate of Bundamba many people see an Australian economy that has simply failed to deliver what many people believe is a basic human right—that is, a steady living wage. Underemployment is a sleeping giant of social inequity in my local community. It outstrips unemployment and between the two it means that 20 per cent of our population is either unemployed or underemployed and not getting enough hours to get by, let alone get ahead.

In policy terms, this means a sharp slowdown on wages growth and weak inflation in the economy. What it means to many families is absolutely devastating. Not knowing week to week if they will get enough hours to pay the bills, let alone have enough to catch a movie with friends or a cup of tea with loved ones, is having a soul-destroying effect in my community.

Underemployment has increased by 40 per cent in the last four years and it hits women workers the hardest. It is not just one to two hours. The average need for extra hours is 15 hours per week. That is almost two extra days per week of work or \$300 a week for someone on \$20 an hour. That is substantial, it is life changing and that gives people dignity in their work and their home life.

The uncertainty, the anxiety, the effect on their feelings of self-worth are exacerbated by the financial stress of being unemployed or underemployed to one in five of my local people. This even includes university graduates. I understand that about 26 per cent of those have under-utilised participation in the workforce.

Locally there has been millions of dollars invested in shopping centres in my electorate over recent years, but when 20 per cent of the population are not getting enough hours to get by then the shops, which are already under pressure from internet sales, will be hard pushed to make a go of it. There are more window shoppers than real shoppers. As my locals say, 'They're building more shops, but we've got no money to spend in them.' People feel like they have been left behind and they are getting angrier and angrier about it.

On behalf of the people of my electorate, I ask that when announcements are made in relation to jobs, can we please get more information. It might be nice to say that Adani is employing 10,000 people, but when is that going to happen? When is the Royal Children's Hospital refurbishment going to happen? We would like to say that we would like to ask for more information because if we do not get this information when they go to get these jobs they are told that they do not exist and that makes them all feel worse.

Toogoom Esplanade Rock Wall; Political Donations

Mr PYNE (Cairns—Ind) (7.07 pm): I rise tonight to speak about being honest and up-front. Some people in this place in local government are absolutely honest and dedicated to doing the right thing. I am honest and up-front. Mr Speaker is honest and up-front. The member for Bundamba and the member for Southern Downs are honest and up-front, as are a number of others in this place.

This week in parliament I tabled an update on the Toogoom rock wall. My electorate has an ocean frontage and I would not want this cover-up in my electorate. The department has had oversight under both an LNP and ALP period of government, yet no-one is prepared to be honest and up-front. The cover-up must stop and that starts by being honest and up-front that both sides have had a hand in the failures. It is not a point-scoring issue, so just be honest and deal with the reality.

The other issues I tabled go to the heart of being honest and up-front when we nominate for public office. I am speaking about the reporting of electoral donations. If candidates cannot be honest and up-front from the outset, starting with their own transparency and accountability and attention to all of the relevant detail, then it will not be found in this House or around the council table. These concerns are justifiable, especially in the absence of accurate and timely disclosure.

Mr Speaker, like you and so many others, I want to see action on the important reforms necessary to make real-time reporting of donations happen in Queensland. We are so far away from that in Queensland because in 2016 we cannot even get accurate post-election disclosure. I sincerely want this to happen before the next state election, so today I have contacted the Parliamentary Counsel to at least discuss the legislative amendments that are necessary to ensure this occurs.

There has been enough talk. It is time to act and help more candidates to be honest and up-front. Let us be honest and up-front. I urge the government to move forward with real-time disclosures and meaningful penalties. We need to stop settling for less and stop the cover-ups.

Woodridge Electorate

 **Hon. CR DICK** (Woodridge—ALP) (Minister for Health and Minister for Ambulance Services) (7.10 pm): The past few weeks have been full of good news for the electorate of Woodridge, and I am proud to share some of that news with the House today. Last Friday I visited Berrinba East State School to mark the 10th anniversary of the YMCA Schools' Breakfast Program. This invaluable breakfast program has supplied more than 2.5 million breakfasts to students with the aim of helping schoolchildren make the most of their education and to reduce the number of students disadvantaged by hunger and poor nutrition. This fantastic initiative was started by the late great Clem Jones AO. If there ever was a Labor legend, it was the former lord mayor of Brisbane, Clem Jones. I would like to pay tribute to him now for kick-starting this program in 2006 at five schools in the heart of the Woodridge electorate in the City of Logan, including Berrinba East State School.

