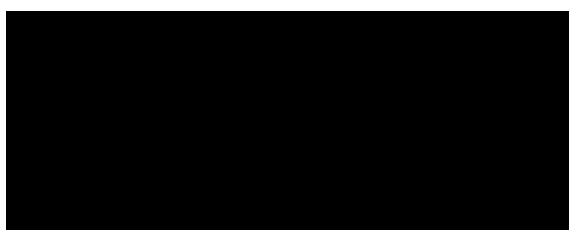


Submission to Tax Deductible Gift Recipient Reform Opportunities

Discussion Paper 15 June 2017



Maria Riedl



Submission to Tax Deductible Gift Recipient Reform Opportunities

Thank you for the opportunity to submit and for the extension.

My name is Maria Riedl and I have submitted to numerous inquiries both verbally and in writing over the last 15-20 years because of the fact that the small person, communities are not listened to and the harm to our environment just keeps on keeping on! I feel compelled to highlight a few relevant points because there appears, yet again, to be a concerted effort by vested interests to undermine the very protection of our silent beleaguered long-suffering environment.

Holding government and corporations to account for the destruction of our natural environment and the pollution of our waters and air and lands is the primary goal of environmental laws. When environmental laws are purposefully weakened as they have been on numerous occasion by politicians who deny climate science, who deny the limitedness of our natural resources and their very donors or by vested interest such as the Minerals Council, the Farmers lobby, recreational fishermen and others, to allow the rape and pillage of what we value is simply unacceptable.

I am certain that you will recall the many proposals that were almost enabled because of the purposeful politically motivated alteration of environmental laws:

1. the almost delivered Franklin Dam, saved by last minute World Heritage listing (for now),
2. the logging and mining of the extraordinary Tarkine Wilderness because of the failure to give it World Heritage Protection as advised by the Australian Heritage Committee,
3. the continuous intrusion into World Heritage areas by private tourism ventures,
4. cattle into Queensland and Victorian National Parks utilising the word ‘drought’ ‘heritage’ as the excuse to allow this, this is not sustainable development
5. the refusal to ensure that enough water is returned to the still over-allocated Murray Darling Basin because of theft of water, because of useless metering, because of vested lobbyists and even the denial of the need for environmental water by the Federal Environmental Water Minister Barnaby Joyce (over and over again-I have literally heard him say to irrigators that “they will take your water”- he said it just last week and the week before!)
6. the Bell Bay pulp mill in Tasmania’s Tamar Valley without a social licence; both the Tasmanian government and Gunns, wanted to build the largest pulp mill, a mere 800m from vineyards, farmers, organic producers, aqua culturalists, residents etc
7. at the moment we have this push by both Federal and State government to allow Adani’s Charmichael mine to mine coal near the Great Barrier Reef World Heritage area, and this includes shipping it overseas to burn for electricity totally ignoring the GHG effects because it is ‘over there’ and ‘they need electricity’ and fail to include the impact of shipping on this fragile world protected area-what about renewables?
8. The Minerals Council ‘Pre-budget submission 2017-18 to Treasury January 2017 states the following: 1. they cry poor stating that the 30% company tax rate and

royalty payments (54.3% total) is too high and ask that it be reduced to 25%, this though we the people of Australia own these resources 2. they don't like delays and uncertainty and want a 'one-stop-shop' and want to restrict anti-mining groups stating they mis-use tax-deductible donations to disrupt and delay, 3. state the International Energy Agency projects that by 2040, Australia's coal exports will grow by 18% and hint at uranium industry growth 4. they say that mining can coexist with farming etc though it has been proven that it can't due to water issues and land and social and community resistance issues, 5. they have succeeded in altering the Native Title Act to make it less onerous for them to get Indigenous approvals knowing full well that there are usually multiple groups with interests in an area etc etc etc

9. Okehampton Tassal fishfarm just approved though it does not have a social licence and the abysmal record of Macquarie Harbour Tassal fish farms which are in court right at this minute because they have knowingly polluted the adjacent World Heritage area for the sake of profits \$\$\$\$\$\$

10. the destruction of Aboriginal middens by 4 wheeler drivers and illegal quad bikes using an illegal barge to ferry them across on the West Coast track in the Arthur-Pieman Conservation Area, with the Tasmania government doing nothing of consequence basically arguing that it supports 'sensible recreational access' and the Federal government the same. This, though there is a Federal ban and both the Tasmania government and those acting illegally are in breach of the laws

As you can see, I could just keep going on and on and on with actions that are being ignored by politicians, government, vested interests and those who simply don't care what happens to our natural environment.

The **2016 Australia State of the Environment Report** basically states that there are areas 'where the condition of the environment is poor and/or deteriorating' where the key drivers are population growth and economic activity and there is thus a requirement to limit impacts otherwise there will be 'immediate and long-term negative consequences for the environment.' It states that the pressures are the same as in 2011: climate change, land-use, habitat fragmentation and degradation, and invasive species, with the threats amplified because of cumulative impacts.

Increased pressures such as those 'associated with coal mining and coal-seam gas, habitat fragmentation, and degradation, invasive species, litter in our coastal and marine environments, and greater traffic volumes in our capital cities.'

I recommend you take a look at this piece of work which is no longer available to the public in hard copy restricting who can read it and use it of course. This is totally unacceptable yet again but is designed to limit the public's access to information so they have no knowledge of what is actually going on around Australia in terms of mining, water, land, farming, forestry, etc etc. It must be made available in hard copy immediately.

I am sending you a copy of '*Access to Environmental Justice*' by Felicity Millner just one of many publications on the fact that:

Environmental justice is an important aspect of social justice. Regulation of the environment and decisions about development and environmental policy impact upon our quality of life by influencing and affecting our health, as well as that of our urban and natural environments, and the availability of and access to natural resources.

Disadvantaged members of society typically bear the brunt of environmental impacts of human activity. Therefore, an essential part of attaining social justice is enabling members of the community who will be adversely affected by these impacts to participate in and have rights of review in relation to the making of environmental laws, decisions about land use and development and enforcement of environmental laws.

What is environmental justice:

1. recognition of expanded moral community affected by ecological risk
2. participation and critical deliberation by citizens and representatives of larger community-at-risk in all environmental decision-making
3. precaution to ensure minimisation of risk in relation to the larger community
4. fair distribution of those risks
5. redress and compensation for those parties who suffer the effects of ecological problems

There must obviously be the ‘ability of individuals and communities to access opportunities for participation’ and this can be in the form of donating to environmental charities so that our voice is not lost in the wilderness or ignored by those with money to burn and the means to run adverse campaigns to denigrate us as “greenies” etc as do the Minerals Council and Mr Barnaby Joyce and Mr Abetz to name just a few who utilise name calling and mis-direction to alter environmental protection laws and now requesting the same of Treasury. This is an orchestrated and very obvious hunting down of environmental groups so they cannot do what we are depending on them to do: stand up for the silent environment and for us the community who wants it protected for not just this generation but the next!

The following are a few pertinent articles on why we need our environment groups to lobby for us on all levels and ensure environmental laws are not weakened by vested interests and weak politicians and even you the Treasury. This is a witch hunt.

I personally donate to these each month and have been doing so for years and I help out when I can:

1. Tasmanian Land Conservancy
2. Tasmanian EDO
3. Australian Environmental Justice

4. NSW EDO
5. Tasmanian Wilderness Society
6. Lock the Gate
7. Environment Victoria
8. Bob Brown Foundation
9. Environment East Gippsland

and others when they ask because they do what I do not have the time and at times the energy to do.

Simply put, I request that you do not alter how environmental charities can spend my donations. They are conducting perfectly legal activities that I take part in when I can. The idea that you would FORCE all environmental charities to spend up to half their money on 'remediation' like weeding and planting instead of advocating for the environment in any manner they see fit is a clear attempt at nobbling charities that are holding governments and corporations to account for the destruction of our nature and polluting our water, air and lands. This is extremely unacceptable and reprehensible.

This is a clear attempt by vested interest groups such as the Institute of Public Affairs, the Minerals Council, the VFF and the NFF and politicians who just want to silence those of us who see destruction and greed and power as their driving force. Restricting my environmental charities is totally wrong, totally uncalled for and is a serious blow to our democracy.

1. I ask that each organisation be able to set their own priorities making an informed assessment of the which environmental outcomes they are seeking and determine if this can be achieved through on-ground work or advocacy. There must be NO restrictions and I oppose any emphatically.
2. I am a member of the community and I expect environmental groups to be strong advocates for environmental outcomes and this is why I donate to them.
3. Preventing harm, using the precautionary principle and the principle of inter-generational equity can surely be achieved/ maintained by strong effective environmental policies and if this is not happening then this is surely what an environmental group must do is advocate for a more effective and strong policy. This is just so much better than trying to fix environmental damages in the future. Look at the impacts of climate change, of coal mining/burning. coal-seam gas, uranium, all fossil fuel forms of energy and how they are mined, what legacies they leave etc. It is a fact there are 60,000 abandoned mines in Australia, and of these there are a huge number which leak and pollute and are still leaking and polluting our lands and water ways. A prime example is King River and the Queen River and Macquarie Harbour in Tasmania!! the River is dead!

