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Biodiversity Integration Unit
Department of Environment and Resource Management
GPO Box 2454
Brisbane QLD 4001

Dear Sir/Madam

Submission to the Draft Biodiversity Strategy for Queensland

Thank you for the opportunity to comment on the Biodiversity Strategy for Queensland. Our State's biodiversity is under threat from many activities and I believe that the draft fails to set goals, budgets and legislative mechanisms that will halt the current decline in biodiversity. The main threat that this strategy fails to mitigate is coal mining and coal seam gas mining. All mining activities should be illegal on Nature Refuges and all coal mining and coal seam gas mining in Queensland should be phased out as part of basic climate change mitigation.

Nature Refuges vs National Parks

Nature Refuges underpin the draft Biodiversity Strategy's aims of increasing Queensland's protected areas to 20 million hectares. The number of new Nature Refuges required to meet this goal outstrips the Queensland's Government's National Park acquisition plan. By the graph shown on page 29 of the draft Strategy it would appear that new and expanded Nature Refuges is nearly double that of the proposed National Park acquisitions.

Firstly, National Parks should be the State Governments priority, not Nature Refuges. The Queensland Government should have a goal of 15% of the State in National Parks, not a goal of a mere 7.5%. Nature Refuges are the Government's way of passing their nature conservation responsibilities onto private landholders.

Support for Nature Refuges

Continue to support the declaration of nature refuges by providing incentives and support to landholders entering into perpetual Conservation Agreements (p. 34)

The Strategy fails to identify adequate financial support mechanism for Nature Refuge landholders. If Nature Refuges are to be the cornerstone of the Government's protected area plan, then those Nature Refuge landholders that don't have their own resources but are eager and willing to put in the 'hard yard', should be financially supported to undertake nature conservation works. Financial support should be on-par with National Park management budgets.

The Queensland Government needs to correct the inconsistency that on one hand encourages us as landholders to protect the conservation values on our lands, but on the other hand provides no certainty that our efforts will be respected and matched by protection from incompatible activities.

No Mining on Nature Refuges

Many Nature Refuge owners are concerned of the current pro-mining position of the Queensland Government. Thanks to assistance from Nature Refuge Landholders Association (NaRLA), I was able to contact landowners who signed an open letter to Premier Bligh, see attachment 1. If Nature Refuges are the cornerstone of the Government's protected area strategy, then there must be a blanket ban on mineral licenses, exploration permits and mining operations on Nature Refuges.

Along with a group of conservationists, I was involved in the founding of the 8000ha Bimblebox Nature Refuge (BNR) in the Desert Uplands in 2000. For the first seven years, efforts on BNR focused on improving and enhance its biodiversity values (or to put it plainly, weeding for endless hours to remove exotic species). However, since 2007 we have been high-jacked by a mining company interested in anything but biodiversity. The mining interests have been keenly assisted by a lack of legislative protection and the very public support of a short-sighted government. Our minds and bodies have become captive to the need to work against overwhelming forces. We have been abandoned in all our efforts to protect the biodiversity of BNR. From the perspective of a Nature Refuge owner, my submission is based on the very concept of biodiversity, originally embraced by the Nature Refuge program.

Offsetting

*The Queensland Government Environmental Offsets Policy provides a framework for allowing offsets as a way for developments to compensate where the project has **unavoidably** impacted on biodiversity (p. 43).*

*A comprehensive biodiversity offsets scheme has the potential to balance **inevitable** biodiversity losses resulting from development and growth with corresponding biodiversity gains (p.43)*

*Mining companies can also use environmental offsets to counterbalance any **unavoidable** environmental impacts that may result from mining processes. In addition to these requirements, mine operators are also required to rehabilitate a mine site prior to the surrender of a mining lease (p.20)*

The word 'unavoidable' has a perceived connotation of final decisions, and it accommodates the industry needs only. Nothing is 'inevitable' if there is a genuine focus on protecting biodiversity. Instead it seems that from the above statements, offsets and Nature Refuges have no protection against mining so both those measures are only a mere distraction from the destruction.

Well targeted biodiversity offsets to mitigate the impacts of development can assist in restoring areas of high value (p.20)

The web of life is not only made up of threatened species. Unfortunately legislated protection from development comes solely in the form of the Queensland *Nature Conservation Act 1992* (NCA) and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) and it is definitely a step backwards when these Acts can be inactivated/defused by 'offset policies'. We must recognise biodiversity in its entirety, not on the basis of the presence of a few threatened species.

Our current Australian conservation obligations policy fails even to fully protect EPBC listed ecosystems from significant mining impacts. The introduction of "offsets" allows clearing

vegetation of high conservation value, and there is no guarantee that the offset land could not itself be cleared in the near future.

In Queensland, land clearing legislation prevents the clearing of remnant vegetation and restricts the clearing of regrowth. I believe that offsetting is a policy created especially to allow mineral companies to do what the existing industries (agriculture and grazing) are not allowed to. The EPBC needs to be enforced regardless to prevent the continuous degradation of endangered ecosystems and threatened species. The offset of the same ecological value will be by definition protected under the EPBC, so there should be no need to ‘doubly protect’. How can this help? The offsets don’t become ‘untouchable’, they can also be mined. It’s just not ‘transparent’ how offsetting can help biodiversity.

Were the NCA and the EPBC only intending to protect a percentage of the endangered species, allowing the rest to be destroyed? I would argue that the fundamental principle of the NCA and EPBC is to protect all species so that they do not reach the precarious ‘endangered’ status.

