

Hansard, SA Parliament 08 June 2011

ARKAROOA WILDERNESS SANCTUARY

Adjourned debate on motion of Hon. M.C. Parnell:

That this council—

1. Notes that it has been almost 40 months since the initial discovery of illegal waste disposal and vandalism by Marathon Resources in the Arkaroola Wilderness Sanctuary; and

2. Calls for the state government to urgently guarantee permanent protection for the iconic and majestic mountains of Arkaroola.

(Continued from 18 May 2011.)

The Hon. J.M.A. LENSINK (16:41): I rise to make some brief remarks in relation to the—

Members interjecting:

The PRESIDENT: Order! The people raising their cameras—

The Hon. R.I. Lucas: It's my phone.

The PRESIDENT: Put them away. They shouldn't be in the house anyway. Put them away.
The Hon. Mr Lucas, put that down.

The Hon. R.I. Lucas: I will not. I'm just reading my text message.

The PRESIDENT: What, for the first time for 20 years? Put it away. You're being disgraceful. The Hon. Ms Lensink.

The Hon. R.I. Lucas: Just because the Hon. Mr Wortley's complaining about it does not mean we have to do anything about it. He might want to protect the Hon. Mr Finnigan.

The PRESIDENT: You're up to form. The Hon. Ms Lensink.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Lensink. Do you want to talk or not?

The Hon. J.M.A. LENSINK: I'll speak. I rise to make some remarks in relation to the motion of the Hon. Mark Parnell in relation to Arkaroola. Just by way of background, Marathon Resources has been undertaking uranium exploration in the Arkaroola Wilderness Sanctuary in the northern Flinders Ranges for several years. We are all aware that its licence was suspended in 2008 for waste that was illegally buried, in breach of their licence conditions.

In relation to the Arkaroola Wilderness Sanctuary, a number of Liberals went up there at the instigation of the member for Stuart last year (probably about 10 of us, including our leader, Isobel Redmond) and we had a very good look round. We are eternally grateful to the Sprigg

family for their hospitality and for explaining to us the unique values of that particular part of our state.

As a result, we found the government's document, 'Seeking a balance'—and I am going to refer to certain documents I received under FOI in a moment—quite disturbing in that it sought to change the zoning of that area and, in fact, to water down the existing provisions that apply. Indeed, the environmental zone A protection that applies to that area states that mining should not take place unless the deposits are of paramount importance and their exploration is in the highest national or state interest that all other environmental and heritage matters can be overridden.

I think it is fair to say that my leader and I certainly share the view that, given there are some 30,000 tonnes of uranium oxide, potentially, at that site versus what is already a 2.5 million tonne deposit at Olympic Dam, it would be extremely unlikely that those national and state heritage and environmental interests would ever be overridden under those circumstances. Indeed, my colleague the Hon. David Ridgway has tabled a bill in this place, the Development (Principles of Development Control—Mining Operations—Flinders) Amendment Bill, which was tabled in November last year and which sought to ensure that the zoning which applies cannot be watered down.

The history since then is that a 12-month extension has been granted to Marathon on its exploration licence, as of December 2010, and we still are not sure whether any mining will be allowed within the sanctuary area. The minister stated that Marathon's exploration licence would be renewed for only one year and that this renewal 'would be subject to consultation on its stricter licence conditions'. As of February, Marathon announced that it was resuming exploration. The Premier has said that the conditional one-year exploration licence for Marathon Resources in no ways confers a right to mine, but we still are unsure what the government's intention is. The government has stated that it is continuing to consult with native title holders, pastoral leaseholders and holders of mineral exploration licences.

In relation to the zoning, I have been publicly very critical of the 'Seeking a balance' document because it has very little reference material. I think there was a landscape survey, which was basically to ask people which sort of view they preferred. I have no quarrel with that landscape survey; in fact, it was done by one of the Lothian family members, who understands his craft very, very well. However, it did not examine the issues of biodiversity and the potential damage and all those sorts of issues.

The Wilderness Advisory Committee's advice to government was that the whole area be zoned either zone 1 or zone 2A as a wildlife corridor. It did not support the proposed changes in 'Seeking a balance', and it described the approach outlined in 'Seeking a balance' as a fragmented zoning pattern which does not protect key environmental values. It also recommended a higher standard of protection, in the form of legislation, than is currently proposed in the 'Seeking a balance' draft policy document, and the Liberal Party's position certainly agrees with that.

With those remarks, I think the wording of this motion is quite slanted. I do understand where the honourable member is coming from, but I think he is pushing the envelope a little bit too far. In relation to Marathon Resources and his use of the word 'vandalism' in point 1, I think Marathon has well and truly been castigated for its actions, as it should have been, and I understand that a greater standard of our mining companies is required in this day and age.

Because the wording of his motion is fairly biased, we do not want to enter into that side of the debate. However, I did want to restate what the Liberal Party's position is in relation to this, and we unfortunately will not be supporting the honourable member's motion.

The Hon. P. HOLLOWAY (16:48): I rise to indicate that the government opposes this motion, as it is already taking appropriate action and actively working towards an outcome that will provide for the permanent protection of the significant environmental and landscape values of the Arkaroola Wilderness Sanctuary.

