

Objection form

Sections 71 and 260 *Mineral Resources Act 1989*

Form Number MRA-20 Version Number 4

Sections 216 and 217 *Environmental Protection Act 1994*

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

This form should be used to make an objection in relation to:

- *the grant of a mining lease or mining claim; and/or*
- *an environmental authority (mining lease or mining claim) application; and/or*
- *a draft environmental authority for an environmental authority (mining lease or mining claim) application; and/or*
- *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 Mining Registrar of the relevant Department of Mines and Energy district in which the mining tenement is located, and a copy served upon the applicant for the mining tenement and environmental authority.

Date:	25 February 2011
Your name:	Friends of the Earth – Brisbane Co-Op Ltd
Your contact details:	c/- Jo Bragg (Principal Solicitor) Environmental Defenders Office 30 Hardgrave Road, West End Qld 4101 Telephone: (07) 3211 4466 Facsimile: (07) 3211 4655

To: (insert address of mining registrar)	Mining Registrar Department of Employment, Economic Development and Innovation Court House Building, Drayton Street (PO Box 993) Dalby Qld 4405 Telephone: (07) 4669 0815 Facsimile (07) 4662 4966
Attention:	Ken Goodwin, Mining Registrar
(insert contact officer's name)	

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

Re: **Application for tenement:** mining lease; or mining claim
Application for environmental authority: mining lease; or mining claim

Tenement numbers: Mining tenement numbers ML 50229, ML 50230 and ML 50231 Draft environmental authority (mining lease) number MIN100550607
By (applicant's name): Xstrata Coal Queensland Pty Ltd (ACN 69 098 156 702) ICRA Wandoan Pty Ltd (ACN 48 106 260 619) Sumisho Coal Australia Pty Ltd (ACN 30 061 524 249)
For the proposed (description of activity): Wandoan Coal Mine, an open-cut coal mine proposed to operate for 30 years west of the township of Wandoan, approximately 350 km northwest of Brisbane and 60 km south of Taroom in the Surat Basin, Queensland.
On the land described as (description of operational land): The land within Mining Lease Applications (MLAs 50229, 50230 and 50231), immediately west of the township of Wandoan, comprising approximately 32,000 hectares of which approximately 11,000 hectares is proposed to be disturbed by mining operations.

I / we hereby give notice of objection¹ in relation to:

(Tick one or more of the options below).

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

- the grant of the mining tenement(s) mentioned above
- the environmental authority application or amendment application
- the draft environmental authority for the application or amendment application
- a condition/conditions included in the draft environmental authority for the application or amendment application².

The objection is as follows:

Describe the grounds of the objection

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

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Grounds of objection

The application for the grant of a mining lease for the Wandoan Coal Mine (the mine) should be rejected having regard to the considerations stated in section 269(4)(j), (k) and (l) of the *Mineral Resources Act 1989* because:

1. The mine will cause severe and long-term adverse environmental impacts to Queensland due to the large emission of greenhouse gases from the mining and use of the coal from the mine contributing to anthropogenic climate change and ocean acidification.
2. The mine will prejudice the public right and interest due to the large emission of greenhouse gases from the mining and use of the coal contributing to anthropogenic climate change and ocean acidification in addition to the loss of agricultural land that will result from the mine.
3. There is a good reason to refuse to grant the mining lease for the mine, namely, to avoid the large emission of greenhouse gases from the mining and use of the coal from the mine contributing to anthropogenic climate change and ocean acidification.
4. There is a good reason to refuse to grant the mining lease for the mine, namely, that it is prudent to refuse approval of the mine until such time as it is feasible to capture and store indefinitely the greenhouse gases produced by the mining and use of the coal from the mine and thereby avoid them contributing to anthropogenic climate change and ocean acidification.

The application for an environmental authority (mining lease) for the mine should be refused and the draft environmental authority (mining lease) should not be granted having regard to the object stated in section 3 and the considerations stated in section 223 of the *Environmental Protection Act 1994* because:

5. The mine is not consistent with protecting Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends (ecologically sustainable development). Large emissions of greenhouse gases will result from the mining and use of the coal from the mine contributing to the disruption of the climate and ocean pH, which are ecological processes on which life depends, through anthropogenic climate change and ocean acidification and the consequential economic, social and environmental harm that will occur to Queensland.
6. The mine is not consistent with the principles of ecologically sustainable development that:
 - (a) decision making processes should effectively integrate both long and short-term economic, environmental, social and equity considerations;
 - (b) 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;
 - (c) the global dimension of environmental impacts of actions and policies should be recognised and considered;