4. Do you really want to set in concrete poor environmental outcomes by not allowing advocacy? Do you really? Is this fair and reasonable? Is it fair that the Minerals Council has the loudest voice, the VFF, the NFF and politicians who still don't accept the science of climate change, who simply want to proceed in a business-as-usual manner? I really don't believe that you accept this. We, the people must have a voice and that is why we have advocacy in environmental groups as well as on ground work. Have a close look at the recent Senate Inquiry into mine rehabilitation!!! And you want to allow the mining companies to have more of a voice than us and our natural environment? Really?!
5. On-ground remediation is not the only solution, it must be accompanied by advocacy for good, effective, long-term environmental goals, We simply cannot allow industry to regulate themselves. Please remember the 60,000 abandoned mines and those that are in fact in 'care and maintenance' which are not being rehabilitated, those which are sold to 'minnows' to get out of rehabilitating their messes. In fact we need advocacy to stop government, politicians, corporations from taking advantage and putting profits above our health and our natural environment. Remembering we need a healthy and thriving environment for us to survive as well as nature to survive. Restricting advocacy will bring about the demise of this planet if left to people like Mr Joyce who advocates for ripping up the Murray Darling Basin Plan because it stops corporations from growing more almonds, walnuts, rice, cotton and using up all the water leaving nothing for the environment. In fact he has stated this just recently and he blamed the 'greenies'.
6. Remediation and advocacy go hand in hand because the funding received is attained through advocacy. Surely we aren't just to be planting trees? As I have stated, the Franklin Dam would have been built, flooding a World Heritage River and area if it were not for advocacy that showed that some actions, projects are not to be allowed because of the impacts which in fact are cumulative. What happens in our part of the world impacts what happens in the rest of the world. surely that is just common sense. If our decision-makers are getting donations from big multi national corporations that advocate for weak ineffectual one-stop shop type environmental laws then guess what will happen. Doesn't take a lot to look at serious consequences. In China's capital they can't breathe and in other parts of the world it is the same, there is hunger and famine as a result of the greed of corporations and developed governments which has resulted in the expansive use of fossil fuels resulting in man-accelerated climate change. The poles are melting, the Antarctic had a huge ice shelf break off not long ago. What more do you need?

I totally reject the idea that environmental groups should be forced, prescribed to spend a certain fixed % of their funds on remediation. It is up to them to advocate, to remediate as they see fit. Some do more of one thing than the other but all are needed, and all should be able to set themselves to the tasks at hand and not be boxed in by vested interests who simply care about their shareholders, or politicians who seek power and government! Surely that is up to companies who made the messes: forestry, mining, farming, irrigations etc!

Have a read of the following articles and please attach the Extra email I send. Maria Riedl

Big mining moves in on the Tarkine

Updated: 31 July, 2015

<https://www.wilderness.org.au/articles/big-mining-moves-tarkine>



For many years, we have been working to protect the Tarkine from the logging industry's chainsaws. The Tasmanian Forest Agreement provides hope for an end to this logging soon, but in the meantime a serious new threat has emerged.



For many years, we have been working to protect the Tarkine from the logging industry's chainsaws. The Tasmanian Forest Agreement provides hope for an end to this logging soon, but in the meantime a serious new threat has emerged.

The mining industry has its sights set on the earth beneath the Tarkine, and the forests, rivers, heathlands and wildlife of this region are once again under siege.

With metals prices soaring, the prospect of digging up the tin, iron and zinc beneath the Tarkine has moved from being a marginally profitable operation to being highly attractive to both mining multinationals and governments.

For two years, local activists have been fending off the growing list of mining companies laying claim to the Tarkine. Right now, there are 59 mineral exploration licences and at least ten proposals for Pilbara-style open-cut mines across this remote and pristine wilderness.

Venture Minerals: a giant tin mine

The next company to launch an assault on the Tarkine will be West Australian-based Venture Minerals. Plans currently before the Federal Environment Minister involve gouging a mine through the Mount Lindsay rainforest that would be 1.5 kilometres long and 200 metres deep.

This enormous pit would be surrounded by tailings dams, rock dumps and infrastructure, disturbing an area of more than 10 square kilometres – the equivalent of 420 Melbourne Cricket Grounds.

Not satisfied with one mine in the Tarkine, Venture Minerals has also announced they'll fast-track iron ore mines at Stanley River and Riley Creek. Iron ore mines are

cheaper to establish than tin mines (\$3 million versus \$150 million) and Venture Minerals plans on having both of these mines operational by early 2013.

Current damage in 'protected areas'

While these mines pose a massive future threat to the future of the Tarkine, the damage has already started. Right now, bulldozers are building new tracks and clearing drilling pads in remote wilderness areas, ripping up the forest floor and opening up avenues for the spread of weeds and the deadly Tasmanian Devil facial-tumour disease.

Shockingly, many of the proposed mines are slated for supposed 'protected areas' – areas like the Arthur-Pieman Conservation Area that, according to the Government, has "significant natural and cultural values". These areas are protected from logging and hunting, and there are restrictions around 4WD use, camping and bringing your dog – but miners get free reign?

The Tarkine needs formal, legislated protection as a national park or reserve. With your support, the Wilderness Society will be working hard to achieve just that. It's up to all of us to ensure that future generations have the chance to marvel at the rainforests, tall-wet eucalypt forests and blackwood swamplands of this special region.

Tarkine quad bikers should be prosecuted, access closed, Wilderness Society says

By [Natalie Whiting](#)

<http://www.abc.net.au/news/2017-06-01/tarkine-quad-bike-pair-should-be-prosecuted-wilderness-society/8580706>

Fri 2 Jun 2017, 1:45pm

VIDEO: [Quad bikes at the Tarkine](#) (ABC News)

RELATED STORY: [Tarkine's ancient history 'should qualify area as national park'](#)

RELATED STORY: [Push to reopen 4WD tracks sparks fears for Aboriginal heritage sites](#)

MAP: [Arthur River 7330](#)

The Wilderness Society has called on the Tasmanian Government to prosecute two people seen driving quad bikes through an area of the state's north-west coast that has been closed to vehicles for five years.



PHOTO: This barge appeared to have been used to ferry the quad bikes to the area. (ABC News: Natalie Whiting)

The section of tracks in the Arthur Pieman Conservation Area was closed in 2012 to protect [Aboriginal heritage in the area](#).

The State Government has been trying to reopen the tracks but has been stalled by court action taken by the Tasmanian Aboriginal Centre. The proposal to open the tracks will now go to the Federal Environment Minister for a decision.

Members of the Wilderness Society and the Tasmanian Aboriginal Centre were in the area collecting rubbish and documenting heritage sites when the quads drove past this week.



PHOTO: Quad bikes tracks on the coastline of Arthur-Pieman Conservation Area, Tarkine, Tasmania. (Supplied: Francois Fourie)

Wilderness Society spokeswoman Vica Bayley said there was "deep frustration and indeed an anger" people were still disrespecting the area's cultural heritage.

"Despite the fact that driving on these tracks is illegal, despite the fact that that has been confirmed by the Federal Court, and despite the fact that there has been protestations from the Aboriginal community ... you still get people who are willing to break the law and drive across these areas."

The vehicles appeared to have reached the coast on a privately-owned barge.

The Wilderness Society has written to the Federal Environment Minister calling for action.

"Tasmanian Environment Minister Matthew Groom needs to take a number of steps. He needs to investigate and prosecute the people who are illegally accessing this area," Mr Bayley said.

"He needs to take action to remove a barge that is facilitating access to the area and breaking the law."

Both the Wilderness Society and the Tasmanian Aboriginal Centre are opposed to the plan to reopen tracks in the area.



PHOTO: Quad bikes ride through an area closed to vehicles. (ABC News: Natalie Whiting)



PHOTO: Tracks left by the quad bikes seen driving through the area. (ABC News: Natalie Whiting)

Doing all we can: Environment Minister

The State Government said it remained committed to allowing responsible recreational access while protecting heritage in the area.

When questioned about the quad bikes in Parliament, Minister Matthew Groom said people engaging in illegal activities that damages cultural heritage was "unacceptable".

"We have sent a clear statement of the importance for people to abide by the law, to abide by the injunction that is currently in place and we remain absolutely committed to doing all we can to ensure that there is proper monitoring," he said.

"We are doing all we can to monitor and hold people to account for any illegal activity that occurs in these areas."

