

Fingerboards EES Hearings Wednesday 19 May 2021 – Submitter 335 – Jane Hildebrant

To the IAC: In view of the fact that you will already have received this submission, I will not read it out in full on Wednesday afternoon. Instead, I shall summarise the issues of concern outlined below. The key points are highlighted in yellow.

Rehabilitation

It's fair to say that there is not one successfully rehabilitated mine anywhere in the world, let alone Victoria. Apart from the polluted tailings dams and denuded soil profile, one reason why rehabilitation cannot occur is due to **ongoing Seepage**.

Despite claims to the contrary **seepage** of contaminated water to the environment is an ongoing mining effect. The fact is water will continue to discharge to the environment long after mine works stop. **As Ausenco confirms** (TD 253, pp12 & 15/20), **Centrifuge use will not eliminate discharge**.

The centrifuged tailings will not be fully dewatered. [So] they "can become fully saturated and seep water back into surrounding soils". It will never be dry. "Flocculant can increase the amount of release water."

The Catch 22 situation of rehabilitation

Professor David Williams, School of Engineering, Uni Qld. who has extensive, global experience in tailings management gave an online lecture on Leading practice Tailings Management.

According to **Professor Williams**: Discharge is necessary for mine closure but "[restoring the pre-existing environmental conditions are not conducive to closure]" because: **To be healthy the environment needs discharge to stop but closure requires discharge, which never stops. (Stockman Benambra mine is a classic example).**

Note: In-pit tailings storage in the mine voids and probably one for the centrifuge cake and the Perry Gully dam are all de facto TSFs and require management.

Also: **rehabilitation processes have to be in perpetuity** (i.e. forever) – a condition which is basically unachievable. What is Kalbar's "forever" monitoring plan?

Rob Loch (TD236,p5/15) says effective rehabilitation needs "competent monitoring". He says: "Any mine that is doing good rehabilitation and not bragging about it is seriously silly.."

In my supplementary submission I listed several examples of rehabilitation failure, including Iluka's Douglas mine. Despite VCAT issuing a permit in 2016 for Pit 23's use as a radioactive waste dump, and ERR requiring Iluka to fulfil its rehabilitation obligations, Google Earth shows there remain several tailings dams and Pit 23 a significant hole in the ground. We also have a big hole in the Latrobe Valley which no one quite knows what to do about. (Ross letters provide further evidence of rehabilitation failure.)

I note that in its decision to use Pit 23 for a radioactive waste dump, the EPA said it "represents best practice within the mineral sands industry" (EPA Decision on proposed waste by-product disposal at Douglas Mine Pit 23, May 2016).

I have raised the issue of what happens to the mine site when Kalbar closes, abandons, or sells it. When Iluka stopped mining at Douglas, MRSD Act regulations no longer applied. **Following best practice, Kalbar's mine could become a toxic waste dump like Douglas. If, like Douglas, it is no longer a mine, then it can't be regulated under the MRSD Act. It becomes a planning issue. It is quite wrong that what is rightly ERR's duty to regulate becomes a burden for the local council at local ratepayers' expense.**

Regarding: Radionuclide contamination Mr. Billingsley (TD236) says: “dose rates are critical for rehabilitation [and] ‘it was never considered to be done as part of the EES process by Kalbar.’ Why not?”

I submit there is no competent monitoring of old mineral sands anywhere. There are no mines anywhere bragging about their rehabilitation success because rehabilitation is not possible. To approve the mine is to accept that it is ok that rehabilitation will never happen. even though contrary to the MRSD Act, s78. According to Dr. Gibson Roy, revegetation may take decades. Or like other sites: Never. If the land can't be returned to its original condition, it fails the MRSD Act sustainability tests, especially regarding inter-generational equity. In which case, it should not be approved. The new Earth Resources Guideline says ERR will take a conservative approach to risk and the lack of certainty may impact on the rehabilitation bond assessment. (p16/58). Given the complexities of rehabilitating this site, and the need to continue monitoring forever, the bond, which has to be paid upfront, is well beyond Kalbar's current and, probably future, financial capacity. **A staged bond payment is bending the rules and should not be allowed. Otherwise, inevitably, as with other mines, taxpayers become the funders of last resort. This outcome must be factored into decision-making.**

See also: ERR: Preparation of Rehabilitation Plans Guideline for Extractive Industry Projects

Economic impacts on Tourism: Tourism v Mine Cost Benefit Analysis (CBA)

East Gippsland's population is just over 47,000 (47,316), supports over **16,500 (16,539) jobs** and has an annual economic output of just under 5 billion (**\$4.947 billion**). In comparison, Kalbar's promised economic benefits are small potatoes.

