

Objection form

Environmental Protection Act 1994

Objection to an application or amendment application for environmental authority (mining lease or mining claim)

This form should be used to make an objection under ss. 216 and 217 of the Environmental Protection Act 1994 (as in force prior to 31 March 2013) about an application made prior to 31 March 2013 for:

- *an environmental authority (mining lease or mining claim) application*
- *a draft environmental authority for an environmental authority (mining lease or mining claim) application*
- *a condition included in a draft environmental authority for an environmental authority (mining lease or mining claim) application.*

When completed, this form should be forwarded to the address detailed on the public notice. Objections must be received on or before 4.30pm on the last day of the objection period.

Note: For more information about making an objection about an application for an environmental authority, or for confirmation of the correct address to which submissions (objections) should be sent, please contact Permit and Licence Management, Department of Environment and Heritage Protection: via email at palm@ehp.qld.gov.au; by phone on 13 74 68; or by mail – GPO Box 2454, Brisbane Qld 4001.

For objections to the mining tenure, you must use the objection form for a mining lease application (MRA-20 Version Number 5), available at www.dnrm.qld.gov.au using 'MRA-20' as the search term.

Date: 3 April 2020

Objector name: The Bimblebox Alliance Inc. (ABN 40 145 809 497)

Objector contact details: Tel: (07) 3211 4466; Email: edoqld@edoqld.org.au

To: (Insert address of Department of Environment and Heritage Protection)

Department of Environment and Science, Business Centre (Coal), 99 Hospital Road, EMERALD QLD 4720 or PO Box 3028, EMERALD QLD 4720 or phone 07 4987 9390 or email palm@des.qld.gov.au; and

Coal Assessment Hub, Department of Natural Resources, Mines and Energy, PO BOX 3679, RED HILL QLD 4701 or email: coalhub@dnrme.qld.gov.au

Objection form

Objection to an application or amendment application for environmental authority (mining lease or mining claim)

Attention: Christopher Loveday and Gillian Naylor

(Insert contact officer's name)

Application for (tick 1 or more of the options below):

- environmental authority (mining lease)
- environmental authority (mining claim)
- amendment to an environmental authority (mining lease)
- amendment to an environmental authority (mining claim)

Tenure type and number:	ML 70454
Environmental authority number or application reference number:	Draft Environmental Authority Galilee Coal Mine EPML00571313
By (applicant's name):	Waratah Coal Pty Ltd (CAN 114 165 669)
For the proposed (description of activity):	Open cut and underground mining operation for the extraction of coal
On land described as (description of operational land):	EPC 1040 and EPC1079 on LOT 1 ON BF17, LOT 1 ON BF72, LOT 10 ON RP894235, LOT 11 ON BF25, LOT 2 ON SP136836, LOT 3 ON BF802451, LOT 4 ON BF22, LOT 626 ON MX806585, LOT 7 ON BF7, + LOT 5 ON MX43

I/we hereby give notice of an objection¹ in relation to (tick 1 or more of the options below):

Note: You can object to the environmental authority application or amendment application, draft environmental authority and/or condition(s) included in the draft environmental authority.

- (1) the environmental authority application or amendment application
- (2) the draft environmental authority for the application or amendment application
- (3) a condition(s) included in the draft environmental authority for the application or amendment application.

Describe the grounds of the objection

¹ Under section 217 of the Environmental Protection Act, to be considered 'properly made', an objection must be received on or before the last day of the objection period.

A properly made objection must also:

- be written
- be signed by or for each entity (signatory) who made the objection
- state the name and address of each signatory
- be made to the administering authority
- state the grounds of the objection and the facts and circumstances relied on in support of the grounds.

The authority may accept a written objection even if it is not a properly made objection.

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Note: Where the objector has ticked more than 1 option (1–3) above, the objector must identify which type of objection (1–3) each of the grounds described below relate.

Grounds of the objection:

The grounds for the objection are set out in the attachment to this form.

Each entity/signatory to this objection must be stated below

(Note: This is not a petition. If you sign this page you will be required to participate in proceedings before the Land Court regarding your objection).

