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Hon. Greg Hunt, Minister for the Environment  
PO Box 6022  
House of Representatives, Parliament House  
Canberra ACT 2600

31 January 2014

Dear Greg,

I apologise for my belated reply to the response you sent me to my letter regarding your approval of the China First coal mining project. I have been tied up with wildlife matters on North Stradbroke Island resulting from the horrendous bushfires we had here that burned a good 65% of the island and wiped out a large percentage of our wildlife.

I have responded to your statements below, one at a time, this time in my role as Coordinator for the Protect the Bush Alliance.

***Are you aware that in fact 95% of this proposal was advanced and brought to the edge of decision by the previous ALP Government? The final decision was simply deferred by the previous government until after the election.***

The decision was deferred because it was politically very difficult and probably not legally defensible. The use of an offset to mine Bimblebox Nature Refuge does not meet Australia's obligations under the IUCN Convention on Biological Diversity. Nor can the use of an offset to allow mining of a nature refuge be justified according to a 2013 independent review of offsets done for the IUCN and the International Council for Mining and Metals and a 2013 review done for COAG by the Productivity Commission on major development assessments. The current draft Offset Policy by the Queensland government also fails to meet recommendations for offsets as described by the Productivity Commission.

We note that you have been able to reverse numerous decisions made by the previous government and have the power to ensure that the use of offsets follows best international practice. The Productivity Commission recommended a review this year of offsets and this is an opportunity to revisit your government's support for allowing mining of IUCN Class IV nature refuges and ensure world's best practice for the use of offsets. Right now public perception of offsets is that they are a tool to facilitate development, not to protect biodiversity.

***On coming to office, against the wishes of the company I applied the water trigger. Against the wishes of the company I imposed significant conditions that were far in excess of those contemplated by the previous Government.***

We realise that in a pro-business government you face tremendous pressures to allow development at the expense of the environment. *We applaud you enthusiastically for applying the water trigger.*

Patricia Julien, Coordinator, Mackay Conservation Group (MCG) visited with former Queensland State Development Minister Stirling Hinchcliffe years ago when development of massive coal mines in the Galilee

Basin and the loss of Bimblebox Nature Refuge to mining was first mentioned. She raised the need for a more comprehensive plan for water supply and management for the Belyando River Basin under the Burdekin Basin Water Resources Plan. This was not done. In a region where less than three per cent is under conservation protection and where 95 per cent of the Burdekin River Basin is covered with coal mining permits, imposing conditions on developments, we are afraid, will not suffice to ensure no net loss of biodiversity.

Areas of high environmental conservation and agricultural values simply should be off limits to mining. This especially applies with regard to the Australian government, to areas covering Matters of National Environmental Significance. Reforms recommended under the Hawke review of the EPBC Act have yet to be implemented and some of these apply to the Galilee Basin bioregions. For example, EPBC-listed migratory wildlife travel seasonally along the riparian areas of the Fitzroy and Burdekin River Basins. This is where the coal mines are largely located. These waterways are subject to creek and river diversions which have a poor track record.

There is currently a case in the Queensland Land and Environment Court addressing the quality of a proposed river diversion for Coral Creek for the expansion of the Sonoma Mine in Collinsville. Without the Hawke Review recommendations being implemented, important seasonal habitats for migratory species in this region remain at risk.

You have the most power to influence their fate and other MNES in this region. Mining companies come and go but what you decide influences the long-term outcomes for biodiversity in this region.

***Are you also aware that the submission had been admitted and advanced for 4 years by the ALP starting with Peter Garrett and Tony Burke and Mark Butler? In short, they advanced it right to the stage of approval and then left final approval until after the election.***

You write as though I supported Labor and their endeavours. No, I did not, at all, just as I do not support your decision, nor do any other PTBA members. We are well aware of what Labor did, having engaged with them for many years on this matter and we are looking for science based decisions which are in the long-term public interest not the most political expedient ones. Waratah Coal was well aware when they sought an exploration permit that included Bimblebox Nature Refuge that it had IUCN Class IV status and that there was a strong possibility the Australian government would not allow it to be mined. The public interest in this case is best served by ensuring the high environmental values of this refuge are protected. We look to you to do this.

And Greg, are YOU aware that ‘the submission (that) had been admitted and advanced for four years by the ALP starting with Peter Garrett and Tony Burke and Mark Butler’ was countered by a counter submission delivered by the owners of Bimblebox NR, the Australian (and overseas) people and other environmental groups since 2009? You were also contacted by them while you were shadow minister.

***In addition I have made a condition the creation and acquisition of 16,000 hectares of national park quality land to be offered for inclusion in the Queensland National Parks system.***

How did you arrive at the figure of 16,000? Would you please advise where and when this additional area to the National Parks system in Queensland will be provided? How much of it will be in Central Queensland? Is this part of an offsets agreement for allowing clearing of hundreds of thousands of hectares of woodlands and grasslands, including MNES, for more large scale mines in the Galilee Basin? We would strongly recommend that no approvals be granted until that area is actually gazetted as a National Park.