“National Interest” unfortunately now means allowing mining to proceed in high conservation areas. In the name of the “National Interest” we will continue the short-term, self-interested approach that has caused us to lose forever so much of our wealth of natural resources. Ultimately by cheating on biodiversity, we cheat on ourselves.

Mining Rehabilitation

*The mining industry is **working to replace** the value of environmental features that may be lost through development of the State’s mineral resources (p.20)*

As mining activities often disembowel the earth, biodiversity loss is permanent and it is irreplaceable. Mining can dramatically damage and in cases obliterate conservation areas.

In Queensland, mining has had no effective biodiversity rehabilitation to date. Most likely, Buffel Grass which is considered a weed in many parts of inland Australia (see www.csiro.au/science/BenefitCostOfBuffel.html), will predominate and prevent the re-establishment of a broader flora biodiversity. When the soil is removed, soil structure changes and intensive micro-management with daily care of seed stocks would be required for any project to succeed with preservation and propagation of native seeds found in the local top soil. Local native seeds must have habitats and cannot readapt to (such a drastic change) rubble. The biological practice to achieve this on the scale relevant to many proposed mine areas simply does not exist. It’s impossible to re-establish native species without daily care, and I don’t see mining companies committing to such level of rehabilitation.

Promotion of Mining Companies in the Biodiversity Strategy

*Now—in one of Queensland’s landmark examples of **environmental philanthropy**—mining company Xstrata and property owners in St George have stepped in to rewrite the wombat’s fate (p. 37)*

It is unbelievable that the Queensland Biodiversity Strategy is used to promote the pitiful environmental practices of mining companies. The Queensland Government should be ashamed of its promotion and indulgence of mining companies.

Protecting a handful of wombats is a cheap PR exercise and cannot hide Xstrata’s shameful environmental record in Queensland and elsewhere. Just a few examples.

In 2006 Xstrata hired a contractor to move a 4000 tonne dragline 66km from their Newlands mine near Glendon to the Collinsville mine. Xstrata had a permit to clear vegetation 20m wide for a “road” directly from the Newlands to the Collinsville mines. It was instead twice as wide in places and across the Bowen River it was 70m wide. It cut a swath through Endangered and Of-Concern and Not of Concern Regional Ecosystems, and crossed 22 creeks and rivers. The damage is extensive and contravenes the Vegetation Management Act. In 2007 Xstrata applied to clear much of an endangered 400ha remnant of Brigalow in excellent condition for an expansion of the Newlands Wollombi coal mine. The company worked out an offset for the clearing and placed it under Nature Refuge status. As a result, a very large patch of endangered Brigalow was allowed to be cleared for a much poorer quality offset, representing a net loss of biodiversity for the Bowen Basin. Xstrata was made responsible for ensuring the long-term removal of the Buffel Grass and return of native ground cover. But without community oversight, good management and regular inspections by DERM such agreements easily lapse. Also because DERM no longer requires management plans for Nature Refuges, it should conduct monitoring on a regular basis and report back on progress. <http://www.envlaw.com.au/newlands.html>

Currently, Lindsay and Avriel Tyson have on their Springwood property north of Carnarvon Gorge, more than 390 native flora and fauna species, including a number of EPBC Matters of National Environmental Significance. 128 species of fauna would rely for water on the two creeks that pass through the property, one of the creeks would be destroyed if the Rolleston Mine expansion is approved as Xstrata Coal Queensland (XCQ) has a coal mining lease north of the Tyson’s property.

In its Comments on Preliminary Documentation 2009/5175, XCQ offered to mitigate and states “*XCQ has concentrated on establishing reasonable allowable areas for offsets that could be practicably achieved in the general vicinity of the mine to mitigate the net loss of the local ecosystem*”. “*This has been a challenging process as much of the local area has been cleared for agricultural activities and most potential offsets are highly fragmented or in poor condition*”

And so XCQ sees no problems in delivering the final blow to what's left of the bioregion. <http://www.couriermail.com.au/news/sunday-mail/era-of-the-blackboot-brigade/story-e6frep2o-1226016334485>

Please remove the reference to Xstrata in the Biodiversity Strategy as it is offensive to those of us who know the complete picture of its activities in Queensland.

Legislation Not Rhetoric

Previous environment ministers are on record as strongly supporting the Nature Refuge network. Their recognition, encouragement and praise were published in the EPA newsletters *Nature Call* and *The Nature Refuge News* and are shown below. At the same time, there remains a stark gap between the ministerial rhetoric about the need for and value of Nature Refuges, and any action on legislation to ensure their continued existence. While Nature Refuges are increasingly threatened by mining interests, the State Government remains idle and passive. The rhetoric about the importance of these refuges to maintenance of the State’s biodiversity is becoming increasingly hollow.

John Mickel MP

“As Environment Minister I am committed to achieving the right balance between protecting Queensland’s rich biological diversity and natural assets and meeting the social and economic needs of a growing population. I would like to congratulate all new and existing nature refuge

landholders on their participation in the program. As new conservation agreements pass by my desk for approval I am impressed by the dedication of landholders wanting to protect the conservation values of their property for future generations. I look forward to announcing more nature refuges in the near future and I look forward to working with all of you to protect our precious natural assets. I encourage more landholders to make a lasting commitment to conservation by dedicating part or all of their property to a nature refuge.” (extract) *Nature Calls, Issue 2, July 2004*

Desley Boyle MP

“We cannot protect all of Queensland’s special and important landscapes within national parks; the contribution of landholders to safeguarding our environmental heritage is a huge and much appreciated commitment. I encourage all landholders throughout Queensland to protect their land for the future. It is important we manage the impacts of our growing population to protect our unique natural and cultural values.” (extract) *Nature Refuge News, April 2006*