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- (d) the need to develop a strong, growing and diversified economy which can enhance the capacity for environmental protection should be recognised;
- (e) the need to maintain and enhance international competitiveness in an environmentally sound manner should be recognised;
- (f) cost effective and flexible policy instruments should be adopted, such as improved valuation, pricing and incentive mechanisms;

in circumstances where:

- (g) approval of the environmental authority will lead to the large emission of greenhouse gases that will result from the mining and use of the coal from the mine contributing to anthropogenic climate change and ocean acidification, both of which constitute serious environmental harm caused by the mine for the purposes of the *Environmental Protection Act 1994 (Qld)*;
- (h) the conditions proposed to be imposed on the mine will not avoid the large emission of greenhouse gases that will result from the mining and use of the coal from the mine contributing to anthropogenic climate change and ocean acidification;
- (i) there is currently no effective regulatory regime at international, national or State level to control the emission of greenhouse gas emissions contributing to anthropogenic climate change and ocean acidification; and
- (j) no effective regulatory regime at international, national or State level to control the emission of greenhouse gas emissions contributing to anthropogenic climate change and ocean acidification is likely in the foreseeable future.

7. The mine will cause serious environmental harm to the character, resilience and values of the receiving environment, the atmosphere and the oceans, due to the large emission of greenhouse gases that will result from the mining and use of the coal from the mine contributing to anthropogenic climate change and ocean acidification. The resilience of the atmosphere to maintain a climate similar to that on which civilization developed and to which life on Earth is adapted has already been exceeded. To maintain a safe climate atmospheric carbon dioxide will need to be reduced from its current 390 parts per million (ppm) to at most 350 ppm, but likely less that. Approval of the mine will further exaserbate the current environmental harm to the atmosphere, oceans and climate.
8. The mine is not in the public interest due to the large emission of greenhouse gases that will result from the mining and use of the coal from the mine contributing to anthropogenic climate change and ocean acidification and the consequential economic, social and environmental harm that will occur to Queensland in addition to the loss of agricultural land that will result from the mine.

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Facts and circumstances relied on in support of the grounds of the objection

The mine and the application process

1. The applicants applied for a mining lease under the *Mineral Resources Act 1989* (Qld) and an environmental authority (mining lease) under the *Environmental Protection Act 1994* (Qld) for the Wandoan Coal Mine (the mine) on or about 17 April 2007.
2. The mine is a proposed open-cut coal mine west of the township of Wandoan, approximately 350 km northwest of Brisbane and 60 km south of Taroom in the Surat Basin, Queensland.
3. The thermal coal deposits for the mine are estimated to be in excess of 1.2 billion tonnes, and are located within three Mining Lease Applications (MLAs 50229, 50230 and 50231), which comprise approximately 32,000 hectares.
4. Approximately 11,000 hectares of the MLAs is proposed to be disturbed by mining operations using dragline, truck and excavator equipment.
5. The mine life is projected to be in excess of 30 years, mining at a rate of around 30 million tonnes per annum Run of Mine (ROM) coal.
6. The coal from the mine is proposed to be crushed, processed and blended on site before being transported by rail to port for export or, possibly, for domestic use.
7. The thermal coal produced by the mine is intended to be sold to other companies to be burnt in coal-fired power stations to generate electricity.
8. The Coordinator-General declared the mine a significant project for which an environmental impact state (EIS) was required under the *State Development and Public Works Organisation Act 1971* (Qld) (SDPWO Act) on 21 December 2007.
9. Consultants for the applicants prepared an EIS and supplementary EIS for the mine.
10. The EIS calculated that the emissions from the mining and use of the coal from the mine would be 1.3 billion tonnes of carbon dioxide equivalents. This figure includes emissions of all greenhouse gases, including carbon dioxide, which is overwhelmingly the main greenhouse gas emitted, and methane. This figure represents the total scope 1, 2 and 3 emissions of the mine where:
 - (a) Scope 1 includes all direct emissions from the mine, such as emissions from diesel use by trucks at the mine.
 - (b) Scope 2 includes the indirect emissions from the generation of purchased electricity consumed at the mine.
 - (c) Scope 3 includes indirect emissions from the mine due to the burning of coal produced by the mine to generate electricity, whether in Australia or overseas.
11. Approximately 99% of the total greenhouse gas emissions from the mine result from the burning of coal by end-users (i.e. they are scope 3 emissions).

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12. The Coordinator-General's report on the mine under the SDPWO Act was delivered on 12 November 2010. The Coordinator-General recommended that the mine be approved subject to conditions and attached a draft environmental authority (mining lease).