Mr Groom has previously said when questioned about people illegally driving in the area that action is being taken.

"There are currently a number of live investigations, there have been a number of infringement notices that have been issued and that's consistent with years gone by."

Mr Groom admitted "to be honest, this has been an ongoing area of concern".

The State Government said it was also moving legislation to increase penalties for people who damaged Aboriginal heritage.



PHOTO: Quad bikes tracks on the coastline of Arthur-Pieman Conservation Area, Tarkine. (Supplied: Francois Fourie)

Mineral boom brings wilderness gloom – a question of balance in the Tarkine

<http://artsonline.monash.edu.au/dangerousground/mineral-boom-brings-wilderness-gloom-a-question-of-balance-in-the-tarkine/>
September 23, 2013

By **KIMBERLEY CROXFORD**



Tarkine rainforest at Mt Lindsay

ON THE slopes of Mt Lindsay in Tasmania's Tarkine wilderness, Ruth Groom runs her hand over a myrtle tree's huge trunk, soaking in the magnificent rainforest. Below her feet, buried deep, is one of the largest undeveloped tin resources in the world. Groom, who works for the Wilderness Society, is one of many environmental campaigners arguing against further mining in this part of Tasmania's northwest. Meanwhile, exploration company Venture Minerals plans to develop a world-class tin and tungsten mine on the site where she is standing. Venture has applied for a total lease area of 1029 hectares (about 515 times the size of the Melbourne Cricket Ground) to develop the Mt Lindsay mine, which would contain a 40-hectare open-cut pit 220 metres in depth. "The impact is massive. The area will never have the same biodiversity," says Groom.



A patchwork of mineral exploration at Mt Lindsay. Photo: Brent Melton

Mt Lindsay is one of multiple new mines of various sizes proposed for the Tarkine region, leaving Tasmania with a choice to be made. The state is faced with potentially sacrificing a unique wilderness area to entrench its mining industry, or ensuring the Tarkine's preservation, possibly at the expense of significant investment in Tasmania during the current mineral boom.

The decision comes at a particularly sensitive time. Tasmania's economy is the weakest in Australia and its unemployment rates are the highest in the country, particularly in the northwest. The Tasmanian Chamber of Commerce and Industry's chief economist, Phil Bayley, cites a number of contributors to Tasmania's struggles – including job losses in manufacturing and forestry, and long-term issues such as an underperforming education system at both school and tertiary level. "Money won't necessarily fix it," he says. "There are no silver bullets. But there are opportunities and the mining sector is one of them."

THE Tarkine is an expansive wilderness region renowned for its contrasting, connected landscapes. It contains the largest cool temperate rainforest in Australia – the second-largest in the southern hemisphere. The rainforest's flora is of ancient descent and can be traced to the continent of Gondwana, which existed hundreds of millions of years ago. Similar rainforest once dominated the southern hemisphere, but now only small tracts remain in southern parts of Australia, as well as New Zealand, Siberia and North America.

The Tarkine showcases rarities of geological significance, such as magnesite karst caves. Its tall eucalypt forests are home to the endangered wedge-tailed eagle and threatened owls. Its commanding coastline supports white-bellied sea eagles and

significant Aboriginal relics; and the abundant waterways are home to the giant freshwater crayfish, the largest freshwater invertebrate in the world. Its vast buttongrass plains are home to diverse ecosystems, and the Tarkine is also the last area where the state's endemic Tasmanian devil survives free from the devil facial tumour disease.

The wilderness area between the Arthur River and the Pieman River was nominated for permanent national heritage listing last year. The Australian Heritage Council recommended 433,000 hectares of the Tarkine be recognised for outstanding heritage values. Former federal environment minister Tony Burke rejected the full recommendation, but listed a strip of 21,000 hectares along the coast, to protect Aboriginal heritage.

The chair of the Australian Heritage Council, Carmen Lawrence, has publicly voiced her disappointment with Burke's decision. She says those who deny the Tarkine's value misjudge the diligent nature of heritage assessments. "They must have their eyes closed and ears plugged. The evidence is there too, it's not just a matter of sentiment."

The extensive area recommended for heritage listing is largely untouched by human activity, besides the extremely small-scale mining and selective logging of early prospectors. "We were very careful not to include areas of degradation," Lawrence says.

Lawrence warns that by refusing to acknowledge the Tarkine's heritage values, Australia risks losing a rare gem. She says the Tarkine is of international significance and to damage it would be a global tragedy. "It has unique biodiversity and a history that is global in its import. That's why people have suggested that it should be World Heritage listed. The Kimberley has similar character."



Savage River pit in the Tarkine. Photo: Brent Melton

Some opponents of the heritage recommendation were concerned that a listing would exclude mining from the area and threaten the 581 employees at Grange Resources' Savage River mine, located at the centre of the Tarkine. But Lawrence

clarifies that existing mining operations were omitted from the heritage recommendation. She says views that mining would be excluded are incorrect. “When people talk about locking things up they are misreading the legislation. These listings are not a barrier to other activity.”

Instead, a national heritage listing requires that an area’s values be duly considered when proposals are brought to the table. Lawrence says the Tarkine’s irrefutable values should be properly recognised. “If you wanted to mine under the Opera House you would be told to go away.”

But the state government argued in a [submission](#) to minister Tony Burke that heritage listing the Tarkine would have a significant impact on investment in the state. Interest in northwest Tasmania’s mineral resources has increased considerably with a rise in metal prices. The government said “increased approval times” resulting from heritage listing would complicate access to resources and encourage companies and investors to source minerals overseas instead. The government’s submission cited multiple expressions of concern from existing and interested mining companies, including established miners worried that a listing would prevent them expanding or adapting their operations.

The largest of the new mining proposals currently on the table are Shree Minerals’s recently reapproved [iron ore project](#) at Nelson Bay River (its original approval was [challenged](#) and overthrown in the Federal Court because of concern for the Tasmanian devil) and Venture Minerals’s Mt Lindsay tin/tungsten mine.

Shree [estimates](#) that its iron ore mine would employ 125 full-time workers, including contractors, and return about \$80 million a year. Venture Minerals predicts that its Mt Lindsay mine would employ 1000 people for eighteen months, then sixty employees from then on, and [claims](#) that the project would produce about \$100 million a year for the Tasmanian economy.

The Tasmanian Minerals Council chief executive officer, Terry Long, says that if new mining projects don’t come to fruition the northwest would lose a substantial opportunity. He stresses that indirect benefit should also be considered. Long says that a [survey](#) commissioned by the Tasmanian Minerals Council found that mining and mineral processing operations spent \$800 million on goods and services in Tasmania in 2010–11. “If mines want electrical material, pipes, design and construct engineers, freight, someone to clean the offices – they contract that out. That is why [mines] are important to a regional economy.”



Mineral exploration at Mt Lindsay

Of Venture Minerals's three projects currently proposed – Mt Lindsay plus the Riley Creek iron ore mine and the Mt Livingstone hematite mine – two will be totally exhausted in two years and are intended to fund the major Mt Lindsay project.

The company's bankable feasibility study of the proposed Mt Lindsay mine identifies a nine-year mine life based on presently known resources at current mineral prices.

But Long emphasises that the Mt Lindsay mine's predicted lifespan is not necessarily a maximum. He says because mineral exploration is an expensive undertaking, it is standard for companies to lock in a shorter period, then expand.

A director of the Tasmanian Minerals Council, geologist Kim Denwer, says that there is no way of determining for sure a mine's longevity, as the operations are dependent on a finite resource. But he says the impressive lifespans of existing mines on the west coast are indicative. "One of the things Tasmania is very spoilt with is tremendous ore bodies. In the mid 1980s, the Rosebery deposit was known to have twenty million tonnes, but in the last thirty years an additional thirty-four million tonnes of ore has been discovered."

Denwer acknowledges that a mine's endurance is also dependent on fluctuations in metal prices. "The Renison mine on the west coast has opened and closed in the last ten years with the major fluctuations in the tin price," he says. But Denwer believes that the currently high tin price will be sustained for a considerable period, now that Europe has banned lead solder in its electrical products. "The only alternative to lead solder is tin solder," Denwer says.

The Tasmanian Minerals Council believes that the resource base in northwest Tasmania is one of the most promising in the world for its size. Denwer says the northwest has a rare opportunity to benefit from the new demand for metals such as tin and tungsten, because of its diverse selection of minerals. "The iron ore deposits of Western Australia are probably worth more, but here we have so many different elements enriched in the crust," he says.

The state government's submission to the federal environment minister stated that if a heritage listing prohibited new mines there would be an eventual decline in the mining industry. Denver agrees that despite the typically long life of Tasmania's existing mines, new mining is essential for the industry's advancement. "Growing the business and replacing old resources – that's where the Venture and Shree projects are the future of the mining industry."