1	Name The Bimblebox Alliance Inc. (Signed Alison Rose, Solicitor for The Bimblebox Alliance Inc.)	Signature 	Date 03/04/20
Postal address C/O Environmental Defenders Office Ltd, 8/205 Montague Rd West End 4101		Telephone: (07) 3211 4466 Facsimile: E-mail: edoqld@edoqld.org.au	
2	Name	Signature	Date
Postal address		Telephone: Facsimile: E-mail:	
3	Name	Signature	Date
Postal address		Telephone: Facsimile: E-mail:	

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4	Name	Signature	Date
Postal address		Telephone:	
		Facsimile:	
		E-mail:	
5	Name	Signature	Date
Postal address		Telephone:	
		Facsimile:	
		E-mail:	
6	Name	Signature	Date
Postal address		Telephone:	
		Facsimile:	
		E-mail:	
7	Name	Signature	Date
Postal address		Telephone:	
		Facsimile:	
		E-mail:	

Further information for submitters

Referral to Land Court

An environmental authority application will be referred to the Land Court if there is a current objection relating to the application when the objection period ends. Referral to the Land Court will take place within 10 days of the end of the objection period.

Amendment or withdrawal of an objection

An objector may, by written notice in the approved form, amend or replace their objection within the objection period. An objector may also withdraw their objection:

- before the objection period ends – by giving written notice in the approved form to the administering authority, or
- after the objection period ends – by filing the written notice in the approved form with the Land Court and giving the administering authority a copy.

ATTACHMENT A to EA Objection

OBJECTION NOTICE – GALILEE COAL PROJECT (NORTHERN EXPORT FACILITY)

Note: The application for environmental authority was made but not decided before the commencement of the Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012 (the amending Act), and the processing of the application and all matters incidental to the processing must proceed as if the amending Act had not been enacted pursuant to s683 of the Environmental Protection Act 1994 (reprint current from 11 April 2019). The Environmental Protection Act 1994 in force prior to the enactment of the amending Act is the reprint current as at 14 March 2013. References below are to Environmental Protection Act 1994 as at 14 March 2013 (the EPA).

GROUNDS FOR THE OBJECTION

1. The Land Court must recommend, or alternatively, should recommend, that the application for an environmental authority be refused because the development for which approval is sought does not improve the total quality of life, either now or in the future, in a way that maintains the ecological processes on which life depends: EPA, ss 3 and 5.
2. The Land Court must recommend, or alternatively, should recommend, that the application for an environmental authority be refused because:
 - 2.1 the Land Court, when exercising the functions in Part 6, Division 7, Subdivision 1 of the EPA:
 - (1) acts in an administrative capacity, within the meaning of section 9(4)(b) of the *Human Rights Act 2019* (the HRA);
 - (2) is therefore a “public entity”, within the meaning of the HRA;
 - (3) has a discretion, under section 222(1) of the EPA, in making an objections decision, such that section 58(1) of the HRA is not disapplied by section 58(2) of the HRA; and
 - (4) therefore acts unlawfully if:
 - (a) it makes an objections decision under Pt 6, Div 7, Subdiv 1 of the EPA that is not compatible with human rights; or
 - (b) in making an objections decision under Pt 6, Div 7, Subdiv 1 of the EPA, fails to give proper consideration to a human right relevant to that decision;
 - 2.2 the purpose of the Land Court’s functions in Pt 6, Div 7, Subdiv 1 of the EPA is to inform the Director-General of the Department of Environment and

Science's ("the Director-General") decision under section 225 of the EPA, in the making of which, the Director-General:

- (1) will be a "public entity", within the meaning of the HRA;
- (2) will have a discretion, under section 225(1) of the EPA, such that section 58(1) of the HRA is not disapplied by section 58(2) of the HRA; and
- (3) will therefore act unlawfully if the Director-General:
 - (a) makes a decision under section 225(1) of the EPA that is not compatible with human rights; or
 - (b) in making a decision under section 225(1) of the EPA, fails to give proper consideration to a human right relevant to that decision;

2.3 the development for which approval is sought will:

- (1) limit the human right identified in:
 - (a) section 15 of the HRA;
 - (b) section 16 of the HRA;
 - (c) section 24 of the HRA;
 - (d) section 25(a) of the HRA;
 - (e) section 26(2) of the HRA;
 - (f) section 28 of the HRA;

(collectively, the **relevant human rights**)
- (2) limit each of the relevant human rights beyond the extent that is reasonable;
- (3) limit each of the relevant human rights beyond the extent that is demonstrably justifiable in accordance with section 13 of the HRA;

2.4 for:

- (1) the Land Court to recommend;
- (2) the Director-General to decide;

that the application for environmental approval should be granted on the basis of the draft environmental authority for the application, or on conditions different to those in the draft (but consistent with the Coordinator-General's conditions) would be not compatible with the relevant human rights.