It is vital that we protect Queensland’s diverse environments and the plants and animals they support. EPA recognises that private land managers are already major contributors to the preservation of Queensland’s significant natural and cultural values while managing the lands natural resources for sustainable and profitable return. I encourage more landholders to consider making a lasting commitment to conservation in Queensland by considering committing part or all of their property to a nature refuge. (extract) *Nature Calls, June 2005*

Andrew McNamara MP

“Queensland is particularly vulnerable to, and at risk from, climate change. In particular, both agriculture and tourism are affected by changes in climate, particularly in temperature and rainfall patterns. Our natural systems, on which agriculture and tourism largely rely are also highly climate dependent. They have limited ability to adapt and projected rates of climate change are likely to be greater than the ability of many species to adapt. Furthermore, the ability of many species to migrate in response to change is likely to be affected by landscape fragmentation and habitat loss.

Our common challenge is to create a sustainable landscape in which production, conservation and environmental needs are accommodated. That challenge has to be taken up in the context of numerous changes, often with only incomplete information to guide our decisions. Partnerships have never been more essential, and it is encouraging to see how many landholders and organizations are wholeheartedly taking cooperative and collaborative approaches. I applaud all of you involved, for by supporting one another we multiply and insure the effects of our efforts.” (extract) *Nature Refuge News, Issue 12*

“I consider nature refuges have a crucial role in adapting to a future that requires greater partnerships for conservation. The long list of success stories under the nature refuge Program confirms that important role. Hugo Spooner’s innovative work on Avocet nature refuge with the bridled nail-tail wallaby points to a much greater future role for private landholders in the recovery of threatened species. NAPCO’s Mulligan River illustrates the ability to balance conservation and primary production at the landscape level so necessary for landscape resilience and connectivity as climate change deepens.

They are representative of the wide range of nature refuges that exist because landholders recognize the value of conservation and commit to its care. The nature refuge Program is sponsored by the EPA, but it is really owned by the participating landholder whose good management has retained areas of value to now. It is your foresight that has seen the land

listed for protection in the future and you epitomize the worth of individuals whose personal commitment makes a significant contribution to the whole community.

I want many more landholders to be involved as you currently are. nature refuges need to become a true network over time to complement our national parks, to build resilience, to buffer against climate change and create the links across the landscape that may be critical for the survival of many species and ecosystems. This is an exceptional program that draws diverse interests together for a common goal – to ensure that the natural values that we hold dear today has a good chance of being available for succeeding generations to appreciate.”

(extract) Nature Refuge News, Issue 11

NOTE: The Avocet Nature Refuge referred to above and commended by the then minister for its “innovative work ... with the bridled nail-tail wallaby” is now under threat from coal mining.

Lindy Nelson-Carr MP

“I am delighted to be taking on the vital role of ensuring Queensland’s environment continues to be protected, healthy and sustainable into the future. The nature refuge Program is an exciting initiative, which supports landholders to achieve best land management practices while giving them the power to protect Queensland’s incredible variety of native plants and animals. I am very enthusiastic about this program and I encourage more landholders to consider making a lasting commitment to conservation in Queensland by considering a commitment of their property to a nature refuge. I look forward to working closely with the Environmental Protection Agency and other agencies throughout Queensland to achieve excellent environmental outcomes.” *(extract) Nature Refuge News, December 2006*

May I offer my congratulations to the many landholders and staff who have played a part in helping to reach this significant milestone—more than half a million hectares of Queensland’s diverse natural and cultural heritage is now protected under the nature refuge Program. What a win for conservation and all our futures.

Landholders of nature refuges know their properties have special features and it is great to see them working with the Queensland Government to safeguard their properties. The popularity of the nature refuge Program reinforces the fact that protecting the environment and managing sustainable rural enterprises are not mutually exclusive. This proves that individuals have the power to protect the diverse range of natural and cultural values in their own backyards while earning an income.

Congratulations once again, to the landowners who have a nature refuge — because of you these places are now safeguarded for future generations.” *(extract) Nature Refuge News, August 2007*

NOTE: Since 2007, Bimblebox Nature Refuge has been subject to a coal exploration permit signed between Waratah Coal and EPA.

Kate Jones MP

On November 3, 2009, Minister Kate Jones announced that 14 new conservation agreements have been signed with landholders, protecting an extra 172,000 hectares across Queensland. This brought the total of nature refuges to 350, covering around 900,000ha.

There is an obvious double standard in allocating areas for conservation on one hand and taking them away for mining or other large scale infrastructure/development with the other. Either Queensland’s ever diminishing biodiversity is a critical concern or it is not. Now that

mining exploration permits cover over 80% of Queensland, there is a clear need to act to ensure that Nature Refuges are not repeatedly imperiled or destroyed by mining.

The *Draft Biodiversity Strategy* needs to include proper legislated protection of Nature Refuges. The best interests of Queenslanders cannot mean money first and a healthy environment last. Otherwise we will continue the short-term, self-interested approach, causing the loss of so much of our native ecology.

United Nations Convention on Biological Diversity and the National Reserve System
Dr Martin Sharmann (2004) has expressed my thoughts in his paper 'Why conserve biodiversity?'

<http://www.scribd.com/doc/18967119/Why-Conserve-Biodiversity>

'Through poverty, greed, thoughtlessness and the sheer vastness of the needs of our population, we humans are bringing about a mass extinction comparable with any of the 5 great disasters that have overtaken life on Earth in the past 530 million years. The United Nations Convention on Biological Diversity begins with the words: "conscious of the intrinsic value of biological diversity...". "Conscious also of the importance of biological diversity for evolution and for maintaining life sustaining systems of the biosphere...". In signing up to this document, almost every State on earth has agreed that biodiversity has value that has nothing to do with human perceptions.'