Seventy-three per cent of the state's mining industry operates on the west coast, and largely supports mining towns such as Queenstown, Waratah, Tullah, Rosebery, and Zeehan. According to economist Phil Bayley, the total mining sector added \$402 million to the Tasmanian economy in 2011–12. Tasmanian resources minister Bryan Green told the *Mercury* that mining royalties are now ten times more valuable to Tasmania than they were a decade ago.

THE Australian Workers' Union, or AWU, has held two rallies in the northwest in support of mining – rallies explicitly supported by the state government. The first assembly saw people gather in Burnie, the west coast's port and urban centre, in November last year. Pro-mining supporters congregated again on 25 May in Tullah, a small community of 250 nestled amid rocky mountains on the fringe of the Tarkine. The AWU, through its campaign Our Tarkine, Our Future, has accused those fighting for the protection of the Tarkine of trying to shut down the mining industry. Signs reading "Unlock Tasmania, lock up the Greens," "Get rid of Green parasites before they destroy Tasmania" and "Save the Tassie miner from extinction" were raised at Tullah. Rosebery miner Kim McDermott told the crowd that protection of the area would render the region an "economic wasteland."

Conservationists have stated repeatedly that they are not opposed to existing mines like Savage River. Winding her car through the mountains towards Tullah, the Wilderness Society's Ruth Groom emphasises that her desire to protect Tasmania's natural assets does not signal a disregard for the people of the northwest. "I'm from the northwest. I'm a Burnie girl who grew up here and I certainly feel very deeply for the people of the west coast," she says, "People are desperate for economic opportunities."

Passionate about Tasmania, Groom accepts that mining is part of the west coast's future, but she hopes for a transition towards renewables on a broader scale. "The Tarkine is just a completely inappropriate place for mining. At some point we are going to have to find alternatives anyway, because we are relying on finite resources."



Abandoned mining area near the ghost town of Luina

AT THE abandoned Mt Cleveland tin mine, near the ghost town of Luina in the Tarkine, the gurgling, polluted streams stink of sulphur. The underground mine, closed in 1986, is currently leaching acid from its former tailings dam into the Whyte River, causing a six-kilometre dead spot that supports no aquatic life. Bright Phase Resources – an Australian mineral resource development company – has proposed a new project to extract additional tin from the Mt Cleveland mine and rehabilitate it. Mancala, another mining company, is looking to re-mine and rehabilitate a legacy site at [Burns Peak](#).

Scott Jordan, of [Save the Tarkine](#), supports proposals to re-mine and remediate previous mining sites in the area. He says the projects would deliver economic benefit and a substantial number of jobs, without affecting undisturbed areas. “Where we draw the line is new mines in wilderness areas creating entirely new legacy issues.”

But Tasmanian economist Bruce Felmingham, in a [report](#) commissioned by the Tasmanian Minerals Council, argues that if the mining industry does not grow as predicted – a growth dependent on new prospects – it may not have the same capacity to replace existing mines. Felmingham believes significant growth in mining could also absorb some of the impact of the eventual closure of the state’s existing mineral processors, which have [acknowledged a decline](#). “I don’t know of any economy in the world that is not making some kind of transition right now – it’s not unique to Tasmania. Tasmania’s transition probably means the phasing out of the current mineral processors. But it also means we need to replace that loss in production.”

Environmental campaigners have proposed developing tourism as an economic alternative to mining in the Tarkine. The [Tourism and Transport Forum](#) – an industry group – [says](#) that tourism is an important industry in Tasmania, directly employing about 15,000 people. The forum’s director of research and strategy, Adele Labine-Romain, says tourism contributes about \$2 billion annually to the state’s economy,

driven by Tasmania's nature-based product, which differentiates it from other states. There is an increasing sphere of tourism dedicated to the preservation of the environment.

Tourism in the northwest is underdeveloped compared with other regions. In 2008, the [Cradle Coast Authority](#) – an organisation created by the northwest's nine councils – identified a huge potential for tourism in the Tarkine. It developed [the Tarkine Tourism Development Strategy](#) based on market research and investigations of latent demand. It found that the Tarkine had an “unrivalled opportunity to ‘raise the bar’ in responsible, ecologically sustainable tourism.” The study recognised that “the primary attributes of the Tarkine... are increasingly scarce in the modern world,” and argued that, if developed correctly, the area had the potential to attract international attention.



Myrtles tower above trekkers in the Tarkine

Modelling found that if “a menu of meaningful, high quality visitor experiences,” were created, tourism in the Tarkine could generate \$58.2 million per year and provide 1100 jobs, as long as the required infrastructure was developed. The study recommended that nature tourism be complemented by local produce, to provide food and wine experiences, and predicted that flow-on effects could considerably boost local communities. Cradle Coast Authority executive chairman Roger Jaensch says the 2008 assessment of the Tarkine's potential is still applicable, as results were based on long-term projections.

Jaensch is confident that the Tarkine could complement established destinations on the west coast, like Cradle Mountain, the Gordon River and Macquarie Harbour. He says the Tarkine's unique immensity and diversity distinguishes it from existing

nature-based tourism developments in Tasmania. “The Tarkine has a juxtaposing range of appeals. That assemblage of things doesn’t happen in too many other places.” He also believes that the Tarkine’s variety of landscapes has the potential to provide attractions year-round in a traditionally seasonal industry. “On the coast when it’s wild, there is a whole different raw, powerful experience associated with winter that we haven’t tapped into yet,” he says.

[TARKINE Trails](#) is a long-running tourism business operating in the Tarkine. Current owner Greg Irons bought the business after his first encounter with the Tarkine’s ancient beauty and majesty changed his life. “You leave there after a few days and it just feels wrong that you are wearing clothes,” he says, “You drive around the streets thinking, ‘What the hell have we done?’ This is a place that native Australians lived in for 40,000 years without leaving a footprint and look what we’ve done to Australia in 200 years.” Irons says he is yet to meet anyone who didn’t feel wonderment on experiencing the Tarkine. “I think everyone would appreciate the world a lot more should they get a taste of the Tarkine.”

So with this unique opportunity in plain sight, why hasn’t tourism been developed to its full potential? Irons cites tenure and investment security as critical factors. He says that previous owners had to relocate Tarkine Trails’ six-day walk because of mineral exploration tenures, a move that cost them thousands of dollars. Since then, Irons has invested around \$250,000 in a Tarkine camp.

Irons already owned a successful wildlife shelter, Bonorong, when he decided to invest in Tarkine Trails in order to expose people to the Tarkine’s conservation value. He believes no one pursuing a tourism business for commercial purposes would have taken such a risk. “No one in their right mind would do what I have done – put that much money into a camp that is under mining tenure. I could be told to leave in two weeks and I wouldn’t have a leg to stand on,” he says.

Irons says uncertainty surrounding whether nature tourism’s product – the natural environment – was being properly managed could also cause reluctance to invest. He says eco-tourists are equally discouraged by the perception that the environment is being degraded. “It can become a very sad experience.”



Colours of the old growth rainforests of the Tarkine

In its submission to the federal environment minister, the state government stated that tourism investors would be deterred by further environmental regulations in a similar way to mining companies. But the owner-operator of the Tarkine Wilderness

Lodge, Maree Jenkins, argues that most nature-based tourism businesses would be willing to jump through some initial hoops to ensure that their long-term product, the natural environment, was being preserved. “I’m more worried about mining activities than I am about it being made national heritage,” she says. “Without the forest we’d just have a lodge stuck up on top of a hill.”

But the state government says “it is highly unlikely that [tourism] would be able to replace the value of the existing industry, especially mining, in the short to medium term.” Economist Bruce Felmingham agrees. He says mining also provides opportunities for high-salary-earning knowledge workers, like engineers, whereas tourism does not. Felmingham suggests that knowledge workers migrating to Western Australia and Queensland in pursuit of major mining operations may be drawn back to Tasmania. He says attracting high-salary earners could help the state transition to support a “managerial class.”

“The thing we miss here in Tasmania is that head office culture,” Felmingham says. “Getting those higher incomes involved is an essential issue for our future.” But he insists that tourism and industry must coexist in a healthy economy. “It’s got to be a co-tenant. Diversity of industry is the argument here.” He also says that the pursuit of economic benefit shouldn’t eclipse environmental consideration. “I support mining in the Tarkine and I don’t agree with a blanket ban. But I’m not going to support a massive open-cut mine that is going to destroy the wilderness.”

Felmingham believes that the Tasmanian forestry peace deal – the result of a long-running war – was a positive outcome, but he hopes to avoid a conflict of that scale over mining. “People are just going to have to find a new way of looking at these issues. Another war like the forestry war is beyond us.” He says new land-management agreements could help strike a much-needed balance between tourism, industry and conservation. “This is an opportunity to revisit an area and designate it down to areas used by industry and areas that are not.”