In undertaking Kalbar's socioeconomic impact assessment, Coffey admits it “relied on information from **secondary sources**, [saying] The lack of available data has, in some instances, created limitations for the Assessment.” Appendix 47 018, SeIA. EES 47, app 018, p40/302). Coffey cites **2016 statistics not recent figures**. They fail to provide any data on tourism value to the local economy and how it will be impacted by the mine. **Neither the Victorian government's Tourism strategy nor Destination Gippsland's Management Plan are mentioned. Nor that Wellington Shire Council** received \$660,000 from the Victorian govt and \$275000 from the Commonwealth for its Middle of Everywhere campaign. Facts omitted: **Destination Gippsland and Regional Partnerships Victoria** report that in the year ending March 2019, a record 7.06 million people visited Gippsland raising an estimated \$1 billion for our local economy. Even with Covid, the 2020 visitor number was 6.5 million with a 10 year increase of 37.3%. **The State Govt (GRPV) also committed \$700,000 in 2018/19 to promote food and fibre production.** Coffey said [in SEIA Appendix 018, p86/302]: “The Gippsland region is seen as an area with great tourist potential, **especially if it can increase the awareness of its nature-based experiences**”. In fact, nature-based tourism is already a significant employer of local people. This mine threatens many local businesses and livelihoods. The idea that they will thrive is offensive.

Economic viability and profitability

In its 2020 Financial Report, p22) Kalbar outlines a number of: “Factors which could impact the future recoverability of costs, including the size and composition of any future mineral resource and ore reserve estimates, future technological changes which could impact the cost of mining, future legal changes (including changes to environmental restoration obligations) and changes to commodity prices. Kalbar admits that the failure to recover costs “will reduce profits and net assets” in the period in which this determination is made.”

Profitability is uncertain. For example:

ASX-listed Astron Corporation Limited (ATR), went through an EES process in 2008 for the **Donald Mineral Sands** near Minyip, Vic. In November 2003, Astron bought the exploration rights from GWM Resources who had bought them from RIO. Astron claimed the Donald deposit had one of the largest undeveloped mineral sands deposits in the world even though **Rio had judged the finegrained deposit to be uneconomic and relinquished the licences in 1998. (Sound familiar?)**. The IAC EES report 2008 said that “feasibility studies by the company had shown that the deposits were now economic to develop.” **Economic benefits claimed were:**

- capital investment of \$93 million;
- annual OPEX of \$30 to \$40 million
- annual salaries of \$6.5 million;
- construction workforce of approximately 100 to 120 people (for 8 to 12 months); and
- operations workforce of approximately 75 people.

The project was to produce 398,000 tonne of HMC annually, or a mining rate of 7.5 Mt of ore per year. In its assessment the IAC said, at 5.3.1: “In terms of purely economic considerations... there is little doubt that the project will deliver substantial economic benefits in terms of direct investment, royalties and taxes and employment opportunities and that the economic benefits apply at the local, regional, State and National levels.” The mine was approved. But 13 years on, work has not commenced. (As the March 2021 report, p3, shows: “development is planned”; “operations are expected”; “production settings are subject to finalisation”; “Astron continues to consider and evaluate funding options”.)

Due to its net current liabilities of approx \$5million (\$4,896,500), and other matters, Astron recently reported to the ASX “material uncertainty” as to “its ability to continue as a going concern” (Financial Report, 31 December 2020, No 7, p4/33).

The High Court in *Sinclair v Maryborough Mining Warden* (in *Adani* at 502) said: It is relevant for the Tribunal to enquire whether the mining for which the lease is sought is likely to be profitable, because mining is unlikely to occur if it is unlikely to be profitable.” Despite the claims of all the ASX-listed minerals sands “penny dreadfuls” to have “globally significant” deposits, none is yet in production. Joint ventures where foreign companies (especially Chinese) become major shareholders is a popular tactic for funding projects. Can Kalbar really do better? Unlike *Adani* (at 485), Kalbar’s “estimated costs due to the centrifuges, will be higher not lower. *Adani*’s social and environmental record is atrocious, including paying millions to the Myanmar military. If this is Kalbar’s model, then it is most unsavoury.