I also want to put on the parliamentary record my thanks to other individuals and organisations who have contributed to this program over many years, including Peter Johnstone, the CEO of the Clem Jones Group; David Muir, a board member of Foodbank Queensland; Ken McMillan, General Manager of Foodbank Queensland; Stan Bowes, Operations Manager for Tip Top, which is part of George Weston Foods; Daniel Mackay of Mackay's Marketing; Adam Brookes, Nathan Dodds and Diane Townsend from Coles Logan Central; Murray Watt, Managing Director of Management Options Pty Ltd; and Alan Bray, Gary Adsett and, in particular, Catherine Hannell, who all work for the YMCA. Catherine Hannell has supported this program and led the Schools' Breakfast Program for 10 years. In the 10-year period, with the backing of program supporters YMCA, this initiative has grown to support 88 schools across the south-east and is now providing more than 53,000 free nutritious breakfasts each month to more than 8,500 school students.

It is also my pleasure to inform the House that Logan Hospital's School Based Trainee Program has recently graduated its first cohort of students since the late 1990s—a milestone of which the hospital can definitely be proud and a program that I am delighted to support as the Minister for Health. I would like to see that program expanded. The seven successful school students were selected from 130 applicants to complete their certificate III, including 12 months of clinical experience at the hospital. I want to congratulate T'nyshe Fa'agase and Yean Te from Shailer Park State High School; Alexa Berry and Ella Firth from Trinity College; Mikayla Holyoake from Browns Plains State High School; and Kloe Schackow and Lydia Benea from Marsden State High School.

This program is run with the support of Metro South Hospital and Health Service, the Department of Education and Training, TAFE and the South East Health Pathways Alliance. I want to thank those groups for their contribution for creating education and employment pathways in health care for some of our youngest and brightest residents in the City of Logan.

SPEAKER'S STATEMENT

Member for Chatsworth

 **Mr SPEAKER:** Honourable members, this morning I called on the member for Chatsworth to withdraw comments I thought he made. I understand the member did not make the comments. The member withdrew the comments, as requested. He did not argue the point with me and, as someone said, took one for the party. I apologise to the member for Chatsworth.

Question put—That the House do now adjourn.

Motion agreed to.

The House adjourned at 7.13 pm.

From: CASTLE Vaughan
Sent: Monday, 19 September 2016 9:12 AM
To: ESR; HARRISON Daniella
Cc: Corro EHP CLLO
Subject: RE: HANSARD EXTRACT - Thursday, 15 September 2016

Hi Trin

All the tabled documents can be downloaded from the 'Tabled Papers' section of the Qld Parliament website.

<http://www.parliament.qld.gov.au/work-of-assembly/tabled-papers/online-tabled-papers>

Regards,

Vaughan



Vaughan Castle
A/Manager and CLLO
Cabinet Legislation and Liaison Unit
Department of Environment and Heritage Protection
P 07 3330 5133
M sch4p4(6) Per
Level 3, 400 George Street, Brisbane, Qld, 4000

EHPCLLO.Corro@ehp.qld.gov.au

From: LOWE Trinity **On Behalf Of** ESR
Sent: Friday, 16 September 2016 4:44 PM
To: HARRISON Daniella <Daniella.Harrison@ehp.qld.gov.au>
Cc: Corro EHP CLLO <EHPCLLO.Corro@ehp.qld.gov.au>
Subject: RE: HANSARD EXTRACT - Thursday, 15 September 2016

Afternoon Daniella

Your below email mentions an Adjournment by Mr Pyne – in which he mentions a paper he has tabled relating to an update on the Toogoom Rock Wall .

My research has lead me to Hansard on 13/09. – page 3361 (the town name is spelt wrong) what do we have to do to get a copy of that tabled document?

