

Environment Protection and Biodiversity Conservation Amendment (Emergency Listings) Bill 2011

Type	Private
Originating house	Senate
Status	Before Senate
Sponsor	WATERS, Sen Larissa

Amends the *Environment Protection and Biodiversity Conservation Act 1999* to provide for the emergency listing of threatened species and ecological communities where they are at risk from a significant and imminent threat

This Act may be cited as the *Environment Protection and Biodiversity Conservation Amendment (Emergency Listings) Act 2011*.

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Mackay Conservation Group is a regional environmental group covering the northern half of Central Queensland. We make numerous submissions on developments and mining projects likely to have significant local and regional impacts on the environment and communities.

When it is likely that a development or mining project will have significant adverse impacts the protection of newly discovered and potentially threatened species and ecological communities should be the priority- particularly where their very survival could be at risk. This approach supports the use of the Precautionary Principle which underpins the EPBC Act 1999. Industry argues that the measures in the proposed Bill will jeopardise certainty, but the primary purpose of the EPBC Act is to prevent loss of matters of national environmental significance, not to protect certainty of industry's projects.

Industry does face a difficult situation in some cases where locations, such as those in inland Central Queensland, lack comprehensive biodiversity information at the local and regional scale. Often no biodiversity surveys have ever been done e.g. along much the proposed coal rail tracks from the Galilee Basin to Abbot Point in northern Central Queensland.

Ten years of ongoing seasonal biodiversity surveys are needed in semi-arid areas with highly variable climate to more fully account for the full biodiversity of an area. However in such areas it can be years before a development or mining project gets up and proceeds through the assessment approval process. This is ample time for a company to ensure at least a few years of seasonal biodiversity surveys are completed prior to a project assessment process. In that way they can dramatically minimise their project risk that a new unknown species may be found.

The reality now is that often only one or two biodiversity surveys are done for a development project. This is grossly inadequate as demonstrated by the current Waratah Coal coal mine and rail project in the Galilee Basin. Mackay Conservation Group worked with Birds Australia expert bird watchers over three years to conduct seasonal bird surveys within Bimblebox Nature Refuge which is targeted completely for coal mining by Waratah Coal. Before we started the bird count was 50

species, and now we have added to that to record a total of 145 bird species, including twelve bird species of regional conservation significance for the Desert Uplands and the endangered black-throated finch (listed under the EPBC Act and the Queensland Nature Conservation Act).

The records for the black-throated finch in Bimblebox Nature Refuge were the first at the southwestern extent of its range and make the conservation of this nature refuge extremely important for the protection of this species.

In addition we have been told by a botanist who specialises in the flora of the Desert Uplands Bioregion that as 95% of this refuge has never been cleared and is in excellent condition, it is likely that new plant species will be found in the refuge. Ecological consultants for Waratah Coal found far fewer bird species that we did and missed some of the regional species as well as the black-throated finch primarily because they conducted only two surveys at a few sites within the Refuge.

There is an absence of comprehensive biodiversity surveying for many bioregions in Australia especially those heavily impacted by mining or coastal development. There is a lack of ongoing baseline seasonal surveys by both commonwealth and state governments, and adequate long-term pre-development surveys by industry to record the full extent of biodiversity within project sites. As it is also likely that many new species have yet to be discovered, especially in regions that will be heavily impacted by mining and associated developments, we request that the Precautionary Principle should prevail and the bill be adopted into the EPBC Act.

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