Climate change

13. Global temperatures (and hence the Earth's climate) are closely linked with the concentration of carbon dioxide and other greenhouse gases in the atmosphere.
14. The Greenhouse Effect is the name given to the natural properties of the atmosphere that allow incoming solar energy to pass through the atmosphere without warming it, while outgoing infrared radiation warms the atmosphere.
15. The natural Greenhouse Effect is essential for life on Earth and keeps average temperatures about 33°C warmer than if there were no greenhouse gases and clouds in the atmosphere.
16. Increasing concentrations of greenhouse gases in the atmosphere cause an increased warming effect. Anthropogenic climate change (also referred to as climate change and global warming) is increased global temperatures and other changes in the Earth's climate due to human activities.
17. Since the Industrial Revolution, atmospheric concentrations of carbon dioxide, the major greenhouse gas after water vapour, have increased from 280 parts per million (ppm) to around 390 ppm. The rate of increase in recent years has been around 2 ppm per annum. The increase in atmospheric carbon dioxide is primarily due to anthropogenic emissions of greenhouse gases from the combustion of fossil fuels such as coal. Emissions from agriculture and land-use changes, such as the fugitive emissions of greenhouse gases released during open-cut mining operations, also contribute to anthropogenic climate change.
18. In the past 200 years, more than 2.3 trillion tons of carbon dioxide has been released into the atmosphere due to human activities relating to fossil fuel consumption and land-use changes.
19. Mean global temperatures are expected to rise by over 1°C from the pre-Industrial average of 15°C even if atmospheric greenhouse gases are stabilised at current levels.
20. To preserve a planet similar to that on which civilization developed and to which life on Earth is adapted, paleoclimate evidence and ongoing climate change suggest that atmospheric carbon dioxide will need to be reduced from its current 390 ppm to at most 350 ppm, but likely less than that.
21. An initial 350 ppm carbon dioxide target may be achievable by phasing out coal use except where carbon dioxide is captured and adopting agricultural and forestry practices that sequester carbon.
22. If greenhouse gases in the atmosphere are allowed to rise to between 450 and 550 ppm carbon dioxide equivalents, a rise in mean global temperatures between 2 and 3°C above pre-industrial levels is expected. Increases in atmospheric greenhouse gas concentrations above these levels will lead to corresponding increases in mean global temperature.

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23. If the remaining stocks of the large amount of coal in the world are burnt and emitted to the atmosphere, atmospheric greenhouse gas concentrations will exceed 1,000 ppm and mean global temperature rises of over 6°C will occur, which will have catastrophic impacts on human society, including Queensland.
24. If current trends in global greenhouse gas emissions and temperature rises continue, which approval of the mining lease and environmental authority for this mine will contribute to:
- (a) rises in mean global temperatures due to anthropogenic climate change are expected to have severe impacts on many ecosystems and human society in coming decades;
 - (b) in Australia and Queensland, these impacts are expected to include significant loss of biodiversity and iconic ecosystems such as the Great Barrier Reef and the Queensland Wet Tropics by 2020, thereby damaging Queensland's economy and lowering employment;
 - (c) by 2030, production from agriculture and forestry is projected to decline over much of southern and eastern Australia due to increased drought and fire, thereby damaging Queensland's economy and lowering employment;
 - (d) severe storms such as the 2011 Brisbane Floods and severe tropical cyclone Yasi are expected to become more frequent due to warmer ocean waters and the warmer atmosphere caused by anthropogenic climate change, thereby damaging Queensland's infrastructure, cities and towns;
 - (e) sea-levels are expected to rise by around 1-2m by 2100 causing widespread coastal flooding and increased risk of damage during storm surge events, thereby damaging Queensland's coastal infrastructure, cities and towns.

Ocean acidification

25. In addition to causing environmental harm by contributing to climate change, the emission of 1.3 billion tonnes of carbon dioxide equivalents from the mining and burning of coal from the mine will cause environmental harm by contributing to ocean acidification, a process whereby the carbon dioxide dissolves into the oceans and through reactions with seawater raises the acidity of the ocean.
26. If current trends in global greenhouse gas emissions continue, ocean acidification is expected to severely disrupt the world's fisheries and destroy coral reefs, including Queensland's Great Barrier Reef in coming decades, thereby damaging Queensland's economy and lowering employment.

Ineffective regulatory response to climate change

27. There is currently no international agreement to return atmospheric carbon dioxide to less than 350 ppm or even an agreement limiting greenhouse gas emissions of the countries emitting the majority of greenhouse gases produced globally such as China, the United States of America and India.