Cheers

Trin

13 Sep 2016 Ministerial Statements 3361

Member for Cairns (Mr Pyne)—

Document, undated, titled 'Queensland on the Rocks—The Toogoom Esplanade Rock Wall: An administrative fiasco'



Trinity Lowe
Senior Program Officer
Office of the Deputy Director General
Environmental Services and Regulation Division
Department of Environment and Heritage Protection
P 07 3330 5812

From: HARRISON Daniella
Sent: Friday, 16 September 2016 8:45 AM
To: Steven Miles (Steven.Miles@ministerial.qld.gov.au)
Cc: REEVES Jim; 'Philip.Halton@ministerial.qld.gov.au'; 'Peter.Spencer@ministerial.qld.gov.au'; Megan Surawski; 'Cameron.Mitchell@ministerial.qld.gov.au'; 'Eddie.Fraser@ministerial.qld.gov.au'; HANSARD EHP; Corro EHP CLLO; COLLINS Jodie; GRIFFIN Peter; Neil.Doorley@ministerial.qld.gov.au; Katharine.Wright@ministerial.qld.gov.au; Corro EHP CLLO
Subject: HANSARD EXTRACT - Thursday, 15 September 2016

Good morning,

Please note that there were discussions in the Parliament Sitting of **Thursday, 15 September 2016** which may be of interest to your Division/Region. These appear in Hansard. The topics are:

MINISTERIAL PAPER

Hon SJ Miles – Revocation of a State Forest Area – Page 3544

NOTICE OF MOTION

- **Hon SJ Miles – Revocation of State Forest Area – Page 3544**

MINISTERIAL STATEMENTS

- **Hon SJ Hinchliffe – Commonwealth Games, Nerang Mountain Bike Trail – Page 3552**

QUESTIONS WITHOUT NOTICE

Mr Furner – Solar Industry – Page 3557

Mr Pegg – Trade and Investment – Page 3558

SECOND READING

- **Hon SJ Miles - Health and Other Legislation Amendment Bill – Page 3603**

MOTION

Nil

PRIVATE MEMBERS STATEMENTS

- Nil

ADJOURNMENT

- **Mr Pyne – Toogoom Esplanade Rock Wall – Page 3629**

QUESTIONS ON NOTICE

The following questions were asked on Thursday, 15 September 2016. In accordance with the Standing Orders, answers are required by email to TableOffice@parliament.qld.gov.au by **Monday, 17 October 2016**.

1672 **MR CRIPPS** ASKED THE MINISTER FOR ENVIRONMENT AND HERITAGE PROTECTION AND MINISTER FOR NATIONAL PARKS AND THE GREAT BARRIER REEF (HON DR S MILES)—

With reference to all crocodiles removed by the Queensland Government, or its contractors, listed by local government area for each of the past five years—

Will the Minister advise how many of these crocodiles were (a) removed and released within the same local government area, (b) removed and released in another local government area and which one, (c) removed and euthanised and (d) removed and placed in a zoo, crocodile farm or other facility and where?

1704 **DR ROWAN** ASKED THE MINISTER FOR ENVIRONMENT AND HERITAGE PROTECTION AND MINISTER FOR NATIONAL PARKS AND THE GREAT BARRIER REEF (HON DR S MILES)—

Will the Minister provide a breakdown of the number of crocodiles removed by the state government, or contractors to the government, listed by local government area and year for the past 5 years?

1711 **MR MILLAR** ASKED THE MINISTER FOR ENVIRONMENT AND HERITAGE PROTECTION AND MINISTER FOR NATIONAL PARKS AND THE GREAT BARRIER REEF (HON DR S MILES)—

With reference to the government's commitment to provide \$1M from the Environmental Grants Program administered by the Department of Environment and Heritage Protection to assist individuals and groups with access to legal advice on planning and environmental matter—

Will the Minister advise with regard to funds distributed under the program the (a) name of the individual or group receiving funds, (b) date the individual or group received funds, (c) value of funds allocated to the individual or group receiving funds, (d) legal service providers paid to provide legal advice and (e) specific planning and environmental matters being pursued by the individual or group receiving funds?

The Hansard can be accessed by clicking on the hyperlink-

http://www.parliament.qld.gov.au/documents/hansard/2016/2016_09_15_DAILY.pdf

The latest Notice Paper which outlines the Order/s of the Day, Parliamentary Committees and Questions on Notice can be accessed by clicking on the hyperlink –

http://www.parliament.qld.gov.au/documents/tableoffice/notice_paper/2016/161011_NP.pdf

Questions on Notice and their respective answers can be accessed by clicking on the hyperlink-

<http://www.parliament.qld.gov.au/work-of-assembly/question-on-notice/online-question-on-notice>

Please advise if you wish to be removed from or added to our Hansard mailing list.