Mining in Nature Refuges contradicts the Queensland Government's obligations to safeguard protected areas under the UN's Convention on Biological Diversity, where it states that actions which adversely affect the biodiversity of a protected area (i.e. part of the National Reserve System) must be avoided. Currently there are around 100 Queensland Nature Refuges subject to mineral exploration permits. With the smallest percentage of protected areas of any other Australian state or Territory, it is shamefully inadequate for the environmental values on our properties only to be 'addressed on a case by case basis' when confronted by mineral interests.

In August 2009, the Bimblebox Team sent a letter to the Secretariat of the Convention on Biological Diversity. We pointed out that Australian legislation fails to adequately protect biodiversity in IUCN category VI (Nature Refuges) protected areas that make up the National Reserve System (NRS) from mining activities and that this issue throws into question Australia's and Queensland's commitment to meeting its obligations under the Convention on Biological Diversity. On ratifying the Convention on Biological Diversity (CBD) in 1993, the Australian government promised to establish a National Strategy for the Conservation of Australia's Biodiversity, and a network of protected areas to make up the National Reserve System. The NRS is primarily composed of government owned land, but there is an increasing trend to include more private land. With 70% of Australia's land area held under private freehold, leasehold or indigenous titles, engaging such landholders is a vital component of the response to the continuing decline of Australia's biodiversity. Considering the stringent guidelines for inclusion and management of land within the NRS, it is a blatant anomaly for all mining activities not to be excluded from Nature Refuges. Of great concern is the Queensland government's apparent disregard for its own conservation goals and its contravention of the management guidelines offered by the IUCN. Please see Attachment 2 for our full Letter to the Secretariat of the Convention on Biological Diversity.

DERM has no policy to protect Nature Refuges from mining, although it can assess, grant or REFUSE an exploration application on a case by case basis. This implies that some nature refuges WILL be mined.

The uncertainty and anxiety for Nature Refuge landowners will discourage investment in biodiversity protection, as the owners will be in the stressful position of having to engage extensive resources in defending biodiversity on their property. Is DERM considering to highlight in the contract for future potential owners the wordings MINING INTEREST OVERRIDE NATURE REFUGE AGREEMENTS?

Auditing the Nature Refuge Program

*Undertake an **audit** of the Nature Refuge Program to: evaluate the effectiveness of the outcomes against program objectives; to identify any emerging medium-to-longterm management issues; to assess levels of satisfaction and management compliance of landholder parties to Conservation Agreements; identify mechanisms for regular program review and evaluation (p.35)*

There is a stark contradiction in government policy that encourages landholders to collaborate with its agencies to learn how to protect remnant vegetation and then being forced to hand-over our land to an environmentally polluting and destructive mining industry. I am pleased to help your audit identify that the key emerging longterm management issue for Nature Refuge landholders is the lack of any veto over mineral leases or exploration permits. With regard to “levels of satisfaction”, many Nature Refuge landholders are completely dismayed and frustrated with the Queensland Governments support of mining and infrastructure development, regardless of biodiversity values and Nature Refuge agreements.

Please see Attachment 3 for 'endorsement' of DERM from Nature Refuge landholders (articles taken from the Nature Refuge Landholders' Association (NaRLA) newsletters).

Who is auditing DERM to ensure that they are enforcing the weak environmental legislation that we do have and are protecting Queensland's biodiversity?

Climate Change

*The expanding footprint of human settlement and resource-use is placing pressure on Queensland's natural systems. With the added impacts and **uncertainty of climate change**, conserving Queensland's biodiversity from these threats is now more important than ever (p. 42)*

As for climate change, I will quote the wordings of a recent letter to the editor that appeared on 12 March 2011 in the Morning Bulletin, ‘...when presented with the facts about likely longer-term impacts, it is hard to imagine that a majority of Australians would put material wealth ahead of ecological health. Most also seem to realize that the mining and burning of coal must cease. Yet our governments continue to attempt to simultaneously advance two entirely incompatible messages: That we must begin to reduce global carbon pollution and that we should proceed to extract ever increasing quantities of coal’.

Some Nature Refuges serve as research stations for government agencies (e.g. CSIRO, DPI&F, DERM, Queensland Herbarium), for conservation groups (e.g. Birds Australia) and for individuals who monitor flora and fauna. Many of the results from such research help to advance understanding the local biodiversity. Formal ongoing and systematic seasonal bio-monitoring programs are needed on a regular basis, to provide valuable long term data. This may be vital to understand and plan for climate change and its impacts.

Why Should Nature Refuges Be Protected?

Thanks to private conservation agreements, many of Australia's diverse ecosystems are protected. The first of many Nature Refuges was established in 1994. It was another 10 years

until we finally saw an end to broad-scale clearing of remnant vegetation in 2004 in Queensland. During that decade agricultural, pastoral and mining industries cleared thousands of hectares of Queensland native vegetation. Nature Refuges have become instrumental in holding the genetic blueprint for many decimated ecosystems and species.

The Nature Refuge program gives individuals with passion and concern, a formal recognition of the value of conservation on their own land. Landholders are encouraged and assisted to dedicate their lives to the hard work of protecting our natural assets. The government and community retains the economic benefits of sustainable productivity (through personal income tax and land rates) and apart some initial public expenditure, the labor and many other on-going associated costs, are contributed free of charge from us, the managers of a de-facto public resource.