3. The application for an environmental authority should be refused on the basis of:
 - 3.1 the considerations stated in section 223 of the EPA;
 - 3.2 proper consideration of the relevant human rights;
 - 3.3 other relevant considerations (having regard to the subject-matter, scope and purpose of the EPA, including sections 3, 5, 7 and 8, and the definition of 'standard criteria' in Schedule 4, and to section 48 of the HRA).
4. Without limiting ground 3 above, the application for an environmental authority should be refused, having regard to the matters there stated, because:
 - 4.1 the development for which approval is sought does not improve the total quality of life, either now or in the future, in a way that maintains the ecological processes on which life depends;
 - 4.2 approval will limit the relevant human rights beyond the extent that is reasonable and demonstrably justified in accordance with section 13 of the HRA;
 - 4.3 approval of the application is not consistent with the core objectives of ecologically sustainable development (which need to be considered as a package with the guiding principles) to:
 - (1) enhance individual and community well-being and welfare by following a path of economic development that safeguards the welfare of future generations;
 - (2) provide for equity within and between generations; and
 - (3) protect biological diversity and maintain essential ecological processes and life-support systems;
 - 4.4 approval of the application is not consistent with the guiding principles of ecologically sustainable development (*standard criterion (a)*) that:
 - (1) decision making processes should effectively integrate both long and short-term economic, environmental, social and equity considerations (*intergenerational equity*);
 - (2) where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (*the precautionary principle*);
 - (3) the global dimension of environmental impacts of actions and policies should be recognised and considered;
 - (4) the need to develop a strong, growing and diversified economy which can enhance the capacity for environmental protection should be recognised;

- (5) the need to maintain and enhance international competitiveness in an environmentally sound manner should be recognised;
 - (6) cost effective and flexible policy instruments should be adopted, such as improved valuation, pricing and incentive mechanisms;
- 4.5 approval of the application would have adverse effects on the character, resilience and value of the receiving environment including the ecosystem and communities of the region, the natural and physical resources of the region, the qualities and characteristics of the region that contribute to its biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony and sense of community, and the social, economic, aesthetic and cultural conditions that affect, or are affected by other aspects of the environment (*standard criterion (e)*);
 - 4.6 approval of the application would not be consistent with best practice environmental management (*standard criterion (g)*);
 - 4.7 approval of the application would be contrary to the public interest (*standard criterion (i)*);
 - 4.8 approval of the application would cause environmental harm;
 - 4.9 approval of the application would be contrary to appropriate consideration and application of environmental protection policies;
 - 4.10 approval of the application would be contrary to relevant Commonwealth and State government plans, standards, agreements or requirements about environmental protection or ecologically sustainable development (*standard criterion (c)*). These include international agreements to which Australia is a signatory, including agreements intended to limit the emissions of greenhouse gases, such as the Paris Agreement and the International Convention on Biological Diversity intended to protect and conserve areas of significant biodiversity in Australia's bioregions for future generations;
 - 4.11 approval of the application would be contrary to appropriate consideration and application of a regulatory requirement (EPA, section 223(b));
 - 4.12 approval of the application is not appropriate because of an insufficient response given for an information request;
 - 4.13 in considering the economic benefits of the development for which approval is sought, it is necessary to subtract the full and true economic costs, including the properly evaluated costs of the adverse impacts of the development.
5. Alternatively, if the application is not refused, conditions should be imposed in accordance with the regulatory requirements to address the matters raised in grounds 1 to 4 above.