PLEASE NOTE: While the Cabinet, Legislation and Liaison Unit endeavours to identify and highlight all items or issues relevant to the Department of Environment and Heritage Protection, we suggest that a suitable officer review the record of proceedings on behalf of your business unit, to ensure that all pertinent information has been captured and is actioned as necessary.

Thanks
Daniella



Daniella Harrison

Cabinet and Parliament Officer

Cabinet and Parliamentary Services

Department of Environment and Heritage Protection

P 07 3330 5137

Level 3, 400 George Street, Brisbane, Qld, 4000

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From: Cameron Mitchell <Cameron.Mitchell@ministerial.qld.gov.au>
Sent: Monday, 23 May 2016 4:26 PM
To: DLO EHP
Cc: Danielle Cohen
Subject: FW: Wall and Safety Issues.

Hi Gary

Can we please have the Department note the following in MECS?

If additional matters that have not been previously addressed have been raised in the incoming, can dot points follow please. Otherwise matter to note only.

Kind regards



Cameron Mitchell

Caucus Liaison Advisor

Office of the Hon. Dr Steven Miles MP

Minister for Environment and Heritage Protection and
Minister for National Parks and the Great Barrier Reef

P 07 371 97342 M sch4p4(6) Persona

Level 13 400 George Street Brisbane QLD 4000

GPO Box 2454, Brisbane QLD 4001

Members you can book your Parliament caucus drop-in with Minister Miles Tue 4.45-5.45pm, Wed 4-5pm and Thu 4.45-5.45pm. We're looking forward to it.

We aim to respond to all caucus enquiries within 5-10 business days. If you require urgent advice, we're happy to help, but please let us know.

From: sch4p4(6) Personal information
Sent: Monday, 23 May 2016 4:59 AM
To: Maryborough Electorate Office <Maryborough@parliament.qld.gov.au>
Subject: Wall and Safety Issues.

Dear Bruce,

sch4p4(6) Personal information, I did not expect sch4p4(6) Personal inform to become involved in a debacle that could have been prevented by good honest, open and accountable government departments, who's job it is to administer the regulations. However after the State elections I did expect Ministers in the newly elected government to take action against the team of bureaucrats who have blatantly lied and gone to great lengths to cover up their miss deeds in the construction of the Toogoom Rock Seawall.

sch4p4(6) Personal information immediately after Ex Tropical Cyclone Oswald struck this part of the sch4p4(He is of the same mind set as my self that all levels of government must display honesty, integrity, accountability and be transparent in all of their dealings. There can be no straying away from these basic requirements. Any breaches of that public trust has to be exposed and those people involved held to account. I think you would agree that is not too much to ask of our elected members and their subordinates.

It is a sad indictment that parts of this government have been shown to be weak and lacking integrity when confronted with the overwhelming evidence of bending the truth to suite the circumstances and, ignoring the of lies and misconduct that has been presented to the appropriate departments. I don't have to go all over it again, it has been well documented. However there is a safety issue that cannot be ignored.

On my many frequent walks along the beach and the wall, I have witnessed many small and not so small children playing among the rocks unaware of the dangers that could befall them. Due to the constant exposure to salt water, many of the rocks in the lower levels of this wall have broken up, leaving large voids and cave like openings and some very unstable rocks above. I find it very hard to accept that Mr. Prenzler did not see these huge voids and the unstable loose rocks. Old saying "There are none so blind as those who do not want to see."

Now Bruce consider this scenario I put to you. A child is killed or seriously injured in a rock collapse on the wall. This will happen. It is not a case of IF but WHEN. The distraught parents of that child are going to seek justice and their pound of flesh from those involved in the wall. The evidence will show that you and the Minister together with the bureaucrats and members of the FCRC administration were aware of the situation and did nothing. The evidence will also show the cover up that went on to deny honesty and transparency at all levels of government. This Labor Government and the FCRC are now firmly stuck in this mess.

sch4p4(6) Personal information

sch4p4(6) Personal information

I hope he will visit our dangerous embarrassment and prepare a report on his findings.

Bruce I invite you and Minister Miles to come to the wall site and I will show you the evidence first hand.

I look forward to your response.

sch4p4(6) Perso

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