The Cradle Coast Authority’s Roger Jaensch echoes this sentiment. “We should be smart enough in this day and age to manage a range of different land uses without them compromising each other unduly,” he says. “It does rely on there being specific, unique, vulnerable things being protected. We don’t believe there needs to be a blanket exclusion of other land uses, but we need to ensure that we don’t compromise values that have already been identified. If mining can be done without damaging irreparably things that can’t be replaced, good on it.”

THE state government maintains that a balance has already been struck within the Tarkine region. Premier Lara Giddings told the ABC and the AWU rally at Tullah that a balance had been realised in that only one per cent of the Tarkine was open to mining.

Venture’s three project leases (Mt Lindsay, Riley Creek and Mt Livingstone, occupying 1,824 hectares combined), Shree Minerals’s assigned 778-hectare lease at Nelson Bay River, and Grange Resources’s existing mining leases do equal about 1.8 per cent of the 433,000-hectare area recommended for heritage listing.



The Tarkine from Whyte Lookout

But Save the Tarkine says that Mineral Resources Tasmania's records show that there are currently fifty-eight mineral exploration licences across the heritage-nominated area, leaving about 70 per cent of the Tarkine under mining tenure. According to Mineral Resources Tasmania – a division of the Department of Infrastructure, Energy and Resources – Venture Minerals's total tenure alone equals nearly 300 square kilometres, or 30,000 hectares – about 7 per cent of the recommended heritage listing.

Venture – which is listed on the stock exchange – has already identified several other prospects in [ASX reports](#) to investors, suggesting the area is a “province of tin.” Last year Venture discovered significant resource potential at a new location dubbed Big Wilson, six kilometres from Mt Lindsay. In March this year the company found another potential hotspot called North Cashbolt a few kilometres north. It has also identified potential at Contact Creek, much further north of Mt Lindsay (which is situated in the south of the region). This prospective resource lies almost adjacent to the Savage River mine – located in the middle of the Tarkine.

Resources minister Bryan Green [told](#) budget estimates hearing on 5 June that he was confident the mines would go ahead. He said he hoped Venture's proposed projects, including Big Wilson, would be approved – suggesting that expansion beyond Venture's original three projects' footprint would be encouraged.

Premier Lara Giddings told the ABC that “most of the area is already under some form of reserve.” The Tarkine contains a variety of reserves, predominantly regional and multiple-use reserves, as delegated by the [Tasmanian Regional Forest Agreement](#) of the 1990s.

Much of the area is protected from forestry, but mineral exploration is technically permitted across 96 per cent of the heritage-recommended 433,000 hectares. Only [Savage River National Park](#), a contiguous tract of 18,000 hectares of rainforest, is strictly protected from mining. This means only about 4 per cent of the Tarkine recommended for heritage listing is formally protected from mining and mineral

exploration. Unlike other national parks such as Cradle Mountain, Savage River National Park does not facilitate access for tourists.

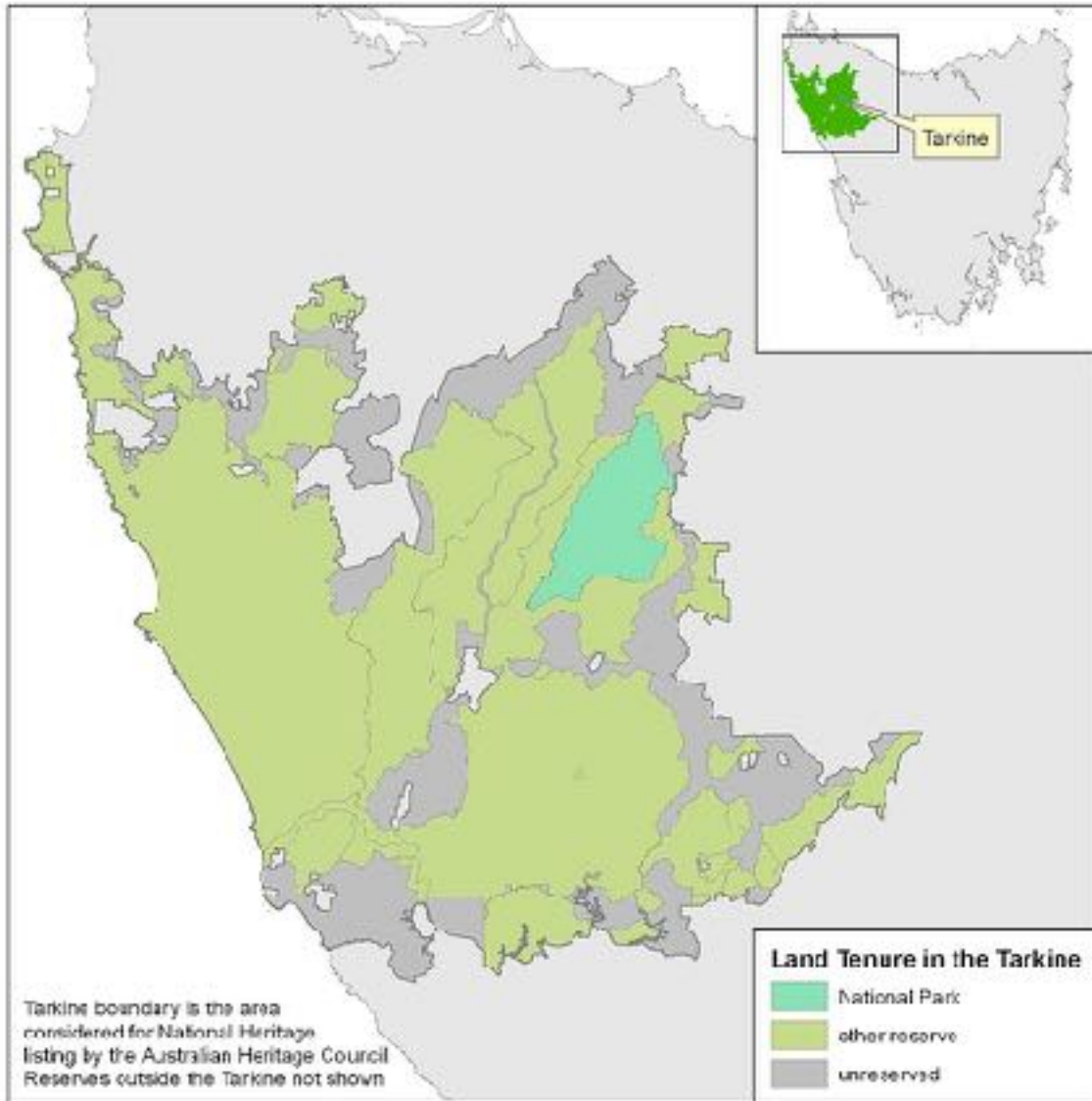
SAVE the Tarkine's Scott Jordan says he attempted to negotiate a balance between conservation and mining before launching his campaign for the Tarkine's protection. Save the Tarkine approached prospective mining companies, the state government and the Tasmanian Minerals Council, hoping for a round-table discussion in order to allocate particular areas of the Tarkine for protection and others for mining.

"We received some support from some of the mining companies – they were keen to test whether it was possible to come to an agreement. But the state government and the Minerals Council weren't prepared to look at it," Jordan says.

Tasmanian Minerals Council CEO Terry Long confirms that he refused to negotiate, because he believes land use in the area is already balanced. Long says that when both the Savage River National Park and multiple use reserves were established in the 1990s, the distribution of land was fair. "I told [Save the Tarkine] that I wasn't interested because a compromise had been made in the nineties. Their idea of compromise is simply to preclude mineral exploration and mining from more of the compromised area," he says. "The parliament made a judgement that we had a heavy area of mineralisation and it's reasonable to expect that the community can take advantage of that."

Long argues that mining's extensive tenure across the region does not guarantee the development of mines. "There might be nine proposals, but only a handful of those will come to pass. Lots of people want to start a mine, but not many actually get round to it."

Land tenure in the Tarkine region, north west Tasmania



Map by Athrotaxis/WikiMedia

Long believes the current share of the land is particularly justified considering Tasmania's reserve base. "I'm not aware of any other state that has 52 per cent of its land in reserves. Just to the south of the dreaded Tarkine, you've got a quarter of the state in a World Heritage area. It's not as though we are short," he says.

But Heritage Council chair Carmen Lawrence says the Tarkine's unique values cannot be cancelled out by the quantity of Tasmania's reserves. "Heritage criteria are comparative, so any site that is recommended for listing has to have characteristics which are not listed in other properties. It means the Tarkine's unique characteristics are peerless."