Five to ten years ago it was almost unheard of that landholders subscribed to any conservation agreement, especially away from coastal areas, for fear of conservative community backlash. Convincing the rural sector to make a quantum leap to think sustainably and ecologically was a hard call for the EPA personnel that worked on this efficiently for years, suggesting landowners to protect rather than clear. Many were approached and some come on board and joined the program 'on the quiet'. The EIA motto was then 'short term paddock productivity must be sacrificed for biodiversity sake'.

Today many more Queenslanders accept that we as owners have a significant and inter-generational duty of care for the environment. Tragically, several properties with Nature Refuges, already have active mining occurring on them, while others are under pressure as the result of housing and infrastructure expansion, or are suffering impacts from nearby incompatible activities. Now the message says ...the opposite, 'short term mining productivity cannot be sacrificed for biodiversity sake'. The government has lost all credibility.

Given that current projections would see a rapid expansion of coal mining and coal seam-gas extraction over the coming years, this inevitable conflict between coal and conservation looks set to increase. Clearing and development from mining and state infrastructure projects can dramatically damage, and in some cases obliterate, significant conservation areas. Those of us familiar with land clearing know full well that habitat removal is an end game. From first hand observation, when a habitat is destroyed, so too are the lives of those within it.

Does DERM have any estimation of the total area of remnant and significant regrowth that is likely to be threatened by the expanding coal industry in the Galilee, Surat and Bowen basins?

Mechanisms must be in place to manage the cumulative impacts of exploration and mining on remnant and other significant vegetation across the state. We must be willing to forsake immediate revenues for something that truly gives us life long wealth and security.

I strongly urge both governments and developers to engage in wise, comprehensive and long-term, systematic regional planning, based on sustainable industries that will not further destroy Queensland's already degraded environments.

Yours sincerely

Paola Cassoni and the Bimblebox Team
Galilee Basin, Desert Upland Bioregion

ATTACHMENT 1

Open Letter to the Queensland Premier, The Hon. Anna Bligh

Dear Premier Bligh,

We, the undersigned, are Queensland Nature Refuge landholders. We entered conservation agreements (category VI IUCN classification) with the Queensland state government for the purpose of securing high conservation value biodiversity on our properties and contributing to the national network of protected areas. With only a small proportion of Queensland land area held in conservation reserves, we believe that it is necessary to protect water catchments, carbon stores, and what remains of the state's biodiversity on private lands. We are deeply dismayed that there is very little we can do to protect our Nature Refuges when faced with mineral exploration and exploitation.

We consider it a serious contradictory flaw in state legislation that areas deemed worthy of perpetual conservation agreements between government and landholders, can be quashed by short-term mining ventures. As landholders we are encouraged to commit to securing the high conservation values on our properties, but there is no in-kind commitment from your government to ensure its perpetual protection. Currently there are around 100 Queensland Nature Refuges subject to mineral exploration permits. It is shamefully inadequate for the environmental values on our properties only to be '*addressed on a case by case basis*' when confronted by mineral interests.

With the smallest percentage of protected areas of any other Australian state or Territory, we urge your government to take seriously the task of maintaining and enhancing Nature Refuges in Queensland. It is unacceptable that destructive mining developments can have right of way over these special places. Many of us have invested considerable time, energy and resources in preserving these areas and we do not want to see them destroyed.

Please take this issue seriously.

Yours sincerely,

ATTACHMENT 2

Bimblebox Nature Refuge
Alpha QLD 4724
Secretariat of the Convention on Biological Diversity
Cc: Australian National Commission for UNESCO
6th August 2009

Dear Sir/Madam,

I am writing to draw your attention to a case that reveals an unacceptable weakness in current Australian legislation which fails to adequately protect biodiversity in IUCN category VI protected areas that make up the National Reserve System (NRS) from mining activities. I believe this issue throws into question Australia's commitment to meeting its obligations under the Convention on Biological Diversity.

Currently at risk is nearly 8000 hectares (ha) of intact woodland ecosystems on Bimblebox Nature Refuge in central-west Queensland, which is threatened due to plans for a proposed massive open-cut coal mine. Waratah Coal Pty. Ltd. has been conducting coal exploration on Bimblebox Nature Refuge and surrounding properties over the last couple of years, and is currently engaged in the preparatory stages of an Environmental Impact Assessment. Waratah Coal has not yet received formal government approval for their proposed mine, rail and port development, but nor is there any guarantee that Bimblebox Nature Refuge, or any other nature refuge in Queensland underlain by minerals, will be excluded from large scale mining operations.

As one of the first protected areas in Australia to face potential destruction from mining activities I request that the Secretariat confer with the relevant Australian state and federal ministers (names and contact details provided at the end of this letter) over this matter to clarify whether large scale mining will be allowed on category VI protected areas. More than 2.6 million ha of category VI private protected areas throughout Australia, increasingly vital in the NRS, are vulnerable given the current lack of protection from large scale mining. This is an issue of particular concern in Queensland where there are large reserves of coal and natural gas and a state government eager to see new mines developed.

Australia and the Convention on Biological Diversity

On ratifying the Convention on Biological Diversity (CBD) in 1993, the Australian government promised to establish a National Strategy for the Conservation of Australia's Biodiversity, and a network of protected areas to make up the NRS. The NRS is primarily composed of government owned land (over 80% of the total NRS area)¹, but there is an increasing trend to include more private land with high biodiversity values in the NRS, so that such areas now cover more than 2.6 million hectares. With 70% of Australia's land area held under private freehold, leasehold or indigenous titles, engaging such landholders is a vital component of the response to the continuing decline of Australia's biodiversity.