Economic viability and onselling

In my initial submission, I cited a 2016 LinkedIn entry which stated that after selling its Landak Bauxite Project in Kalimantan, Indonesia—note: Bauxite, not mineral sands—, it “had embarked on an extensive search to find another project” in line with its strategy to develop high grade, low capital mining projects that can service China’s growing demand for “new bulk” ores. And, hence, in 2013 it acquired the Fingerboards site from Rio.”

Kalbar’s 2020 Financial report reveals that if costs cannot be recovered from actual mining, it will recover them **through sale.**” (P/28/45)

In this Report Kalbar states: “The future recoverability of capitalised exploration and evaluation expenditure is dependent on a number of factors, including whether the Company decides to exploit the related lease itself or, if not, whether it successfully recovers the related exploration and evaluation asset **through sale.**” (P/28/45) Brad Farrell, Kalbar Managing Director and Executive Chair, and Neil O’Loughlan, another director, are familiar with this tactic. As co-founders of Basin Minerals Ltd, they got approvals for the Douglas Mineral Sands Mine in Victoria, then sold it to Iluka, in 2002.

Onselling is popular as other cases show.

Astron reports that if the Donald HMC can't be produced and sold, costs would be recovered through selling the mine. Mr. Campbell cites another case: Wallarah 2 Coal, which despite its apparent net benefits and still undeveloped, is up for sale. TD93, 9/27.

If onselling is the default strategy, does this mine pass the Act's "economically viable" test? (S2 1A) Following the High Court's decision in Sinclair (Adani, at 502) "a licence must not be granted if no mining is to take place".

Kalbar's inexperience in mineral sands mining, especially with the increased costs of employing this very novel centrifuge technology as well as the cost of all the environmental conditions it will have to satisfy, raises serious doubts about the mine's ability to generate a profit, notwithstanding Appian Capital's promised input. Evidence exists that Kalbar's real intention is to sell this mine with licence and permits rather than develop it. The High Court found in the Sinclair case that evidence of the economic impacts of the mine was relevant: "There would be no proper purpose in recommending the grant of a mining lease which was not going to be used for or in relation to any mining." If, as Mr. Morris says, Kalbar wants to form a pastoral company to buy and sell land, then they don't want a mining licence, they want a licence to speculate. **I strongly recommend Kalbar's bona fides be scrutinised with a keen and skeptical eye.**

A word about Royalties and taxes

Mr Morris claims a large part of Kalbar's economic contribution will come from royalties and taxes. Vic govt 2021 budget cites \$138 million income from royalties, forecast to rise only \$4 million by 23/24, compared to \$782 million from fines, rising to \$953 million in the same period. And gold miners were shocked when the royalty was raised from zero to 2.75% in 2020. A licensee can request to vary the period and timing for submission of royalty returns and payment of royalties. And check out company tax stats, you will find even the big companies pay little or no tax. When it comes to Royalty and taxes, revenue is **VERY UNCERTAIN.**

Transport Options

The transport route for the HMC to port is constantly changing as the designated port changes. First, it was Port Anthony, Corner Inlet or Melbourne. On April 26, Port Anthony was out; Melbourne or Geelong in. Three weeks later, Port Anthony is back in, even though an EES process for QUBE's port expansions in RAMSAR Corner Inlet is underway.

There is no discussion in the EES Transport reports about offsite risks during transport of the HMC from the mine to the port—only about impacts on local traffic safety issues. Ms Teague's (TD health assessment did not include regional residents. As I have said, toxic dust will inevitably escape from B-Double trucks and/or freight trains during transportation as happens with coal dust, especially the very fine PM2.5 particles.

Gavin Mudd in TD 236, p3/15 expert conclave says: "The heavy mineral concentrate will be a more radioactive product than that leaving Hamilton, which puts emphasis on how it will be managed and transported." Both sides agree that the largest estimated radiation exposures are associated with HMC transport. HMC (TD 234, p20/24) How the HMC sands will be packaged is not clear. It may be deposited into some form of Bulka bag (this is not defined), although one Kalbar report says that due to the radiation risks (and, presumably silica) bags will need to be filled onsite via some sort of conveyor system.