Following the compliance failures by Marathon Resources under the Mining Act 1971 and the suspension of the company's exploration drilling program, the government promptly undertook three significant courses of action. They are:

1. Immediate regulatory direction under the Mining Act and the Environment Protection Act, requiring the company to undertake rectification work, which was satisfactorily completed in April 2009 with no remnant environmental issues.

2. We amended the Mining Act to strengthen the compliance and enforcement provisions of the act and the ability of the Department of Primary Industries and Resources to better regulate activities on tenements, including exploration licences.

3. The Department of Environment and Natural Resources and PIRSA commenced a joint project, 'Seeking a balance', to identify the icon sites of the Northern Flinders Ranges and to develop future management arrangements for balancing mining and conservation.

The 'Seeking a balance' document was released for consultation in late 2009 with the purpose of, firstly, applying a higher level of regulation and more specific locational controls on exploration and mining activities and, secondly, engaging with the community on land access and mining regulation.

'Seeking a balance' generated considerable interest amongst the community and industry, and by the close of consultation something like 485 submissions had been received. Based on those submissions, which were overwhelmingly in favour of protecting Arkaroola from mining, the government decided not to proceed with 'Seeking a balance' but to examine new management options to ensure the future protection and conservation of the landscape flora and fauna.

On 22 February this year the Premier advised parliament that he had asked the Minister for Environment and Conservation and the Minister for Mineral Resources Development to lead a consultation process to identify the best conservation management framework for Arkaroola. This consultation process is currently under way. All options will be considered, including a permanent ban on mining, creating a national park and national heritage listing, with a possible view to seeking world heritage status in the future.

The consultation process, being led personally by the Minister for Environment and Conservation and the Minister for Mineral Resources Development, is well under way. It involves discussion with key stakeholders, namely, the leaseholders of the Arkaroola, Mount Freeling and Wooltana Pastoral Leases, the Adnyamathanha Traditional Lands Association, who hold native title over the area, and several exploration and mining companies, including Marathon Resources, but also Heathgate Resources, Alliance Craton Explorer and Giralia

Resources. Their views are being sought on the best options for conserving Arkaroola's unique values.

Following this consultation process the government will then be in a position to consider which option is the most appropriate to protect the values of Arkaroola. For those reasons this matter is being considered very earnestly by the government. We intend to come to a solution that will be acceptable to the community, and that is why we reject the motion, particularly part 2. Certainly, nothing will happen to Arkaroola either now or in the future that will damage the iconic areas of that region.

The Hon. K.L. VINCENT (16:53): I rise very briefly to support the honourable member's motion. The Arkaroola Wilderness Sanctuary is located 600 kilometres north of Adelaide in the beautiful Flinders Ranges, as we all know. Whilst I have seen pictures of this majestic place, I am sorry to say that I am yet to visit it. However, one only needs to look at the pictures and to read the stories of those who have visited to understand that it is indeed an amazing place. In fact, people come from far and wide to experience its rugged beauty. This area is not only a beautiful place but also a unique area, which is home to 700 million-year old fossils and endangered species, such as the yellow-footed rock wallaby and something else I do not know how to pronounce.

Moving on, because this is politics, I am concerned at what the Hon. Mr Parnell has told us about Marathon's submission to the government's 'Seeking a balance' report and, in particular, its assertion that there is nothing particularly special about the Northern Flinders Ranges that requires intervention, although I must say that I am not particularly surprised in view of its illegal dumping of waste in the Arkaroola Wilderness Sanctuary.

While the Premier told the parliament in February this year that he recognised the unique and sensitive environmental, cultural and heritage values of Arkaroola and found its beauty to be compelling, I am nonetheless concerned that the government's unashamedly pro-mining and pro-jobs attitude may well gazump the innate value of this beautiful place. I truly hope that I am wrong.

It is now almost 14 months since the initial discovery of illegal waste disposal and what is described in the motion as 'vandalism' by Marathon Resources in the Arkaroola area. The government has had ample time to consult with parties and to weigh up the pros and cons and to develop a strategy, so I agree that it is high time that this government guaranteed the permanent protection of what the Hon. Mr Parnell so aptly describes as 'the iconic and majestic mountains of Arkaroola'. I support the motion.

The Hon. A. BRESSINGTON (16:55): I also rise to support the motion of the Hon. Mark Parnell in relation to mining in the Arkaroola sanctuary and providing protection for that sanctuary. First of all, I wish to congratulate the Hon. Mark Parnell on raising the issue of protecting this unique and precious area and for his persistent representation on the issue. In 2007, he proposed the National Parks and Wildlife (Mining in Sanctuaries) Amendment Bill, and then in 2008 he introduced another bill, the National Parks and Wildlife (Arkaroola–Mt Painter Sanctuary Mining Prohibition) Amendment Bill. What I admire most is that the Hon. Mark Parnell does not just raise these issues, do a media grab and then move onto another issue. He actually shows that he has a genuine interest in such important issues and stays with them for the long haul.