FACTS AND CIRCUMSTANCES RELIED ON IN SUPPORT OF THE GROUNDS

The Bimblebox Nature Refuge and locality

6. The Bimblebox Nature Refuge makes up the area of Lot 4 on plan BF22 situated in the County of Beaufort, within the Jericho sub-bioregion in the south of the Desert Uplands bioregion, containing an area of about 7,912 ha (**the Bimblebox Nature Refuge**).
7. The Bimblebox Nature Refuge demonstrates how sustainable grazing, tourism and biodiversity conservation can co-exist, while conserving traditional Australian landscapes, biota and cultures for future generations.
8. It has been managed under a government-approved plan for the last 20 years by a small group of concerned individuals, who purchased the land in 2000 with their savings and funding from the Australian National Reserve System Program.
9. Some of those individuals have spent the last 20 years working to preserve and enhance the biodiversity value of the Bimblebox Nature Refuge.
10. The Bimblebox Nature Refuge is a sanctuary of remnant semi-arid ironbark, poplar box and acacia woodlands with 650 native plant species, including 313 herbaceous species of shrubs, forbs and grasses, and with a rich diversity of fauna species, such as 56 mammal species, 173 bird species (79% of all bird species in the Jericho sub-bioregion), 83 reptile species, 14 amphibian species, and other native animals. Twenty of the fauna and flora species are of conservation significance for the Desert Uplands bioregion.
11. The Desert Uplands bioregion in which the Bimblebox Nature Refuge is situated is classified as a biodiversity hot spot. It is also classified as State Significant under the Queensland government's Biodiversity Assessment and Mapping Methodology. Its ecosystems are rated "high to very high" for ecosystem diversity, condition, habitat quality, species richness, core habitat for priority taxa, taxa at the limit of their geographic ranges, context and connection, and tract size.
12. The values of the Bimblebox Nature Refuge have been recognised by conservation agreements with the Federal and State governments and was gazetted as a Nature Refuge under the *Nature Conservation Act 1992* in 2003 to be managed to conserve the area's significant cultural and natural resources, which included the ironbark and poplar woodlands and the high diversity of its herbaceous species.
13. The conservation agreement with the State of Queensland describes the values of the Bimblebox Nature Refuge as "*The Land is significant because 96% of its original vegetation is still intact, is in excellent condition, and has high biodiversity values. The Land consists primarily of poplar box and silver-leaved iron bark woodlands (Regional Ecosystems 10.3.27, 10.3.28, 10.5.5 and 10.5.12), which are currently the focus of extensive clearing in the bioregion. Both eucalypt woodlands support a wide variety of grasses and fauna species. The Land also contains small areas of moreton bay ash, coolibah, bloodwood, brigalow, blackbutt and heath (Regional Ecosystems 10.3.12 and 10.3.3). The conservation agreement will ensure that management and use of the Land sustains these flora and fauna values in perpetuity.*"

14. The conservation agreement with the State of Queensland allows controlled grazing to continue while protecting existing biodiversity values in perpetuity.
15. The character, resilience and values of the Bimblebox Nature Refuge provide important ecosystem services and functions to the local area, bioregion, and the state, including the local community and broader community. These include providing:
 - 15.1 a flora and fauna refuge;
 - 15.2 a seed bank;
 - 15.3 carbon sequestration;
 - 15.4 an oxygen and clear air and rain generator;
 - 15.5 a spiritual place;
 - 15.6 a place that improves psychological and physical health and well-being; and
 - 15.7 a place that promotes art, education and tourism.
16. The Bimblebox Nature Refuge is a scientific research property for conservation, sustainable grazing and fire management research. The Bimblebox Nature Refuge also provides resilience to the regional ecosystem following natural disasters, including drought, and promotes social well-being through the promotion of cultural activities.
17. The character, resilience and values of the Bimblebox Nature Refuge will continue to be provided in the short and long-term, and to future generations in perpetuity, if the Proposal does not proceed.
18. The Bimblebox Nature Refuge has value as a place that has both the environmental resources and the human resources necessary to preserve and enhance the matters stated in the previous paragraphs.

The Proposal

19. Waratah Coal Pty Ltd (**the Proponent**) seeks a mining lease (application number 70454) and environmental authority (draft permit number EPML00571313) for the Galilee Coal Project (Northern Export Facility) (**the Proposal**), formerly known as the China First Coal Project.
20. The Proposal seeks to produce 40 million tonnes per annum of thermal coal. The mine lease period sought is 35 years and the mine life is estimated at 25-30 years.
21. The proposed mining lease area encompasses all but 193 ha (<2.5%) of the Bimblebox Nature Refuge.