¹ <http://www.environment.gov.au/parks/nrs/about/ownership.html>

According to the Australian federal government, a protected area within the NRS is a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means to achieve the long-term conservation of nature with associated ecosystem services and cultural values². It is stated that one of the foundations of systematic conservation planning in Australia is through establishing a „*secure* comprehensive, adequate and representative protected area system³. There is a set of minimum standards that protected areas must meet for inclusion the NRS. These include:

- The land must be covered by an effective covenant with effective legal means to guarantee its perpetual conservation
- The area must meet scientific criteria and strategically enhance the NRS through meeting comprehensive, representative and adequate (CRA) guidelines
- The area must be managed to protect and maintain biological diversity according to one of the six IUCN classifications for protected areas
- If a property is acquired through with the assistance of NRS funding, a further set of guidelines and processes must be followed⁴

Considering the stringent guidelines for inclusion and management of land within the NRS, it is a blatant anomaly for large scale destructive mining activities not to be excluded from the NRS.

Of great concern is the Queensland government's apparent disregard for its own conservation goals and its contravention of the management guidelines offered by the IUCN. Referring to IUCN category VI protected areas that have been acquired with the assistance of NRS funding, a federal government document states that:

Every effort should be made to reduce and remove uses that are counter to the nature conservation objective.... The IUCN has provided guidance on this issue and suggests that these non-nature conservation uses do not occupy more than 25 percent of the protected area.⁵

According to the IUCN guidelines for category VI protected areas „management should be undertaken by public bodies with an unambiguous remit for conservation⁶. Clearly, the IUCN objectives of management would not allow large scale destructive mining activities:

- to protect and maintain the biological diversity and other natural values of the area in the long term;
- to promote sound management practices for sustainable production purposes;
- to protect the natural resource base from being alienated for other land-use purposes that would be detrimental to the area's biological diversity; and
- to contribute to regional and national development.

A description of Bimblebox Nature Refuge is outlined below to illustrate how contradictions in current Australian policy manifest in significant time and money being invested by governments and private landholders in the NRS without affording these areas adequate

² <http://www.environment.gov.au/parks/nrs/about/management.html>

³ P14, 'Australia's Strategy for the National Reserve System 2009-2030', available at <http://environment.gov.au/parks/publications/nrs/nrsstrat.html>

⁴ <http://www.environment.gov.au/parks/nrs/about/management.html>

⁵ Pages 6-7, 'National Reserve System: Plan of Management Guidelines', <http://www.environment.gov.au/parks/nrs/about/management.html>

⁶ 'Guidelines for Protected Area Management Categories', IUCN World Commission on Protected Areas with the assistance of the World Conservation Monitoring Centre

protection from significant disturbance from mineral exploration and mining.

Bimblebox Nature Refuge

The Bimblebox property (otherwise known as “Glen Innes”) was secured in 2000, an era when Queensland’s land clearing rates were amongst the highest in the world. It was purchased with the savings of a number of concerned individuals, and around \$300,000 of NRS program funding, for the express purpose of saving it from being cleared. In 2003, the “perpetual” Bimblebox Nature Refuge Agreement was signed with the state government to “permanently protect” the conservation values of the property. This Nature Refuge Agreement (category VI Protected Area under the IUCN classification system) covers the property’s entire area. In receiving funding from the NRS program, and being covered by a perpetual conservation covenant, Bimblebox Nature Refuge became part of Australia’s protected area estate that makes up the NRS.

Bimblebox Nature Refuge is located in central-west Queensland, a large state with only 5.55% of land included in the NRS. This is the lowest proportion of protected land of any other state or territory in Australia. Nationally, protected areas cover 11.64% of the land mass.⁷ There are indications that pre-election promises for the expansion of the Queensland National Parks estate to 7.5 million hectares by 2020 will not proceed, which further highlights the importance of protecting those “protected areas” that already exist.

Bimblebox Nature Refuge is a semi-arid woodland property, containing a number of significant species. A minor portion of the property had been cleared at a previous time, so that 7,632 ha (around 95%) remain as original vegetation. It is located in the Desert Uplands, a bioregion declared an Australian Biodiversity Hotspot⁸, but which contains only 2.3% of land area in reserves, and only 27% of the region’s ecosystems represented in National Parks.⁹

Bimblebox Nature Refuge is a rare and genuine example of sustainable rangeland management, and exemplary in category VI of the IUCN classification. The property is managed with a small herd of beef cattle for strategic grazing of exotic pasture grasses. Profits are returned for native habitat rehabilitation and conservation. Such examples of sustainable grazing are crucial when it is considered that many existing grazing practices are considered one of the major threatening processes affecting biodiversity and ecosystem health over 60% of the continent.

Over the last five years, Bimblebox Nature Refuge has become host to a number of long-term research projects including fourteen Birds Australia monitoring sites and other ongoing research on biodiversity and climate change impacts conducted by the Commonwealth Science and Industry Research Organisation (CSIRO), Queensland Department of Primary Industries and Fisheries (DPI&F), Environmental Protection Agency (EPA) and the Queensland Herbarium. Some of these research projects looking into the use of fire and grazing as management tools are of critical importance and are highly relevant to the whole bioregion and much of the state.

