



HUMANE SOCIETY INTERNATIONAL

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The Hon Tony Burke, MP
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November 2, 2011

Dear Minister,

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Humane Society International (HSI) writes on behalf of our 40,000 Australian supporters to reiterate our long-standing objection to Waratah Coal Company's plans to establish an open-cut mine on Bimblebox Nature Refuge, located approximately 30 kilometres south-west of Alpha, central Queensland. HSI has been involved in the debate regarding this proposed mine since early 2009, when we wrote to both Queensland and Commonwealth Environment and Resource Ministers expressing our concern at the prevalence of exploratory drilling underway within the Nature Refuge. As you are aware, Bimblebox is part of the National Reserve System and its purchase was partially funded by the Federal Government on the condition that it was protected in perpetuity – sure recognition of the already sensitive area's faunal and floral biodiversity, certain to be destroyed should the development of the China First mine proceed.

This Bimblebox Nature Refuge is located in one of the country's few nationally recognised biodiversity hotspots, Einasleigh and Desert Uplands, an area with highly diverse assemblage of locally endemic species that are only rarely found elsewhere. The Nature Refuge is also home to several endangered species of fauna and flora, and it is imperative that any Government serious about safeguarding these threatened species, many recognised under both the Commonwealth *Environment Protection and Biodiversity Conservation Act, 1999* (EPBC Act) and Queensland *Nature Conservation Act, 1992*, make the logical and most effective management decision by preserving quality habitat known to support them by rejecting this environmentally devastating proposed mine. Examples of threatened species which have been known to be present on Bimblebox for some time include the squatter pigeon (*Geophaps scripta scripta*), black-chinned honeyeater (*Melithreptus gularis*) and *Aristida granitica*. There have also been 15 EPBC Act listed marine or migratory bird species recorded on the refuge, as well as a migratory butterfly species and 14 bird, mammal and reptile species of conservation significance in the Desert Uplands region. This evidence of high conservation significance is further enhanced by the recent confirmed sighting by Birds Australia of a flock of black-throated finch (*Poephila cincta cincta*), listed as Endangered under the EPBC Act, in May of this year.

Bimblebox Nature Refuge provides crucial habitat in a landscape otherwise dominated by cleared grazing land. As well as the aforementioned presence of endangered species, Bimblebox is renowned for its abundance of flora, bird and reptile species more generally, with the total bird species count standing at an impressive 138. Thus, protection of the Nature Refuge is vital to ensure that a range of fauna and flora species do not get pushed ever closer to being eligible for threatened listings under State or Commonwealth legislation themselves. Given the number and extent of coal projects proposed for the vicinity, it is likely that Bimblebox will become an even more important refuge habitat in the future. The Environmental Impact Statement (EIS) prepared on

behalf of Waratah Coal clearly states that the proposed mine would have an enormously detrimental effect on Bimblebox Nature Refuge, destroying the ecological integrity of the property through 52% of its area being excavated for an open-cut mine and the remainder subject to long-wall underground mining. The open-cut mine would involve the destruction of over 3,900 hectares of remnant native vegetation, much of which has been virtually undisturbed for millennia, at a scale which would make rehabilitation to the former condition impossible.

It is increasingly recognised that large scale conservation outcomes are best achieved where production and conservation are integrated, Bimblebox being a crucial example where this approach is being both trialled and practiced. Several environmental research projects are also underway on Bimblebox, such as fire experiments being conducted by the Queensland Herbarium, which aim to provide much-needed empirical data on the use of fire as a land management tool. Many of these are long-term studies which continue across seasonal changes and generations of various species, and their cessation in the event of the proposed mine being approved would be a significant loss on its own, even without considering the severe environmental destruction.

If the mine is approved as proposed, it will be the first instance of a Queensland property covered by a perpetual Nature Refuge Agreement being destroyed for mineral extraction. This prospect demonstrates a gross inconsistency in the State's land management policies and would establish a dangerous precedent for the destruction of recognised conservation areas not only in Queensland but throughout Australia. Such legal implications are of grave concern, with the sacrifice of Bimblebox Nature Refuge for the sake of an open-cut mine contravening the land title agreement signed with the Queensland Government. It would also be blatantly contrary to the criteria set for conservation areas that make up the federal National Reserve System.

The offsetting avenues outlined in the EIS are an inadequate approach to 'compensation' for the loss of habitat supposedly currently protected within the Bimblebox nature Refuge, should the mine be approved, resulting in a net loss of biodiversity. Remnant vegetation has supposedly been protected under Queensland law since the *Vegetation Management Act, 1999* put an end to broad-scale land-clearing - a critical loophole being that mining companies are exempt from the effect of this piece of legislation. This means that by simply 'securing' an area in an offset deal, neither Waratah Coal nor the State Government would be likely to deliver any more protection than already exists. It is claimed in the EIS that 'offset sites could be secured through Nature Refuge conservation agreements or other legally binding mechanisms' - a statement clearly contradicted by the plans to mine this already established Nature Refuge. The predicament facing Bimblebox Nature Refuge clearly demonstrates the existing vulnerability of supposedly 'legally binding' mechanisms and the devastating severity of the current threat to Bimblebox has exposed a Government propensity to dishonour conservation agreements in favour of lucrative mining proposals.

HSI requests that as a bare minimum, independent environmental assessment be undertaken to remove potential bias from the EIS prepared on behalf of Waratah Coal. Regardless, under the EIS provided we urge you to honour the Bimblebox Nature Refuge Agreement, which pledges to protect the Nature Refuge in perpetuity, and use your powers under the EPBC Act to stop the progression of mining activities within this sensitive ecosystem immediately.

Yours sincerely,



Michael Kennedy
Director

Cc.

*The Hon Julia Gillard MP
Prime Minister*

*The Hon Martin Ferguson AM, MP
Minister for Resources and Energy*

*Senator Bob Brown
Leader of the Australian Greens*

*Senator Lee Rhiannon
Greens Senator for New South Wales*

*Senator Larissa Waters
Greens Senator for Queensland*

*Senator Rachel Siewert
Greens Senator for Western Australia*

*Mr Tony Windsor MP
Independent Member for New England*

*Mr Robert Oakeshott MP
Independent Member for Lyne*

*The Hon Anna Bligh MP
Queensland Premier*

*The Hon Vicky Darling MP
Queensland Minister for Environment*

*The Hon Rachel Nolan MP
Queensland Minister for Finance, Natural Resources and The Arts*