Local biodiversity impacts

22. The biodiversity values of the Bimblebox Nature Refuge are set out at paragraphs 6-18 above.

23. The Proposal would significantly impact the Bimblebox Nature Refuge with approximately half of its area subject to direct clearing and open-cut mining, and the balance undermined with likely impacts from subsidence, threatening the entirety of the Bimblebox Nature Refuge.
24. The Proposal would also cause adverse impacts to the character, resilience and values of the Bimblebox Nature Refuge by reason of greenhouse gas emissions (see paragraphs 40 and 46 below).
25. The Proposal would remove the option to continue to use the Bimblebox Nature Refuge for sustainable conservation grazing in perpetuity.
26. The Proposal would destroy the biodiversity values of the Bimblebox Nature Refuge which cannot be offset or replaced.
27. The Proposal is inconsistent with government agreements to protect the area in perpetuity, and the proposed offsets will be inadequate, incomplete and/or unacceptable.

Local human impacts

28. If the Proposal is allowed to proceed, the destruction of the Bimblebox Nature Refuge will:
 - 28.1 deeply and irreversibly impact on those individuals who have invested their personal time, effort and resources into the Bimblebox Nature Refuge over the past 20 years;
 - 28.2 limit the rights under sections 24 and 25(a) of the HRA of those individuals beyond the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HRA;
 - 28.3 also adversely impact on present and future generations, including because it will diminish the ability to pass on to future generations conservation-oriented farming practices, and to leave behind a sustainable means of living on the land.

Adverse impacts of the emission and atmospheric accretion of greenhouse gases

29. Since the industrial revolution, human activity has caused the emission into the atmosphere of “greenhouse gases”.
30. Accretion of greenhouse gases in the atmosphere, has caused adverse impacts to:
 - 30.1 the health, life, and way of life, of human beings, individually, in communities and as a species;
 - 30.2 the health, life and survival of other species and ecosystems; and
 - 30.3 other components of the environment.

31. Accretion of greenhouse gases emitted into the atmosphere by human activity has already caused:
 - 31.1 the increase of the global average surface temperature of Earth by 1°C, as compared to pre-industrial levels;
 - 31.2 the average global temperature of Earth in 2015, 2016, 2017, 2018 and 2019 to be higher than any previous year for which human beings have recorded the average global temperature;
 - 31.3 warmer temperatures over most land areas on Earth, including Queensland, with 2019 being Australia's warmest year on record;
 - 31.4 more frequent high temperatures over most land areas on Earth, including Queensland;
 - 31.5 increases in the frequency, intensity and duration of heat waves in many regions of Earth, including Queensland;
 - 31.6 increase in the frequency, intensity and/or amount of heavy precipitation in many land areas on Earth, including Queensland;
 - 31.7 increases since 1970 in intensity and/or duration of drought in many regions of Earth, including large areas of inland southeast Queensland;
 - 31.8 increases in heavy precipitation from tropical cyclone activity, including in Queensland;
 - 31.9 increased incidence and/or magnitude of extreme high sea levels, including in Queensland;
 - 31.10 increased extreme fire weather and length of the fire season in some land areas on Earth, including Queensland;
 - 31.11 mass coral bleachings, including in Queensland; and
 - 31.12 increased ocean acidity, including in Queensland.
32. Of the greenhouse gases emitted by human activity into, and accreted in, the atmosphere, carbon dioxide (CO₂) has been the most significant cause of those adverse impacts.
33. Until now, about 90% of CO₂ emissions into the atmosphere from human activity have been emitted as the product of burning fossil fuels (coal, oil, and gas), and the remainder has been emitted as the result of land-use change.