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28. No international agreement to return atmospheric carbon dioxide to less than 350 ppm or even an agreement limiting greenhouse gas emissions of the countries emitting the majority of greenhouse gases produced globally is likely in the foreseeable future.
29. In Australia and Queensland there are currently no laws attempting return atmospheric carbon dioxide to less than 350 ppm or even laws limiting greenhouse gas emissions.
30. It is unlikely that Australia or Queensland will enact laws to return atmospheric carbon dioxide to less than 350 ppm or to limit greenhouse gas emissions in the foreseeable future.
31. The absence of effective international, national or State laws to achieve a safe climate or to limit greenhouse gas emissions is a factor that should lie against the grant of approval for the mine. The applications for the grant of the mining lease and the environmental authority (mining activities) are, in effect, the only current mechanism for the greenhouse gas emissions of the mine to be considered or controlled.
32. Deferring consideration of the implications for climate change and ocean acidification of permitting the coal from the mine to be extracted and burnt will defeat the purposes of the *Mineral Resources Act 1989 (Qld)* and the *Environmental Protection Act 1994 (Qld)* because there is no current opportunity for subsequent consideration of these impacts.

Impact of the mine on climate change

33. The coal that is proposed to be mined was deposited over 200 million years ago after the carbon contained in the coal was captured from the atmosphere by plants and fossilized, thereby removing the carbon from the atmosphere and the active carbon cycle in which carbon moves through different states in the atmosphere, oceans, land, animals and plants.
34. In its present state and location the fossil carbon contained in the coal is inert and isolated from the atmosphere and the active carbon cycle.
35. If the mine is allowed to proceed, the carbon dioxide and methane released from the mining and burning of the coal from the mine will be returned to the active carbon cycle and continue to affect the atmosphere and contribute to climate change and ocean acidification for an extremely long duration. Methane breaks down to carbon dioxide in around 12 years.
36. About 50% of the carbon dioxide produced from the mine will be removed from the active carbon cycle within 30 years, a further 30% will be removed within a few centuries and the remaining 20% will continue to affect the atmosphere for many thousands of years.
37. While the bulk of carbon dioxide released by the mining and use of the coal from the mine will be removed in several decades, the immense longevity of the tail on the lifetime of carbon dioxide released into the atmosphere means 7% of the carbon dioxide released from the mining and use of the coal from the mine will still be affecting the atmosphere in 100,000 years, and the mean time that the carbon dioxide will affect the atmosphere will be 30,000-35,000 years.
38. The global changes that result from burning fossil fuels such as coal are effectively irreversible on human timescales due to the length of time that the emission of greenhouse gases will remain in the active carbon cycle and affect the atmosphere.

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Lack of need for additional thermal coal

39. There is no need for the thermal coal from the mine to produce electricity because current supplies of thermal coal are sufficient to meet current needs and allow a transition away from coal-fired power stations in coming decades.
40. Cost-effective baseload electricity can be supplied in from sources other than coal-fired power stations such as concentrated solar-thermal power stations with thermal storage.

Employment and economics

41. The employment, royalties and other benefits that the mine will generate must be balanced against the contribution it will make to climate change and ocean acidification and the serious social, economic and environmental harm that this will cause to the State, in addition to the loss of agricultural land that will result from the mine.
42. When balanced against the social, economic and environmental harm that the mine will cause by contributing a large emissions of greenhouse gases exacerbating climate change and ocean acidification, together with the loss of agricultural land, the grant of the mining lease and environmental authority (mining lease) is not in the public interest or consistent with the objects of the *Environmental Protection Act 1994* (Qld).

Contribution to climate change and ocean acidification

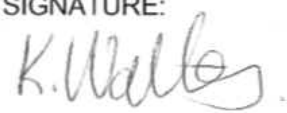
43. In assessing the contribution that the emissions of greenhouse gases from this mine will make to climate change and ocean acidification it is important to recognise is that greenhouse gas emissions from burning fossil fuels are additive, i.e. any emissions add to the amount of greenhouse gases already in the atmosphere and affecting the oceans.
44. In assessing the contribution of the emissions from the proposed mine, it is important to understand that the carbon contained in the coal is currently trapped underground, so that the carbon is completely isolated from the atmosphere and will not contribute to climate change or ocean acidification in its current form.
45. It would, therefore, be wrong to say that “the mining of this coal will not make any difference to climate change because if this mine does not proceed the coal will just come from another mine somewhere in the World”. Such reasoning ignores the fact that coal is a finite resource, so the mining and use of the coal from this mine will release to the atmosphere fossil carbon that would otherwise be trapped in the ground. Climate change and ocean acidification are massive problems for society that, ultimately, need to be addressed through action at the level of individual projects such as this proposed mine.
46. Australia’s current annual greenhouse gas emissions from the burning of fossil fuels and other human activities (not including land-use changes and forestry) is around 550 million tonnes of carbon dioxide equivalents, which is about 1.5% of global emissions.
47. Current annual global greenhouse gas emissions from the burning of fossil fuels and other human activities (not including land-use changes and forestry) is around 32 billion tonnes of carbon dioxide equivalents.