Long says the area's reserve category demands a stringent process be followed before mines are developed. "If you have found an ore body, it's not a matter of an automatic right to mine." But environmentalists are concerned that the state government's explicit determination to see new mining projects come to fruition may compromise processes. Resources minister Bryan Green signed a mining lease for

Venture Minerals' Mt Livingstone mine in May last year, but then answered questions about the project incorrectly at a budget estimates meeting, denying that the lease resided in the Meredith Range reserve.

"He made an apology for making an incorrect statement, but he never addressed the issue of whether or not he knew which lease he signed," Jordan says. "It's clear that the minister hadn't even extended the courtesy of actually checking which lease he was signing."

A COMMON misperception is that most new mines would only affect "plain old buttongrass," as one mining supporter put it. But Venture's Mt Lindsay proposal is entirely positioned within rainforest; its Mt Livingstone lease covers a varied terrain of diverse habitat including myrtle rainforest, eucalypt forest and buttongrass plains; and the Riley Creek strip mine, while causing a smaller footprint than the aforementioned open-cut proposals, will require clearing of both old growth and regrowth forest.

Terry Long argues that any natural values on site will be carefully managed and assessed by the company's environmental scientists. "The quality of science these days is quite remarkable," he says.

Environmentalists contend, however, that the area's heritage values cannot be sufficiently identified or protected because government has failed to recognise them. Scott Jordan says existing regulatory authorities are not required to consider the values identified by the Heritage Council. He cites Tony Burke's decision against heritage listing and the state government's submission as examples of the government's refusal to acknowledge the Tarkine's values.

Conservationists are also concerned about the government's commitment to mitigating long-term legacy risks. Bryan Green recently told a budget estimates hearing that past mining activity had polluted about forty Tasmanian rivers.

"Those longer-term issues are like time bombs – it might be twenty or thirty years before their impact," Jordan says.

Each of the proposed new mining leases contains multiple waterways. But Long says the science of rehabilitation has progressed dramatically and is designed to manage these risks. "People used to drive down the highway and throw their tinnies out the window, now you wouldn't dream of doing that. It's the same in mining."

Long admits that open-cut operations obviously change the topography of the affected area, but he says they can also be rehabilitated acceptably. "When you dig the ore out you have a hole, you are not going to have a hill. But the plan for Savage River, for example, is to have it as a series of lakes open for tourism development." He is confident that mining companies will be adequately held to account by the EPA during both the approval process and the mining operation. "Your environmental case has to be particularly rigorous and of very high quality or it's going to be knocked back," he says.

The Wilderness Society's Jon Sumbly – an expert adviser on environmental policy and science who has been looking into Venture's mining proposals – acknowledges that the EPA made some positive recommendations for water management in its approval of the Riley Creek project. But he says its consideration of the Tasmanian devil was worryingly insufficient. Concern for the devil has skyrocketed as fast-spreading facial cancer threatens to see the animal follow in the footsteps of the state's iconic Tasmanian tiger, now extinct. A serious hazard for the fragile species is roadkill. Sumbly says regular trucking, along with the cumulative effect of Venture's three projects, and the fact that the Riley Creek and Mt Livingstone mines will run

twenty-four hours a day, puts devils at risk. “There will be 148 trucks per day running from Riley Creek alone. Add in Mt Livingstone and Mt Lindsay and that goes up to 528 vehicles.”

Sumby believes that while it may issue conditions, the EPA is unlikely to deny mining proposals, even if the environmental impact is too great, as it is only required to assess material presented to it by companies. “You will never find a person who is hired to do an environmental assessment for a company who will come back and say ‘it can’t be done,’” he says.



Myrtle canopy in the Tarkine

SO IT SEEMS that true balance to satisfy all stakeholders is still in doubt. Tarkine Trails’ Greg Irons says people fear that a desirable outcome may be jeopardised by what has become a highly political feud. “Governments,” he adds, “are looking to be able to say ‘look what we did for the economy’.”

He hopes all parties will strive to find a middle ground for conservation, tourism and industry. “We have a whole lot of people who don’t want to see a leaf touched and a whole lot of people who don’t want to see a leaf. Sustainability is where the world needs to be,” he says.

The Cradle Coast Authority’s Roger Jaensch says that the only way to go is forward. “This is going to be a bit messy, but it’s got to be a rolling process,” he says. “The alternative is to go backwards, to say we have no hope of possibly managing people and conservation in this environment and therefore we should close it down to everything. That would be defeat.”

Jaensch believes agencies responsible for the land must communicate more effectively and that no one should get first bite of the cherry. “I don’t think we can

reserve the whole region hoping tourism operators come up with great things, just as we can't reserve the whole region to exclude tourism because miners might find a nice bit of ore. Tourism and mining each bring their own impacts into these environments – we've got to manage them and we've got to do it smarter. And we have to get people in, whether they be mining companies or tourism operators, who are up to that challenge."

Looking out over the rainforest, Ruth Groom says decisions ought to be made with long-term consequences in mind. "When the industrial and technological revolutions were changing the world, we really didn't know what the consequences would be. We can't pretend we don't know any more."

Groom hopes that decision-makers will consider the wider repercussions of failing to protect rare environments like the Tarkine. "Forests are actually working for us. They are protecting our soil, our water and our air," she says. "By compromising these environments we are compromising our water, our endangered species, and ultimately ourselves."

*Venture Minerals declined an interview. Resources minister Bryan Green was unavailable for comment. The AWU and premier Lara Giddings did not return calls. Kimberley Croxford is a Melbourne freelance journalist. An earlier version of her story 'Drawing a fine line in the Tarkine' appeared on *Inside Story* [6 September 2013 @ 3:39 pm]. Photos by Kimberley Croxford unless attributed otherwise.*

Expansion plans for NT's McArthur River Mine dividing Indigenous families

<http://www.abc.net.au/news/2017-06-09/sacred-site-dispute-could-block-mcarthur-river-mine-expansion/8600614>

By the National Reporting Team's [Jane Bardon](#)

Updated 9 Jun 2017, 8:50am

Fri 9 Jun 2017, 8:50am



PHOTO: Jack Green's painting depicts anger between some traditional owners over the mine expansion. (ABC News: Jane Bardon)

MAP: [Borroloola 0854](#)

A bitter dispute over whether an expansion of a mine would damage a sacred site has ripped apart Indigenous families in the Northern Territory's Gulf of Carpentaria region.

The row is threatening to delay or block multinational company Glencore's plan to double the size of its McArthur River Mine, near Borroloola.

Gudanji traditional owner Josephine Davey Green is angry that one of her family's sacred sites, the Rainbow Serpent Dreaming, has already been obliterated by the mine.

That was when the McArthur River was diverted around one of the world's biggest zinc-lead deposits in 2007.

"They destroyed our country and we want them miners to pay us back. We want the mine to close," Ms Davey said.

She now believes if the latest expansion is approved another sacred site, the Barramundi Dreaming, could be damaged.

Mine seeks to have waste rock dump 140 metres high

Glencore has lodged an environmental impact statement with the Northern Territory and Federal Governments asking to be allowed to raise the height of its waste rock dump from 80 metres, to 140 metres.

That would make it higher than the Barramundi Dreaming, which is on a rocky ridge behind the mine.



PHOTO: There is an application to increase the size of the waste dump to 140 metres high. (ABC News: Jane Bardon)

Parts of the waste rock dump have been spontaneously combusting for three years, and the mine has contaminated fish in McArthur River tributaries — and cattle that wandered onto the site — with lead.

"It's not safe for us. We don't feel happy about what they're doing and we want our children to be able to go back and visit that place, the same as we did," Ms Davey said.

'The old people didn't allow dump to be higher than the dreaming site'

Her husband, artist Jack Green, also feels responsible for protecting the sacred sites because he is tied to them through traditional ceremonies.

"When the old people were alive they didn't allow that thing to go higher than the Barramundi Dreaming.

"There are a lot of traditional owners for that area where the waste dump is and they're not speaking to all of them. They're just speaking to certain people."

But some traditional owners for the mine site have negotiated an agreement with the mine.



PHOTO: Johnny Davy is not concerned the waste dump would go as high as the Barramundi Dreaming (ABC News: Jane Bardon)

They include Ms Davey's father, Johnny Davey, a custodian for the Barramundi Dreaming site, who feels it is far enough away from the mine not to be disturbed.

"We have let them go higher because they'll stay a long way from the Barramundi Dreaming," he said.

Ms Davey said the split in her family over the plan had been painful.

"They're using my father to turn his back on us, and that's how it is."

Mine has put \$12 million into community trust

The company must gain approval from the Aboriginal Areas Protection Authority, which is responsible for sacred sites.

The authority told the ABC it would not allow it unless its investigations confirmed all the site's registered custodians had given informed consent.

The mine's general manager, Sam Strohmayer, said he would not disclose the details of the agreement "out of respect for the custodians", but did say there was a strong track record of benefits to the wider community.