Kalbar should have acknowledged that the mine's environmental effects extend far beyond its locale. Absent from the EES reports is any reference to the risks of carcinogenic HMC dust blowing over all those homes, businesses, and farms adjacent the Princes Highway and/or VLine rail line on the way to Melbourne or Geelong. Even affected Gippsland communities like Stratford,

Sale, Rosedale, Traralgon are totally ignorant of the fact that they will be exposed to 80 total B-double movements per day, or 1 truck every 18 minutes day and night, 365 days of the year or several freight trains a week for 15 years or more. (TD 243, 24/49). Impacts include noise, wear and tear on roads, and toxic pollution. Why aren't these affected people being told? And given the right to comment?

Regarding the ARPANSA mining and transport codes of practice: There is no radiation transport management plan and no emergency plan in the EES reports; no discussion whatsoever as to how a spill would be managed should there be a train derailment or truck accident en route to or at whichever port. It is not clear which authority will regulate and monitor the offsite impacts. The Radiation Safety Regulations Victoria 2005¹, published by the DHHS say **it is capable of responding** to a significant radiation incident but DHHS has not published a plan. Kalbar's reports are silent on what happens if hundreds of thousands of Victorians are exposed to radioactive and silica dust in the event of an accident.

NB: It is not certain that DWELP will approve the rail option due to the threatened fauna, flora and vegetation communities at the Fernbank rail siding (Submission 521).

Joyner TD 9, p6/13 "The Report also discusses the transport regulatory requirements and concludes that the Radiation Act 2005 would extend to the transport of HMC on Australian roads and rail and a Victorian Management Licence will be required for this activity.

The General Environmental Duty (GED)

The new (GED) comes into effect on the first of July so is "seriously entertained" legislation. It requires the taking of **reasonably practicable** steps to eliminate or reduce the risks of harm to people and the environment from pollution and waste. 'reasonably practicable' is defined as: putting in *proportionate controls to mitigate or minimise the risk of [Materia] harm*.

Sec 4 of the new Act (EP) defines **harm to include (TD 249):**

(a) an adverse effect on the amenity of a place or premises that unreasonably interferes with or is likely to unreasonably interfere with enjoyment of the place or premises; or

(b) a change to the condition of the environment so as to make it offensive to the senses of human beings; or (c) any other prescribed harm.

This sets a high bar for deciding the acceptability of adverse impacts. If the recommendation is that impacts "should be avoided to the extent reasonably practicable" but in practice they cannot be avoided or mitigated, what happens then?

The courts have determined that reasonableness will always remain the default position in administrative decision-making. Decisions must be legitimate and **designed to remedy, that is to correct or put right, a certain issue** under the circumstances at the time. Even if the decision-maker considers all relevant matters, follows the proper purpose, including procedural fairness, would a decision to knowingly allow the adverse impacts and consequent harm pass the reasonableness test if the decision did not remedy the harm?

If something is reasonably practicable then, at a particular time, it was reasonably able to be done to ensure health and safety, the expense of their execution and taking into account and weighing up the relevant matters including: the degree of harm that might result from the unwanted event.

¹ Radiation Safety Regulations Victoria 2005, p20/21.

The revised Act introduces a new right for 'eligible persons' to apply directly to court for civil orders restraining a breach of an environmental duty, without EPA involvement. (Allens lawyers)

In the law of **Negligence**: Reasonableness is the standard of care that a reasonably prudent person would observe under a given set of circumstances, including whether the risk is foreseeable. (Liability for negligence can be avoided if this standard is met.) In law, whether or not an act is reasonable is assessed through the eyes of a "reasonable person". In Australian law, the reasonable person is described as "the man on the Bondi tram" - an average member of society, who has various generalised attributes including risk aversion, sound judgment and a sense of self-preservation, which prevents him from walking blindly into danger. Which perfectly fits the perfectly reasonable people objecting to this mine.

Kalbar's proposal is not in the public interest.

In *Sinclair v Maryborough Mining Warden* (Gibbs J at 2) the High Court found that "the weighing of benefits and detriments" is in "the public interest". Jacobs J, at 3 said: ...the public interest may tell against the grant of a mining lease even though the particular interests of an individual are the only interests primarily affected. It may thus be in the public interest that the interests of that individual be not overborne."

Therefore, a Cost Benefit Analysis (CBA) should reasonably include the cost to Victorian taxpayers of, for example, costs to the health budget for caring for sick people or the cost of trying to restore damaged environmental assets. Is it reasonable that, due to the cost incurred to avoid or mitigate the harm, the harm is allowed to proceed? Is it reasonable that people and the environment should suffer, even die, because the perpetrator does not want, or cannot afford, to spend the money? And if such impacts are acceptable: What is an acceptable number of deaths? Is this compatible with the Charter of Human Rights and Responsibilities, S9 right to life? 2006, the Public Health and Wellbeing Acts 2008 and MRSDA 2(a) "community wellbeing and welfare should be enhanced by following a path of economic development that safeguards the welfare of future generations"?