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48. The emission of greenhouse gases totalling 1.3 billion tonnes of carbon dioxide equivalents from the mining and use of the coal from this mine over the 30 years the mine is proposed to operate will be equivalent to over two years of Australia's total emissions and around 4% of one year's global emissions. Because the emissions will continue to affect the atmosphere for many thousands of years, the fact that the emissions will occur over a 30 year period is of little practical consequence.
49. Based on current rates of greenhouse gas emissions and rises in atmospheric greenhouse gas concentrations, the emission of greenhouse gases totalling 1.3 billion tonnes of carbon dioxide equivalents from the mining and use of the coal from this mine will add approximately 0.1 ppm of carbon dioxide to the Earth's atmosphere.
50. The contribution to climate change and ocean acidification made by the mine through the direct and indirect emission of 1.3 billion tonnes of carbon dioxide equivalents adding to the emissions made by others constitutes environmental harm that the *Environmental Protection Act 1994* (Qld) seeks to regulate. Section 14 of the Act defines "environmental harm" in section 14 as:
- Environmental harm**
- (1) **Environmental harm** is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.
- (2) **Environmental harm** may be caused by an activity—
- (a) whether the harm is a direct or indirect result of the activity; or
- (b) whether the harm results from the activity alone or from the combined effects of the activity and other activities or factors.
51. The large emissions of greenhouse gases from the mine contribute to serious environmental harm, as it is defined in section 17 of the *Environmental Protection Act 1994* (Qld), because the harm is irreversible, of a high impact and widespread and is caused to areas of high conservation value or special significance, including the Great Barrier Reef and the Wet Tropics of Queensland.
52. Due to the long-term and largely irreversible serious environmental harm caused by emitting the large amount of greenhouse gases that will be released by mining and using the coal from the mine, the application for the mining lease should be rejected and the environmental authority should be refused.

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: Kristy Walters (Director) Friends of the Earth – Brisbane Co-Op Ltd	SIGNATURE: 	DATE: 25 February 2011
POSTAL ADDRESS: PO Box 5702 WEST END QLD 4101		TELEPHONE: 0423 478 757 FACSIMILE: N/A E-MAIL: office@brisbane.foe.org.au	

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Further information for objectors

Environmental Protection Act 1994 provisions

¹A properly made objection in relation to an environmental authority (mining lease or mining claim) is one that:

- is written;
- is signed by or for each entity (signatory) who made the objection;
- states the name of and address for each signatory;
- is made to the administering authority;
- is received on or before the last day of the objection period; and
- states the grounds of the objection and the facts and circumstances relied on in support of the grounds.

The administering authority must accept a properly made objection, and may also accept a written objection in relation to an environmental authority (mining lease or mining claim) even if it is not properly made.

²If the application is a standard application for environmental authority, the applicant cannot object to a condition included in the draft environmental authority.

Mineral Resources Act 1989 provisions

An entity may on or before the last date set for the receipt of objections lodge with the mining registrar an objection in writing in the approved form.

An objection must state the grounds of objection and the facts and circumstances relied on by you in support of those grounds.

An objector to any application for a mining claim or mining lease must serve upon the applicant, on or before the last objection day, a copy of the objection lodged by the objector.

Amendment or Withdrawal of an Objection

If the administering authority has accepted an objection in relation to an environmental authority (mining lease or mining claim), the entity who made the objection may, by written notice in the approved form:

- (a) within the objection period, amend or replace the objection³; or
- (b) at any time before the objection decision is made, withdraw the objection.

However a notice may be given only as follows:

(a) before the objection period ends⁴ - by giving it to the Mining Registrar of the relevant Department of Mines and Energy district in which the proposal is located;

(b) after the objection period ends⁵ - by filing it with the Registrar, Land and Resources Tribunal, Brisbane and giving a copy to the Mining Registrar at the relevant Department of Mines and Energy district office and the EPA Ecoaccess Customer Service Unit.

³Use prepared notice template titled "Notice amending or replacing an objection to an environmental authority (mining lease or mining claim) application".

⁴Use prepared notice template titled "Notice of withdrawal of an objection to an environmental authority (mining lease or mining claim) application - prior to end of objection period"

⁵Use prepared notice template titled "Notice to Tribunal of withdrawal of an objection (after end of objection period) to an environmental authority (mining lease or mining claim) application".