***I would also respectfully ask whether at any stage in the last 4 years you approached the ALP with your concerns about the proposal?***

The owners of Bimblebox Nature Refuge and Mackay Conservation Group (MCG) – both members of the Protect the Bush Alliance – approached the previous government on numerous occasions, starting with Peter Beattie, who recognised that the nature refuge was indeed a fine example of sustainable farming and environmental conservation that needed to be protected from the extensive tree clearing that was occurring at the time in that region. It was one of the factors that inspired him to put a moratorium on tree-clearing.

Both the Queensland and Federal government and Waratah Coal received the results of the three years of seasonal bird surveys carried out on Bimblebox Nature Refuge including the Black-throated Finch sighting. Both levels of government confirmed the sightings by Maureen Cooper of the flocks of endangered Black-throated Finches in 2011 in this nature refuge. And according to the Threat Abatement and Recovery Plan on the SPRAT web site: ‘The overall objective of the *National recovery plan for the Black-throated finch southern subspecies (Poephila cincta cincta)* (BTF Recovery Team et al. 2007) is to manage and protect the Black-throated Finch (southern) and its habitat, and to promote the recovery of the southern subspecies. The actions of this recovery plan seek to understand the relative importance of the known threats, verify the suspected decline of the subspecies and protect and enhance existing habitat.’

All bird species records from the three years of seasonal surveys which we did (volunteers from the Townsville, Mackay and Rockhampton chapters of Birds Australia (now Birdlife Australia) were sent by Patricia Julien (MCG) to the office responsible for entering the data into then DERM's Wildlife Online database. The data revealed that nearly all of the bird species of bioregion conservation significance for the Desert Uplands Bioregion's regional ecosystems in Bimblebox Nature Refuge were present in the Refuge. This is significant because in NSW where these species were once abundant, they have now declined or are not present, because of extensive tree clearing for agriculture. Bird species such as the Spectacled Warbler which requires fallen dead trees and plenty of other ground litter for habitat were recorded. This type of ground layer is not present in medium to heavily grazed land. Its presence demonstrates how rare this kind of habitat is and the need to protect it.

Paul Donatiu (Executive Coordinator, National Parks Association Queensland) also conducted flora surveys in the Refuge and identified almost 300 plant species. The QLD Herbarium have recorded that populations of two as yet unnamed plant species are found on Bimblebox and nearby properties. CSIRO undertakes ongoing long-term research on fire impacts in Bimblebox Nature Refuge in partnership with the Queensland Herbarium. All this will be lost if the Refuge is mined.

Patricia Julien flew to Canberra two years ago to meet with an environmental official to argue the case for not mining an IUCN Class IV protected area for which the federal government had provided well over \$200,000 of taxpayer money to purchase to save it from clearing and classify it as a Nature Refuge. Sonya Duus (PhD student from ANU) was also at that meeting. This was a senior official and an advisor to the then Environment Minister. As Patricia recalls, his name may have been Hughes and he is still in the department and represents DEA on the Abbot Point Dredging Technical Advisory Consultative Committee. The Minister at the time was Tony Burke.

Patricia also met with the head of the Nature Refuge program in the Queensland government to argue for the protection of Bimblebox Nature Refuge. It was raised with a number of Queensland Environment Ministers through the last Labor Minister and discussed with the present LNP Minister.

In the EIS submission for Waratah Coal Patricia showed how there was not enough area of comparable like-for-like and similar size regional ecosystems left in the Desert Uplands Bioregion that support habitat for the Black-throated Finch to meet DERM's then offset ratio of 8:1 requirement for an endangered species, e.g. RE 10.5.5 (found across most of Bimblebox nature refuge). The draft DEHP offset policy now does not support an 8:1 offset ratio for endangered species so appears to have been watered down to accommodate Waratah Coal and other coal companies to provide the cheapest offsets possible.

To date, Patricia has not received a response to her request for a Statement of Reasons for your approval of the Waratah Coal proposal. This request was sent when your approval was released just before Christmas.

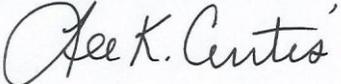
There has also been no response to request to you for a public inquiry: *Protection of Queensland's World Heritage Values, biodiversity and water resources*, which was sent to you 25 November 2013 for which there were 24 signatories – not all of which were environmental groups. (I have attached the request again.) Since then we have had a flurry of organisations sending their support for this request including Doctors for the Environment, WWF, the Uniting Church Queensland Synod and the Queensland Churches Environmental Network.

It also appears that you have not responded to the Open Letter from the owners of Bimblebox, nor have you acknowledged the numerous protest letters and petitions of thousands sent to you by Australian citizens – the very people who voted you into power and who now perceive they are being forsaken in favour of large mining interests.

If you are certain that the conditions you apply to the numerous planned mining projects will in fact be met, would you please explain how you will ensure this? Please do not provide the conditions 'contemplated by the previous government'. This is now wholly your responsibility.

Would you also please supply a detailed list of mining companies anywhere in Australia that have decommissioned and signed off on their rehabilitation? It would also be good to see detailed information on the offsets conditions given to other mines in Queensland by the Australian government for MNES that have not caused a net loss for biodiversity in Areas of High Conservation Value.

We look forward to your response and remain respectfully yours,



Lee K. Curtis