

19 July 2013

Foreign Affairs, Defence and Trade Committee
Department of the Senate
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Submitted Electronically.

To whom it may concern,

Re: Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013

As the peak conservation body for South Australia, the Conservation Council of South Australia welcomes the opportunity to provide input on the Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013.

Conservation Council SA is an independent, non-profit and strictly non-party political organisation representing around 50 of South Australia's environment and conservation organisations and their members. Conservation Council SA has developed a comprehensive view of environment policy in "South Australia in a Changing Climate: A Blueprint for a Sustainable Future"¹ This document sets out, at a strategic level, policy positions in six key environmental areas, including biodiversity issues.

In this submission we raise our concerns around the biodiversity, water and energy issues associated with mining infrastructure and resource needs. The proposal for the Woomera Prohibited Area (WPA) to be opened up for resources exploration and mining 'to the maximum extent possible' has significant risks to the natural environment.

The Bill fails to make reference to environment or sustainability and ignores that this change may lead to an ad hoc exploration and mining rush in the WPA that may cause serious harm to environmental assets and ecological communities. The Bill fails to recognise that there is an environmental vulnerability caused by this legislation because until now the environmental assets that have been identified and are yet to be identified have not been exposed to the level of exploration and mining that may now occur. Additional measures are required in this legislation to ensure that access is not granted to those areas that need to be protected.

¹ <http://www.conservationsa.org.au/blueprint.html>

We are concerned the Bill and associated Rules, the zoning and permit system for users including for exploration and mining tenements, lack environmental assessment or provision for this to occur. The Final Report of the Review of the Woomera Prohibited Area on which this legislation is based also did not contain environmental assessment.

The Conservation Council SA strongly urges proactive consideration be given to biodiversity conservation issues for this area. The Australian Department of Defence and the South Australian Government should be aware of and protecting the ecological values of the WPA.

The Advisory Board is given the directive to 'ensure Indigenous and environmental interests are properly accounted for'. How this is to be done should be explicitly stated.

Feedback on the Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013

Biodiversity Issues

It is important that mining and exploration activity within the WPA does not harm important environmental assets. We do not see a sufficient process to ensure that that priority biodiversity conservation issues have been adequately identified or considered. Of particular concern is the omission of accurate listing and maps showing the existence and location of threatened flora and fauna species or ecosystems listed under *the Environment Protection and Biodiversity Conservation Act 1999* or South Australia's *National Parks and Wildlife Act 1972* in the Final Report.

We seek an assurance that the South Australian Arid Lands NRM Board and District Groups that represent community interests in this region have been adequately consulted during the development of this legislation. Existing biodiversity conservation initiatives including Tallaringa Conservation Park and Bush Heritage Australia's Bon Bon Station Reserve should also be recognised.

The legislation must require that the environmental ecological assets of the WPA be adequately assessed and that no-go Wilderness Protection Areas are established in these areas in a way that prohibits mining to protect environmental assets, ecosystems and populations of important flora and fauna.

An approach that allows all areas to be explored is not consistent with best practice planning as this only leads to higher and unnecessary costs when proponents seek to mine in areas that should never have been considered for mining in the first place.

Given the impact much of the potential activity of both Defence and non-Defence users will have on the environment in South Australia, baseline biodiversity assessment should be determined.

The eastern area of the WPA is within the South Australian Arid Lands Natural Resource Management region. This region has a high rate of species decline and extinction. Threatened flora and fauna species listed under the *EPBC Act* or the *NPW ACT 1972* include in the Stony Plains bioregion 50 plants, 5 mammals, 39 birds and 1 reptile; and in the Gawler bioregion 58 plants, 3 mammals, 61 birds and 2 reptilesⁱ. The *EPBC Act* lists as threatened the ecological community 'of native species dependent on natural discharge of groundwater from the Great Artesian Basin'ⁱⁱ in the South Australian Arid Lands. A provisional list identifies 16 threatened ecological communities in the South Australian Arid Landsⁱⁱⁱ.

With pressures on biodiversity and threatened species increasing and the potential for mining activities to place further stressors on the environments it is essential that environmental assessment is conducted and taken into account.

This legislation should acknowledge South Australian Government objectives that 'no further losses are acceptable'^{iv}. We recommend this legislation should align with the *State Natural Resource Management Plan* and the *South Australian Arid Lands Natural Resources Management Comprehensive Plan*, as well as the *No Species Loss – A nature conservation strategy for South Australia 2007–2017*^v policy for reversing decline in the State's biodiversity.

No mention is made in the Bill of threats to biodiversity and threatened species from infrastructure, including remnant vegetation destruction, increased weed and pest species vectors and transmission of disease. The legislation should ensure that baseline assessments of invasive species are undertaken in the WPA and that any exploration and mining activity ensure that the region is not compromised through activities that would further introduce or spread existing weed species, such as buffel grass.

Due to previous exclusion of access, there are large areas of intact vegetation of high wilderness value inside the WPA. These are mostly where there is overlap with the Maralinga Lands. Given the intact nature of the Maralinga Lands there is the potential for an Indigenous Protected Area.

Compliance by all users of the WPA, both Defence and non-defence, of South Australia's *Mining Act 1971* and *Development Act 1993*, must be enforced and any breaches fully reported publicly in a transparent and accessible manner.

Integration with Regional Mining and Infrastructure Planning

This area falls within South Australian Government's Regional Mining and Infrastructure Planning project. The interim report began to look at opportunities for consolidation but still at this stage lacked adequate reflection on environmental risks and impacts, and did not commit to proactive environmental and sustainability improvements. The Conservation Council SA suggests that the legislation ensure that there is regard for an integrated planning approach to any exploration and mining across the WPA, with the RMIP planning for supporting infrastructure and that there all activities support proactive environmental protection, environmental improvements, commitments to renewable energy and sustainability. The Conservation Council SA has made a submission in the public RMIP consultation that could be referred to.

Infrastructure Gaps

We also note that opening up the WPA for exploration and mining activity would increase pressure on water and energy sources.

Water availability in the area needs to take into account, including what is available to the mining industry and other users, but also what is available for the environment. The Great Artesian Basin (GAB) is a finite a resource and the main water source for several ecologically significant springs in the Far North. Some of these springs are already experiencing draw down, no longer receiving the water required from the GAB. Coupled with predicted rainfall decrease and increased temperatures, groundwater should be used conservatively.

Any water requirements must not impact on waterholes or spring ecosystems.

Any desalination proposals should ensure that contaminated brines and sludges are not disposed of in a way that would harm ground water, flora or fauna.

The legislation should require that an energy planning strategy is prepared to optimise the use of renewable energy sources where possible, particularly where projects move from exploration towards minerals or energy development and production.

The legislation should also require that in the development of the WPA Energy Planning Strategy there is regard to supporting renewable energy generation, where grid connect or stand-alone systems are appropriate.

I would be happy to discuss these matters in more detail

Kind regards

Tim Kelly

Chief Executive

ⁱ Department for Environment and Heritage & South Australian Arid Lands Natural Resources Management Board (2008) *South Australian Arid Lands Biodiversity Strategy*, Department for Environment and Heritage, Adelaide.

ⁱⁱ DEH & SAALNR (2008)

ⁱⁱⁱ Neagle, N. (2003), *An Inventory of the Biological Resources of the Rangelands of South Australia*, Department for Environment and Heritage, Adelaide.

^{iv} DEH & SAALNR (2008)

^v DEH (2007) *No Species Loss: A Biodiversity Strategy for South Australia 2007-2017*, Department for Environment and Heritage, Adelaide.