Adverse impacts of continuing to emit greenhouse gases into the atmosphere

34. If human beings continue to emit greenhouse gases, then these will accrete in the atmosphere with greenhouse gases already present there, causing increasingly adverse impacts to:
 - 34.1 the health, life, and way of life, of human beings, individually, in communities and as a species;
 - 34.2 the health, life and survival of other species and ecosystems; and
 - 34.3 other components of the environment.
35. The continued emission of greenhouse gases into the atmosphere will, eventually:
 - 35.1 destroy the health, life, and way of life, of many human beings and human communities;
 - 35.2 cause or contribute to the widespread of extinction of many non-human species and ecosystems;
 - 35.3 destroy the ecosystems and environments on which human and other life depends.
36. Recognising that the ongoing risks to human wellbeing of continuing to emit greenhouse gases unchecked are too high to accept, governments around the world have agreed under the Paris Agreement to holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of the harm caused by accretion of greenhouse gases in the atmosphere.
37. If accretion of greenhouse gases in the atmosphere reaches the level where it causes an increase in the global average temperature of 1.5 to 2.0°C, it will also cause:
 - 37.1 high risks to natural ecosystems;
 - 37.2 extreme weather events, far worse than those caused to date;
 - 37.3 an increase of the risk of widespread impacts on the most vulnerable human beings from moderate towards high;
 - 37.4 increased political tensions and instabilities globally;
 - 37.5 significant adverse impacts on the global economy;
 - 37.6 a risk of crossing important “tipping points”, as explained in the following paragraph.
38. In considering the adverse impacts caused by increased accretion of greenhouse gases in the atmosphere, account must be taken of “tipping points”: points at which events are caused that themselves then cause significant increases in the escalation or

intensity of adverse impacts. For example, if greenhouse gases accrete in the atmosphere to a level that causes an increase in the global average temperature of 1.5-2.0°C, there is a risk of the Greenland ice sheet melting at an accelerated rate, and driving an unstoppable rise in sea level of up to seven metres.

39. Continued accretion of greenhouse gases in the atmosphere will cause, in Australia, worse extreme weather events, resulting in more severe heatwaves, more frequent and intense bushfires, an increase in extreme rainfall, and more frequent and damaging coastal flooding.
40. Continued accretion of greenhouse gases in the atmosphere will cause, in Queensland, increasingly adverse impacts on the environment, including the following:
 - 40.1 increased temperature;
 - 40.2 worsening drought conditions, and prolonged droughts;
 - 40.3 longer, more frequent and more intense heatwaves;
 - 40.4 increases in extreme weather events and natural disasters;
 - 40.5 increases in the intensity and frequency of bushfire events;
 - 40.6 more intense rainfall events and storm surges;
 - 40.7 increases in mosquito populations and vector-borne diseases;
 - 40.8 increased intensity of extreme rainfall;
 - 40.9 greater proportion of high intensity storms;
 - 40.10 erosion/loss of productive topsoil;
 - 40.11 desertification;
 - 40.12 mass coral bleachings;
 - 40.13 increased ocean acidity;
 - 40.14 sea level rise;
 - 40.15 decline in ecosystems and habitats;
 - 40.16 decline in terrestrial and marine species populations;
 - 40.17 increased rates of species extinction;
 - 40.18 impacts cumulative with other adverse environmental impacts, including land and habitat clearing, destruction of local ecosystems, water usage and pollution.

41. Continued accretion of greenhouse gases in the atmosphere will cause, in Queensland, increasingly adverse impacts on the health, life, way of life and property of human beings, including the following:
 - 41.1 the effects stated in paragraph 40 above, and the impacts of those effects on human beings;
 - 41.2 impacts on food availability and affordability;
 - 41.3 increases in vector borne diseases in areas of high humidity and rainfall;
 - 41.4 decline in the amount and quality of land available for productive agriculture;
 - 41.5 loss of property due to sea level rise;
 - 41.6 financial costs in adaptation and increased costs of living — particularly for farmers as a result of reduced agricultural productivity and residents of rural and low socio-economic communities; and
 - 41.7 increases in displacement of individuals and communities;
 - 41.8 increased costs of living;
 - 41.9 consequent deterioration of physical and social security and mental health and wellbeing.
42. As greenhouse gases continue to accrete in the atmosphere, Queensland will become decreasingly capable of supporting human or other life, and will be able to do so in a decreasing number of geographical areas and locations.
43. The relationship between the amount of future greenhouse gas emissions and the rate of increase in the adverse impacts described above is not necessarily linear or predictable. As stated in paragraph 38 above, the level of accretion will reach certain “tipping points”, resulting in exponential and irreversible harms of various kinds.
44. The adverse impacts in paragraphs 40 and 41 above will disproportionately affect:
 - 44.1 children who are living now and are born in future, at an ever-increasing level into the future (in particular, present and future children will be at a disproportionately greater risk of poorer health outcomes and premature mortality);
 - 44.2 older people, people living in poverty, other disadvantaged people, and First Nations Aboriginal and Torres Strait Islander peoples.
45. Accretion of greenhouse gases in the atmosphere will also adversely affect First Nations Aboriginal and Torres Strait Islander peoples in specific ways, including by causing:
 - 45.1 disruption of traditional cultural practices, including those which depend on connection to place and ecological systems;

- 45.2 displacement from traditional lands;
- 45.3 impediments to the continuation, preservation and development of culture into the future and for future generations;
- 45.4 irreversible harm to their traditional lands and waters;
- 45.5 other limits on the rights referred to in s 28(2) of the HRA.