Waratah Coal began exploration in 2008, and their maps indicate an „identified coal

⁷ <http://www.environment.gov.au/parks/nrs/about/ownership.html>

⁸ Desert Uplands, <http://www.environment.gov.au/biodiversity/hotspots/national-hotspots.html#1>

⁹ <http://www.anra.gov.au/topics/vegetation/assessment/qld/ibra-desert-uplands.html>

resource” that underlies all but a tiny corner of Bimblebox Nature Refuge. Given the legal priority given to mining in Queensland and other states, unless there is legislative change to safeguard the protected areas that make up the NRS at both state and federal levels, it is likely that Waratah Coal will begin to export the coal that lies beneath Bimblebox Nature Refuge and surrounding properties in the next couple of years at a rate of up to 50Mt per annum. I believe that *any* mining, with or without provisions, on Bimblebox Nature Refuge will threaten its integrity as one of the few remaining large tracts of un-cleared land in the region, and violates the agreed management guidelines for category VI protected areas.

Australian legislation

Waratah Coal’s initial development proposal was rejected by federal Environment Minister Garrett in September 2008, on the grounds that the rail and port would have an unacceptable impact on the environmental values of Shoalwater Bay and the surrounding area. With a different port option detailed, in November 2008 the Queensland Government declared Waratah’s proposal a significant project for which an Environmental Impact Statement (EIS) is required. Early in 2009 Waratah Coal referred their second development proposal for assessment and approval under Australia’s federal environmental law (Environmental Protection and Biodiversity Conservation Act) and it was deemed a controlled action, requiring an EIS to respond to the potential impacts it will have on a number of Matters of National Environmental Significance (MNES). The potentially affected MNES include world heritage properties, national heritage places, listed threatened species and communities, listed migratory species, and Commonwealth marine areas.

Queensland current coal exploration permits cover close to 7.5 million ha¹⁰, and the granting of permits and mining leases have increased greatly under the current state government. Given that there are around 100 nature refuges with mining exploration permits, and about half of these are for coal, it is unlikely that Bimblebox Nature Refuge will be the only protected area dug up for the sake of producing more climate changing coal. It is worth noting the striking inconsistency that mining companies are exempt from Queensland legislation introduced in 2004 which finally put an end to broad-scale clearing of remnant vegetation.

The Queensland government is apparently seeking to deal with the conflict of interest between its mining legislation and its conservation obligations by introducing an “offsets policy” for clearing vegetation of high conservation value. Land elsewhere in the bioregion is set aside for “permanent” protection under covenant agreement to compensate, which does not have to be single land parcels of the same size as the cleared land. Unfortunately there is no guarantee that the offset land could not itself be cleared for future mining. In the case of Bimblebox Nature Refuge so much land in the bioregion has already been cleared or otherwise degraded that little suitable offset land remains, certainly not as one single intact area. The conflict between mining and conservation policies is so great it threatens the viability of the NRS in Queensland as no private landowner will invest significantly in biodiversity protection if it cannot be guaranteed.

¹⁰ http://www.dme.qld.gov.au/zone_files/QGMJ/state_government_coal_production_expands.pdf

Concluding comments

In its 4th report to the CBD secretariat, the Australian federal government listed the employment of a precautionary approach to biodiversity conservation, and the goal for biodiversity not to be further degraded by the current generation, as two of their driving principles to biodiversity management.¹¹ Together with recently stated aspirations to manage and expand the NRS as a means to safeguard Australia's declining biodiversity in a future of climate uncertainty¹², current Australian policy that fails to fully protect protected areas from significant mining impacts falls badly short of these objectives.

We have written numerous letters to both state and federal governments regarding the plight of Bimblebox Nature Refuge. The Queensland Minister for Climate Change and Sustainability replied to inform us that mining of nature refuges would be considered on a case by case arrangement. This creates uncertainty and anxiety for nature refuge landowners, and discourages investment in biodiversity protection and the uptake of new conservation covenants. It also puts the nature refuge landowner in the stressful position of having to engage extensive resources in defending biodiversity on their property from mineral exploration and mining license claims.

I understand that there is genuine concern within some branches of state and federal government about this case, and the precedent that would set if the proposed mine is allowed to go ahead without protection of the NRS. I urge the CBD Secretariat to contact the relevant state and federal ministers (see over page), to clarify their position in regard to the conflict between protected areas and destructive mining activities in light of Australia's responsibilities as a signatory of the Convention of Biological Diversity. I believe both state and federal governments in Australia need strong encouragement to ensure the protection of the NRS from large scale mining operations, in line with their conservation goals in the context of declining biodiversity health and resilience in Australia.

Yours sincerely,

Paola Cassoni
Co-owner, Bimblebox Nature Refuge

¹¹ P22, <http://www.cbd.int/doc/world/au/au-nr-04-en.pdf>

¹² <http://environment.gov.au/parks/publications/nrs/pubs/nrsstrat.pdf>

ATTACHMENT 3

Nature Refuge Landholders' Association (NaRLA) Newsletter excerpts

NaRLA News: Special Edition, May 2010, page 2

As with all Nature Refuges, Avocet has environmental qualities that have been deemed necessary to preserve. What makes this one particularly sensitive to outside intrusion is a population of rare Flashjack wallabies (Bridled Nailtail Wallaby). For twelve years we have contributed thousands of voluntary hours to the population recovery project yet EPA has repeatedly told me that the 'needs of the state (coal extraction) have priority over the conservation values of a Nature Refuge'. Government argues that the current legislation allows mining on Nature Refuges and their hypocrisy isn't surprising as we all know that there isn't a 'green bone' in their collective bodies. An Endangered Regional Ecosystem (ERE) has higher status than a Nature Refuge and under the legislation, coal exploration is not permitted within 500 metres of its extent. How then was an exploration company allowed to drill on an ERE on Avocet?