PHOTO: Sam Strohmayer did not want to reveal the details of the company's agreement with sacred site custodians. (ABC News: Jane Bardon)

"Over the past 10 years we've put \$12 million into the wider community through our Community Benefits Trust," he said.

"Its a combination of, we have to do certain things with the custodians of the site, but we are very mindful of the opportunities we have to provide wider benefits to the Borroloola region."

Compensation being considered

NLC chief executive Joe Morrison questioned whether all those with cultural responsibilities for the Barramundi Dreaming had been consulted "regardless of who they think are the traditional owners".

The NLC is investigating the possibility of seeking compensation for those whose sacred sites were affected by the mine.

Mr Strohmayer said at the moment discussions about compensation were not affecting his company directly and were a matter for the Northern Territory Government, which granted the pastoral lease that the mine sits on.

Queensland mining companies avoid clean-up costs with Government consent, lawyers say

<http://www.abc.net.au/news/2016-04-15/mining-companies-avoiding-cleanup-costs-say-lawyers/7329716>

By [Jess Lodge](#)

Fri 15 Apr 2016, 1:04pm



PHOTO: Coal mining companies are avoiding clean-up responsibilities, Mr Barnden says. (AAP)

MAP: [Rockhampton 4700](#)

Mining companies in Queensland are using legal loopholes to delay or minimise their rehabilitation obligations, environmental lawyers say.

Key points:

- 15,000 mines abandoned in Queensland, EJA says
- Government offers miners discounts on clean-up costs
- EJA and QRC call for proper enforcement of laws

David Barnden from not-for-profit law firm Environmental Justice Australia (EJA) said the costs, sometimes amounting to billions of dollars, must then be covered by governments.

"In Queensland, there are about 15,000 abandoned mines and the extent of the problem is just enormous," Mr Barnden said.

A new report from EJA's climate and finance program outlines six ways coal mining companies can avoid or minimise their rehabilitation costs.

Methods used include putting a mine into "care and maintenance", using up cash reserves, selling mines cheaply to smaller companies, and expanding a mine instead of closing it.

Queensland Resources Council (QRC) acting chief executive Greg Lane said he did not believe there were any loopholes in the system.

"There are very, very few mines that have been abandoned since the regulation of mining was transferred to the Environment Department in 2001," he said.

"This shows the system is working."

Mr Barnden said the State Government required mining companies to secure financial assurance to cover rehabilitation costs, but the outcome was often not realistic.

The EJA report found mining companies in Queensland could receive discounts of up to 30 per cent on the amount of financial assurance they were required to secure. "Many of which seem inappropriate given the state of play of the coal industry," Mr Barnden said.

'It's the Government, not the mining companies'

One recent example was the Queensland operations of Peabody Energy, which filed for bankruptcy protection in the US.

Mr Barnden said some of the financial assurance amounts for Peabody secured by bank guarantees were 20 to 30 per cent less than what was needed to cover environmental costs.



PHOTO: Cockatoo Coal's Baralaba coal mine was placed in care and maintenance this year. (ABC News: Jonathan Hair)

"Sometimes the reason for that is a discount on the basis of the company's financial stability, which is clearly inappropriate when you've got a parent company facing bankruptcy," he said.

Earlier this week, Peabody said its Australian mines were not a part of that and would continue to operate as normal.

Mr Lane said it was the Government, not the company, that decided the amounts.

"It's important to note that financial assurance is used only as a last line of defence," he said.

Mr Barnden said when the rehabilitation costs could not be covered by the mining company then the Government fulfilled those requirements at the expense of taxpayers or the site was abandoned.

"It's only going to be exacerbated in the current climate where a lot of companies are either selling their assets or going into administration," he said.

'Laws must be properly enforced'

Mr Barnden said EJA was calling for changes to make sure the appropriate amounts were being secured in the bank guarantees required for each project.

"Where there's inappropriate discounts, they shouldn't be applied. And where there's inadequate calculation of the work and the costs of the final rehabilitation, we would like that improved," he said.

"The laws are quite a general framework, but it's how those laws are implemented."

EJA and the QRC agreed it was up to the State Department of Environment and Heritage Protection (EHP) to ensure the laws were properly enforced.

Mr Lane said the QRC would support any improvements that could be made across the mining sector.

The Department of Environment and Heritage Protection has been contacted for comment.

Half a dozen ways out of rehab for coal companies

Michael West

<http://www.smh.com.au/business/mining-and-resources/half-a-dozen-ways-out-of-rehab-for-coal-companies-20160412-go4n8d.html>

APRIL 13 2016

A report from Environmental Justice Australia has detailed six ways in which coal companies can sidestep their obligations for mine rehabilitation.

Besides just petitioning the state government for permission to leave a big hole, perhaps planting a few trees around it, these include selling the mine to a small company, putting the mine on "care and maintenance", keep running the mine at a loss, expand the mine or apply to the government for a rehabilitation discount.



Adani mine an 'amazing opportunity'

Adani mine an 'amazing opportunity'

The Queensland government approves a \$20 billion coal mine in the Galilee basin but green groups say the Great Barrier Reef will suffer. 7 News Queensland

While Indian conglomerate Adani and the Queensland government appear, peculiarly, to be pressing ahead with the world's biggest new coal mine, [plunging demand for the black stuff, particularly thermal coal which is used in electricity generation, has meant plunging coal prices and few if any mines in Australia are now operating profitably.](#)

The outlook therefore is for a rash of mine closures for which rehabilitation costs are likely to run to tens of billions of dollars. At least three NGOs are now preparing reports on various aspects of rehabilitation.



The outlook is for a rash of mine closures for which rehabilitation costs are likely to run to tens of billions of dollars. Photo: Robert Rough

As many companies appear under-funded to meet their obligations, and as there is a clear conflict between fulfilling one's "social licence" by cleaning up properly and keeping costs low for shareholders, it is destined to become a significant public issue.

1. Divest your obligations by selling the mine to a small company

The report mentions as an example the fire sale by [Sumitomo Corporation of 50 per cent of the Isaac Plains mine in Queensland for \\$1 to Stanwell Coal in 2015](#). Sumitomo had only acquired the stake for \$430 million two years earlier.

Then there was Anglo American which sold its [Dartbrook mine in December for \\$25 million to Australian Pacific Coal, a small company on the ASX](#). Dartbrook's market value was just \$13 million. It was then controlled by Nathan Tinkler, who has since become bankrupt. Dartbrook's mine had been on "care and maintenance" for some time. It had not been rehabilitated.

2. Care and maintenance

This is the equivalent of putting a mine on mothballs. The operation is neither producing, nor is it closed down, but is ostensibly kept on ice until coal prices run higher. This is a decision of the company and can last indefinitely.



Illustration: Rocco Fazzari.

The EJA report notes that, as of July 2013, some 104 mines were in care and maintenance in Queensland. "In contrast, approximately 60 large-scale coal mines were in operation and between 15,000 and 17,000 mines of all types had been abandoned".

3. Extract coal until reserves run dry

While a mine is still operating, management always holds out hope that the commodity price will rebound. Although most analysts now agree coal, particularly thermal coal, is in structural decline, most mines in Australia are now operating at a loss.

"Instead of ceasing operations, getting a start on rehabilitation and paying out workers' entitlements, there is a financial advantage to the company to keep operating the mine until cash reserves run out," says the report.

4. Don't rehabilitate

The cost of rehabilitating one single "void" at Rio Tinto's Mount Thorleymine in NSW was estimated at \$2 billion. It was so high that the government of NSW government deemed, "it would not be reasonable to impose a condition that requires Rio Tinto to completely or even partially backfill the final void".

The void was four times the size of Sydney's Centennial Park. Rio says the void was intended in the original mine design and, in any case, "It will be largely hidden from view due to the surrounding landscape and extensive rehabilitation works planned after mining".

5. Expand and keep producing

Provisioning for rehabilitation can be delayed by expanding. The EJA cites the example of Anglo's Drayton mine in NSW. Authorities rejected the expansion and [Anglo had to set aside \\$US224 million in its accounts for mine closure and rehab](#). For mining companies the attraction of expansion is not crystallising a loss on balance sheet.

6. Applying to the state for a discount on rehab

Discounts of up to 30 per cent for financial assurance are available from the Queensland government. Even companies on the edge of bankruptcy, such as US coal giant Peabody Energy Inc, are applying. Peabody has applied for just such a discount on its Millennium mine on, ironically, grounds of financial stability.

Meanwhile, Peabody is flirting with Chapter 11 bankruptcy in the US and its financial statement show its Australian entity is only a going concern while the guarantee of its parent exists.

Despite the financial peril, the accounts of Peabody Australia Holdco show, despite its rehabilitation obligations, it paid a \$63 million dividend in 2014 despite negative shareholders funds of \$3.8 billion.