The Ross letters also prove that mines can leave local communities worse off while benefits go elsewhere.

The reason the Precautionary Principle features prominently in public policy and legislation relevant to this process is because there is uncertainty in environmental impact assessment. In the case of serious threats, as we have here, the correct precautionary and reasonable decision is to avoid them altogether.

National Lighting Pollution Guidelines – wildlife impacts

The proposed 24/7 operation of the centrifuges introduces the added impact of artificial lighting which is not just an adverse human impact, but **can disrupt critical behaviours in** animals, birds and insects.

The *National Light Pollution Guidelines for Wildlife* provide a framework for assessing and managing the impacts of lighting on susceptible listed wildlife. They state that "Natural darkness has a conservation value in the same way that clean water, air and soil has intrinsic value. They **have not been considered in Kalbar's reports. Is this because Kalbar admits the mine places local wildlife at high risk of mortality**" and **dead animals will not be impacted by lighting?** EES 34 Appendix A005 Detailed Ecological Investigations, p95/403) states under **7.3.2 Direct Fauna Mortality**: "During clearing susceptible species are at high risk of mortality."

Respect for Aboriginal Cultural and Intangible Heritage

Our govts make a big deal of acknowledging Respect for Traditional Owners. I have objected to the fact that Kalbar will erase significant Gunai Kurnai cultural heritage. This contravenes the purposes and objectives of the Aboriginal Heritage Act 2006: to respect and empower Traditional Owners to strengthen their rights to maintain their distinctive spiritual, cultural, material, and economic relationships with the land and water in ways that are based on respect for Aboriginal knowledge and cultural and traditional practices. You may photograph objects, but you can't photograph the spirit of a place or presence of the Elders. There is outrage over Rio's blowing up the Juukan Caves. There should be outrage over plans to destroy the Fingerboards. If the Act is actually meant to respect and empower Traditional Owners, then the mine must be rejected, otherwise the Act is worthless.

In conclusion. What is quite certain is that there is more than enough evidence for a reasonable decision-maker to reject Kalbar's proposal.

Documents cited in hearings submission 19 May 2021 – submitter 335 – Jane Hildebrant

Rehabilitation

Tabled Document 253 EGSC Review of Centrifuges for Tailings Dewatering: "The centrifuge product may seep water after centrifuging and after placement. The amount of water that seeps from the centrifuged tailings is related to the flocculant addition, compaction of the cake under its own weight (self-consolidation) as well as compaction equipment (which may be required to improve trafficability, increase rainfall runoff and reduce rainfall erosion)," , p12/20

"Therefore, in the same way that a sponge can entrain water due to capillary action, once vibrated (by material handling or trucking) or once compressed/squeezed (by placing and covering with material, or consolidating under self-weight) the centrifuged material can become fully saturated and seep water back into surrounding soils. The "floccks" that form through the addition of flocculant prior to the centrifuging process can also degrade with shearing, placement and compaction, and time, increasing the amount of released water. It is important to note that saturated materials typically exhibit poor geotechnical strength and trafficability." P15/20

Professor David Williams, UQ, Curriculum Vitae

Professor Williams online lecture: Leading Tailings Management
https://www.youtube.com/watch?v=f9V6-yIF_is

Rob Loch in Tabled Document 236, Rehabilitation Expert Witness Statement 1, p 5/15.

Darren Billingsley in Tabled Document 236, p3/15: "Re dose rates, a finer grid survey was always proposed to be done and needs to be undertaken prior to Kalbar receiving approval for a management licence, as dose rates are critical for rehabilitation. However, it was never considered to be done as part of the EES process by Kalbar."

EPA Decision on proposed waste by-product disposal at Douglas Mine Pit 23, may 2016, 1626 pdf [online] <https://www.epa.vic.gov.au/about-epa/publications/1626>

Ian Ross letters re Iluka and Douglas Mine: rehabilitation failure and economic disbenefits.

Economic impacts on Tourism: Tourism v Mine Cost Benefit Analysis (CBA)

Coffey's finding [in Socioeconomic Impact Assessment (SEIA) Appendix 018, p86/302, Appendix 47 018, SEIA. Appendix 018, p40/302).