Three guesses! EPA gave them permission - illegally. Despite the letter to the Courier Mail and Country Life, and complaints to various bodies and individuals, the issue hasn't been addressed. Consequently, I have reluctantly decided to protest by having my Nature Refuge Agreement with the Queensland government revoked. EPA has tried to talk me out of this decision but I won't change my mind. Obviously I will continue to support other Nature Refuge holders in their fight with a devious, hypocritical and uncaring government. Hugo Spooner - **Avocet Nature Refuge**

NaRLA news: Vol 4, No 1 2008, page 5

Ga'ri djaa ga'wun Nature Refuge managed to avoid two separate potential dangers in the first year of gazettal. Both threats were Queensland Government infrastructure projects. The first involved the South-East Queensland water grid construction, the second a railway line. After Seventy five separate submissions to the supplementary EIS, including one from the EPA (DERM) and NaRLA, an alternative site was chosen for the water grid construction. What is still unclear is which carried more weight, the environmental values of the Nature Refuge or the Conservation agreement or political expedience?

NaRLA News: Vol 3, No 1 2007

The landholders of **Bolger Bay Nature Refuge** on the World Heritage Magnetic Island were faced with an unusual threat of the humped variety. An approval for a camel tour operator to house the animals adjacent to the Nature Refuge in a declared Green Zone and then walk them through part of the refuge was overturned after strong resident and community court action. The developer had failed to notify all State departments with an interest in the land and its' use, an oversight Townsville City Council did not pick up in its own assessment of the proposal.

NaRLA News; Vol 1, No 2 Oct 2005

Again in a World Heritage area, **Cooper Creek Wilderness Nature Refuge** in the Wet Tropics has been battling ongoing degradation of a sacred Aboriginal women's site on Cooper Creek, known as the Blue Hole or Kaba Gada, since 2000. Despite constant campaigning on the landholder's behalf, jurisdictional responsibility has been passed around every level of government and department imaginable, to no avail. The Nature Refuge is frequently trespassed and vandalised to gain access to the waterhole, sustaining ongoing damage and pollution. Dogs are often released into the forest and are killing the endangered cassowaries and other wildlife. The current zoning of the waterhole is as an Environmental and Cultural Area, however DERM has stated that the public at large must be given unrestricted access to

the sacred place because the area was historically gazetted as a public road in 1984. Aboriginal rights dating back tens of thousands of years under the Aboriginal Cultural Act and freehold rights, dating back to 1895, to exclude trespass and conserve the exceptional biological values, have been ignored.

Special Edition, May 2010, page pp 7-8

The awful reality that Waratah Coal's plans would involve **Bimblebox Nature Refuge** became apparent when the first drill rigs entered the property to drill 20 sites beginning in 2007. It also became increasingly clear that Waratah was formulating plans to develop a massive coal mine centred on the property directly north of Bimblebox. With the daily workload and the likely struggle ahead, friends and organisations came to the rescue. There emerged a small group of dedicated people – 'the Bimblebox team' – who have worked together on the campaign efforts. Below is a summary of actions to date.

2007: Scientists who had conducted research on Bimblebox were contacted to request summaries of their work; letters written to the Queensland premier and relevant ministers

2008: A letter written to Minister Peter Garrett; preparation of a submission for Waratah's first EPBC referral (which included plans to build a port at Shoalwater Bay, which was later rejected by Minister Garret); local media contacted; a petition planned; and contact made with the National Parks Association, NaRLA, Six Degrees and the Mackay Conservation Group amongst others **2009:** Preparation of a comprehensive submission for Waratah's second EPBC referral (this time the company's plans included a port at Abbot Point near Bowen); more letters to ministers (including those in Bligh's new cabinet) and newspaper editors; petition launched; website developed; information posters distributed; media interviews; contact made with other affected landholders and interested organisations, including the Humane Society International; website re-vamped; letter written to the IUCN alerting to them of a possible breach of Australia's commitments under the Convention of Biological Diversity; an article written for Oceania's World Commission on Protected Areas newsletter; Ms Patricia Julien from the Mackay Conservation Group delivered the one and only public talk in Alpha to present some of the environmental, health and social concerns of transforming the Galilee Basin into the 'new Saudi Arabia' of fossil fuel dependence; Birds Australia volunteers visited Bimblebox to help in the survey of bird species on the property; a rally held outside the fossil fuel focussed Major Projects Conference; a public presentation in Brisbane; a meeting to present concerns to DIP Minister Hinchliffe (who promised to engage with other departments to try to develop more appropriate policy); a meeting with the Minister for Sustainability Kate Jones as part of the community cabinet meeting in central-west QLD; complaints lodged with DERM regarding the impact the initial 20 drill holes have had on Bimblebox, especially in light of immediate concerns for the impact of the extra 100 drill holes approved by DERM; article printed in National Parks Association newsletter; postcard designed and printed for Woodford folk festival and other community events.

Mining Plans and current developments In August 2009 we became aware of 100 drill holes having been approved by DERM, on top of the original 20. For the time being, it is a matter waiting for the company to notify the entrance of the drillers, while the campaign activities continue. Also in August 2009 the final Terms of Reference for Waratah's EIS was released so the company could begin their impact assessment, which for Bimblebox has involved one visit by an ecologist employed by Waratah. The mining company's final EIS is expected to be released sometime this year, in which they should detail their mining plans. To date, the only information we have had about their possible mining plans is the 'identified coal resource' map sourced from the company's website which shows the coal resource to under-lie all but a tiny corner of Bimblebox. The company may plan to mine all of Bimblebox, part of it, or none of it, it may leave buffers or not, or it might want to attempt

long-wall mining underneath the property. No matter which of these scenarios the company opts for, it remains a fact that current legislation does not provide any safeguard for nature refuge landholders or the rich biodiversity they care for.