Net debt at December 2014 (its 2015 accounts are due in a few weeks) was \$5 billion. The interest expense paid to external parties in 2014 however was just \$4.9 million, which suggests Peabody in the US (or its offshore subsidiaries) has supplied almost all the debt of Peabody Australia.

Also trade and other payables of \$3.79 billion (versus trade receivables of \$300 million), which implies credit has been extended for more than a year's revenue (2014 at \$2.96 billion). This trade payables is totally out of kilter with normal business needs and in the absence of a note to explain this, it indicates the financial leverage is far higher than the \$5 billion net debt figure.

Auditor E&Y was paid \$2.1 million in 2014 for the audit alone. E&Y has noted the business' status as a going concern is reliant on parent support. Peabody's financial assurance is \$US299 million, which would seem low relative to the size and the long history of the group's Australian operations.

Queensland Land Court recommends refusal of Stage 3 expansion of New Acland coal mine

Corrs Chambers Westgarth June 5 2017

Land Court recommends refusal of Stage 3 expansion of New Hope's New Acland coal mine: *New Acland Coal Pty Ltd v Ashman & Ors and Chief Executive, Department of Environment and Heritage Protection (No. 4) [2017] QLC 24*

Introduction

On 31 May 2017, the Land Court recommended refusal of stage 3 of the New Acland (NAC) coal mine at Oakey, publishing 459 pages of reasons for judgment. The case has been extraordinarily lengthy and involved a large number of parties – both local residents and an environmental group with broader interests in mind. It involved complex layers of legislation and literally “metres” and “truck loads” of evidence for the Court to consider.

Before the Court were both the application for two mining leases (MLAs) under the Mineral Resources Act 1989 (Qld) (MR Act), (with the relevant factors being those in section 269(4) of the MRA) and the application for the amendment of an environmental authority (EA) (the relevant factors being those section 191 of the Environmental Protection Act 1994 (Qld) (EP Act)).

Following public notification of these MLAs, the Minister for Natural Resources and Mines received numerous objections and was obliged to refer these to the Land Court for hearing. NAC's proposed amendment to its environmental authority for stage 3 was decided as a major amendment under section 228 of the EP Act, which triggered the need for assessment of the expansion as if it were a site specific application. Submissions made about the proposed amendments to the EA were referred to the Land Court for hearing when submitters requested their submission be taken as an objection to the EA (see section 185 of the EP Act). The Land Court opted to hear both the MR Act and EP Act matters together pursuant to section 188 of the EP Act.

The proposed stage 3 expansion was first declared a “significant project” (now a “coordinated project”) under the State Development and Public Works Organization Act 1979 (Qld) (SDPWOA). That triggered the need to go through an Environmental Impact Statement (EIS) with associated conditions of approval potentially being issued by the Coordinator-General (CG), the responsibility entity for the SDPWOA. The CG did approve the stage 3 expansion (in its revised, reduced form put forward by NAC after the Queensland Government announced it would not approve the original form of the stage 3 proposal), subject to conditions for the EA. The Court noted, with some frustration, that as the expansion was declared a coordinated project and involved a mining lease application, it was limited in its recommendation powers when considering the proposed MLAs and EA amendment. Section 190(2) of the EP Act had the effect that any conditions recommended by the Land Court could not be inconsistent with the CG conditions.

The Court also considered, albeit briefly, the current regime regarding groundwater extraction, which now allows a mining lease holder to take or interfere with underground water if it occurs during the course of or results from the carrying out of an authorized activity for the mining lease. However, as the legislative changes for those provisions occurred after the relevant MLAs were applied for here, NAC does not have the benefit of those provisions and must obtain a water licence for its dealings with groundwater.

It is important to recall that for this case, the Court was exercising an administrative rather than judicial function. The decision is not akin to an ordinary Court decision – that is, it is not final. The decision is a recommendation to the Minister for Natural Resources and Mines and the Minister for Environment and Heritage Protection. These Ministers must have regard to the Land Court's recommendation but they can elect not to follow the recommendation

and, in fact, act contrary to it. The unsuccessful applicant does not have a right of appeal (although it does have a right to seek judicial review of the recommendation decision in the Supreme Court, on grounds of an error of law).

Issues

A great many issues were raised and litigated. The key issues included:

- Air quality and dust;
- Noise;
- Lighting;
- Visual amenity;
- Traffic, transport and roads;
- Economics;
- Agricultural economics;
- Climate change;
- Biodiversity and flora and fauna;
- Health;
- Land values;
- Livestock and rehabilitation;
- Land use and soils;
- Intergenerational equity;
- Community and social environment;
- Heritage values/cultural heritage;
- Groundwater; and
- Surface water.

The Court's recommendation for refusal was based on only two issues – noise and groundwater. For all other issues, the Court concluded that conditions could ameliorate or deal with the concerns raised.

Noise

The Court agreed with the objector's noise expert, Mr John Savery, who was of the view that the proper reading of the relevant noise standard (Environmental Protection Policy (Noise) 2008) meant that the maximum noise of the mining activity itself was under section 10 of that policy. That was a maximum of 35 dB for evening and night time (which was held to be consistent with the President of the Land Court's ruling in the *Xstrata Coal Queensland Pty Ltd & Ors v Friends of the Earth Co-Op Ltd & Ors* (2012) 33 QLCR about noise levels). That was not the standard contended for by NAC nor was it the standard approved by the CG.

While that may be difficult for the NAC to resolve, noise amelioration is ultimately a matter of practicality – it could be capable of being resolved with enough resources focused on it.

Groundwater

As to groundwater – the issues related to drawdown of existing groundwater – not to any suggestion of potential contamination of the water table. The local resident parties contended that approval would have the effect of drawing down the water table at their bores, such as to inhibit or restrict their supply. There was detailed hydrogeological evidence given before the Court by five different experts, with a total of ten expert reports. The expert evidence was extremely complicated, not least by the reopening of the hearing with respect to groundwater (and surface water) and the production of a further four expert reports.

The Court examined the evidence from the original hearing and the rehearing and found deficiencies in both. It is difficult to summarise those deficiencies briefly, save to note they included:

- agreement from even NAC's own experts of shortcomings in the groundwater model;

- a general tendency by NAC to rely on post approval (to be done) modeling and conditions prior to mining (and in some cases, after mining commenced) and, also, make good agreements;
- reliance on enforcement options for landholders that could be difficult, such as challenging the implementation of a make-good agreement;
- deficiencies in groundwater conceptualization, including an absence of updating the conceptual model throughout the revised EIS and AEIS process and issues around the role of faulting, vertical and horizontal connectivity of aquifer and the quality of the data used generally;
- issues around faulting; and
- a general conclusion that the groundwater evidence was a “muddle”, with too many unresolved questions and too many issues raised by the experts which made the current groundwater model inadequate.

The Court concluded that NAC needed to “take a deep corporate breath” but noted that ultimately, NAC should “have the expert modeling and other scientific data that it is now promising to prepare properly undertaken, prepared and submitted”.

It is apparent the groundwater issues were extremely complicated and disputed. However, should NAC be able to undertake the necessary additional modeling, with regard to the deficiencies raised by the experts and the Court, it is foreseeable it may be able to overcome this issue. That is a definite ‘may’ rather than a ‘will’, as it remains to be seen what additional work NAC is able and willing to do.

The Court also held that the proposed stage 3 expansion breached the principle of intergenerational equity because of the potential for groundwater impacts to adversely impact landholders in the vicinity of the mine for hundreds of years to come.

Inconsistency with CG conditions

With respect to noise, the Court considered in detail its powers to issue conditions and the limits of those powers that, as noted above, did not allow inconsistency with the CG conditions. To recommend a condition with a different noise limit to that as required by the CG would be directly inconsistent with the CG conditions and therefore beyond the Court’s power. That was contrasted with the Court requiring, by way of example, a more detailed monitoring regime. Had the Court considered more detailed monitoring would satisfy its concerns, it would have been comfortable issuing conditions to that effect. That was not the case as it held a different maximum noise level should be applied. The Court was, on the issue of noise alone, compelled to recommend that the MLs and amended EA not be granted because of that inconsistency with the CG conditions.

The application was submitted before the late 2016 amendments to the Environmental Protection Act 1994. Those amendments would, today, have provided the proponent with an alternative path to approval – by separating out the groundwater related approvals from the environmental authority applications.

Conclusions

Instances of the Minister acting contrary to a recommendation of the Land Court are exceedingly rare. Based on that history, it could not be said to be likely that the relevant Ministers will approve the stage 3 expansion in this instance, despite the Court’s recommendation.

It will ultimately be a political decision, which makes it difficult to predict. But based on the Court’s reasons, it might be that the two issues that were enough to sway the Court, might be capable of resolution with further ameliorative resources committed to them by a proponent.

The Darling River empty and then filling up (1 hour north of Wentworth NSW)