Mr. Campbell in Tabled Document 93, p9/27: Wallarah 2 Coal

Tabled Document 288: *Adani Mining Pty Ltd v Land Services of Coast and Country Inc & Ors* [2015] QLC 48, at 485: “As to the costs of production, Mr Lezar said that **the estimated costs for the mine are lower than average** when compared with other thermal coal mines around the world with both open cut and underground operations.”

Ibid., at “[502] Section 269(4)(c) was considered by the Court of Appeal in *Armstrong v Brown*¹³². McMurdo J (with whom McPherson and Jerrard JJA agreed) referred to the decision of the **High Court in *Sinclair v Maryborough Mining Warden***¹³³ and said¹³⁴:

“What *Sinclair* shows is that the Tribunal should not recommend the grant of a mining lease unless the circumstances warrant that recommendation, having regard to the purposes for which the Crown should give a right to mine its minerals. **There would be no proper purpose in recommending the grant of a mining lease which was not going to be used for or in relation to any mining.** It is relevant for the Tribunal to enquire **whether the mining for which the lease is sought is likely to be profitable, because mining is unlikely to occur if it is unlikely to be profitable.** The relevance in this way of the likely profitability of mining is effectively recognised by para (c) of s 269(4), which requires the consideration of whether there will be an acceptable level of development and utilisation of the mineral resources. If there is unlikely to be a profit from the mining of the resources, it is unlikely that there would be an acceptable level of development and utilisation of those resources. ... Accordingly, I agree with the views of Kingham DP in *Salmon v Armstrong* [2001] QLRT 72, where she said that whilst there is no specific reference in s 269(4) to the “economic viability” of a project, “it is relevant to interpreting the information about mineralisation” and to at least the matters set out in s 269(4)(c).”

[503] It follows therefore that evidence of the economic impacts of the mine will be relevant...”

Sinclair v Maryborough Mining Warden [1975] HCA 17; 132 CLR 473; 49 ALJR 166; 5 ALR 513; 34 LGRA

Gibbs J, at 2: will grant of mining licence prejudicially affect the public interest?

Stephen J, at 6, ‘Any consideration of public interest for the purposes of reg. 39(2) should, I think, involve the weighing of detriments and benefits.’

Jacobs J, at 2: The public interest is an indivisible concept. The interest of a section of the public is a public interest but the smallness of the section may affect the quantity or weight of the public interest so that it is outweighed by the public interest...It does not however affect the quality of that interest.”

Jacobs J, at 3: ...the public interest may tell against the grant of a mining lease even though the particular interests of an individual are the only interests primarily affected. It may thus be in the public interest that the interests of that individual be not overborne.”

Tourism

‘Towards 2030’ Destination Gippsland Management Plan [online]

<https://www.visitgippsland.com.au/resources/towards-2030-gippsland-destination-management-plan>

Gippsland Regional Partnerships Victoria [online]

https://www.rdv.vic.gov.au/data/assets/pdf_file/0009/1858176/2019-RP-A4-Fact-Sheet_Gipps_web.pdf

Economic Viability and Profitability

Astron Financial Report, 31 December 2021

Tabled Document 260 Kalbar Limited Annual Report 30 06 2020

Tabled Document 93 Expert Witness statement Roderick Campbell – Economics

Royalties and Taxes

Excerpt Victorian Government Budget Papers 2021

Transport Options

Tabled Document 243 Kalbar Part A Submissions, Nos 69, 70, 71.

Tabled Document 236, p3/16

Tabled Document 234, p20/24

Tabled Document 521, Nos 15 (p4/8) 28 (p7/8)

Tabled Document 9 Joyner Radiation, p6/13

General Environmental Duty (GED)

Tabled Document 249 EPA Opening Submissions (Submitter 514) (Direction 56)

Kalbar's proposal is not in the public interest

Sinclair case: Gibbs J, at 2; Jacobs J, at 3;

Charter of Rights and Responsibilities 2006

Public Health and Wellbeing Act 2008

Mineral Resources (Sustainable Development) Act 1990

National Lighting Pollution Guidelines for Wildlife [online]

<https://www.environment.gov.au/biodiversity/publications/national-light-pollution-guidelines-wildlife>

EES 34 Appendix A005 Detailed Ecological Investigations, p95/403) states under **7.3.2 Direct Fauna Mortality**: "During clearing susceptible species are at high risk of mortality."

Respect for Aboriginal Cultural and Intangible Heritage

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