The Proposal will cause those adverse impacts

- 46. If the Proposal is allowed to proceed, then the thermal coal in the mining lease area will be extracted, exported and burned, thereby emitting approximately 3 billion tonnes of greenhouse gas (mostly CO₂) into the atmosphere, where its accretion with the greenhouse gases there will cause adverse impacts of the kind described above.

Approval is incompatible with the relevant rights

- 47. If the Proposal is allowed to proceed, it will limit the rights under ss 15, 16, 24(2), 26(2) and 28 of the HRA of human beings in Queensland, beyond the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HRA.

Economic impacts

- 48. Further emissions of greenhouse gases into the atmosphere will cause financial, legal, and fiscal risks and costs, which must be set off against any economic benefits of the Proposal.
- 49. The most robust way to determine the changes in human activity required to meet the aims of the Paris Agreement is to use a “carbon budget” approach. On this approach, the available “carbon budget” is the cumulative amount of additional CO₂ that can be emitted before accreted greenhouse gases in the atmosphere will cause a particular increase in global average temperature, as compared to pre-industrial levels.
- 50. A 2°C carbon budget requires a rapid phase-out of burning fossil fuels, which must be completed by 2050 at the latest. The 1.5°C carbon budget is smaller, requiring a more rapid and accelerated cessation of burning fossil fuels.
- 51. A carbon budget covers all greenhouse gas emissions caused by human activity, including but not limited to emissions caused by the burning of fossil fuels.
- 52. Existing approvals for fossil fuel infrastructure (in particular infrastructure that is operating or under construction, including all approved coal mines), if operated within their design life would result in greenhouse gas emissions that would collectively exceed the 1.5°C carbon budget and 2°C carbon budget.
- 53. Consequently, no new fossil fuel development is consistent with meeting the Paris Agreement climate targets.
- 54. The Proposal would remove thermal coal from a stable store in the ground, allowing it to be burned, and to become part of the active carbon cycle. The Proposal will also result in emissions, including methane, from mining and transport of the coal.

55. It follows that the Proposal is inconsistent with the aims of the Paris Agreement.
56. If governments and markets globally align with the actions necessary to limit the increase in global average temperature to less than 2°C above pre-industrial levels, then thermal coal will be the most negatively exposed commodity.
57. The Proposal will be financially exposed to such global and policy market responses. The risks to the Proposal — including that its assets will become stranded as a result of global policies and international action on “climate change” mitigation increasingly constraining demand and consumption of coal — continue to increase throughout the Proposal’s lifespan.
58. The Proposal assessment failed to consider a full cost-benefit analysis of the Proposal compared with alternatives and including a proper evaluation of the true cost of the adverse impacts of the Proposal (including “externalities”, such as the adverse impacts caused by the burning of the coal).
59. The Proposal assessment failed to consider the economic benefits of protecting the Bimblebox Nature Refuge in perpetuity.
60. The economic benefits of the Proposal are overstated and do not:
 - 60.1 demonstrably justify the limitations on the relevant human rights that the Proposal will cause;
 - 60.2 outweigh the impacts of the Proposal on present and future generations.
61. The economic benefits of the Proposal are also vulnerable to adverse impacts of the continued emission of greenhouse gases, including the risk that the Proposal may not be able to operate at optimal levels for its full expected lifespan due to factors of the kind identified in paragraph 40 above.
62. The Proposal has not adequately demonstrated, for example through sufficient geotechnical bore investigations, that the land below the Bimblebox Nature Refuge is sufficiently mineralised to permit an acceptable level of development and utilisation of any resource within the Bimblebox Nature Refuge.
63. The financial circumstances of the applicant raise significant concerns about the ability of the applicant to carry on the mining operations.