We all know that mining companies and governments see dollar signs long before they are concerned for the environment and the long-term damage, often irreparable damage, that is done with the dollar as the determining factor in the decisions made in this place and the other. Indeed, we are blessed in this country to have unique landscapes such as Arkaroola of great geological and historical value and also the resources that inevitably go with them. I am talking about the minerals and what we see as substances that we should just mine until we can mine no more.

I do not believe that I am one to be considered to be a greenie, but I do recognise that this planet is the only one we have and that for both the people and the planet to survive we do have to change what we are doing currently. We have to work towards developing a mindset that recognises the relationship between this land and the people, who must live together and survive together, rather than the attitude of exploitation of resources that we currently have.

For an example of how things can go so terribly wrong, we only have to look at what happened in the Gulf of Mexico after the BP oil spill. With all the risk management and assessments that were done, and all the safeguards that were put in place, we have seen the death of the Gulf of Mexico. It was a great 24-hour or 48-hour news cycle that talked about the destruction and whatever, but we hear very little about it now. We hear very little about the ongoing struggle that communities around the Gulf of Mexico are experiencing, with poisonous gas emissions now coming from BP's attempts to solve the problem—and they did a terrible job at it.

I think people are getting smarter as we go along and understand that these drilling companies, oil companies and mining companies really do not give a hoot about the damage they create and the damage they leave behind or their half-baked solutions, not based on science but on what will be cheapest to try to cover up what they have done. Quite frankly, Arkaroola is far too precious for us to take that chance with.

I note that even Professor Ian Plimer, a staunch advocate of uranium mining and also outspoken on climate change, with a contrary view to that of the Greens, also agrees that Arkaroola should be off limits. I am glad to see that his credentials as a geologist are coming before his interests in uranium mining. With that, I am glad that the Hon. Mark Parnell has again pushed the envelope, as the Hon. Michelle Lensink put it.

I do not believe we need to pussyfoot around with the language of these motions when they are about protecting such precious reserves that we have, keeping Arkaroola as a protected sanctuary and forcing the Premier of this state to follow through and have this place listed on the World Heritage List in conjunction with a ban on mining. I commend the Hon. Mark Parnell, and I support the motion.

The Hon. M. PARNELL (17:00): In closing the debate on this motion I would like to thank all those members who have contributed. I would like to thank the Hon. Kelly Vincent and the Hon. Ann Bressington for their support of the motion, and I would also like to thank the Hon. Michelle Lensink and the Hon. Paul Holloway for their contributions.

I think the Hon. Ann Bressington put her finger on it when she said that we should not pussyfoot around with the language in these motions. I accept that the Hon. Michelle Lensink does not like the word 'vandalism', and the Hon. Paul Holloway refers to 'compliance failure'. That is a euphemism like 'wardrobe malfunction'. What distinguishes vandalism from an

accident is that vandalism is deliberate, and it is damage. What happened in relation to the nationally-listed geological monument of Mount Gee was that it was deliberately damaged, and the fluorite deposit was hacked and stolen. If that is not vandalism I do not know what is.

I would like to briefly put on the record some new developments that have taken place since I moved this motion, but before I do that I would like to say that I appreciate the Hon. Ann Bressington's acknowledgement that the Greens have actually been on this for a while. Certainly, my first attempt in 2007 to protect all sanctuaries from mining was unsuccessful, and we then had the waste in the wilderness episode early in 2008—at least, that is when the illegal dumping and the fluorite deposit damage were discovered.

There was then a report completed by Primary Industries and the environment department which found 21 separate offences, breaches of the Mining Act and regulation requirements under the licences. I brought another bill into the parliament in 2008. In the meantime the government set about reissuing and renewing the licence, albeit with some restrictions, but it was unable to grasp the severity of what had happened and was unable to realise that a very simple solution was at hand; that was to simply protect Arkaroola and declare it off limits for mining.

The Hon. Paul Holloway referred to the Seeking a Balance process, which I think was a disaster in terms of a scientific exercise. The community input was overwhelmingly that the Arkaroola Wilderness Sanctuary needed to be protected. The Marathon Resources submission, which I referred to at some length in my earlier contribution, took a bit more effort to obtain; they were a bit less willing to provide that, but it did highlight the attitude of the company to this area. It does not like us calling it iconic; it wants to think of it as just another pastoral lease that is available for mining.

We tried again in 2010 to protect Arkaroola through amendments to the Mining Act that were then being debated, but were told that that was an inappropriate vehicle to achieve the result we wanted. So we get to 2011, years after the first problems became apparent and many years after people realised that this was area under threat, when we finally had what I was most encouraged to hear, and that was the Premier's announcement back on 22 February this year, when he said:

I certainly recognise the unique and sensitive environmental, cultural and heritage values of this site, which I visited last year. It is a stunning landscape, rich in flora and fauna, and I found its beauty to be compelling.

The Premier was not mincing his words there; this is a special part of South Australia. So I was encouraged, and I think the community was encouraged, that it seemed that the penny had finally dropped and that we were on the cusp of an important announcement that Arkaroola was to be permanently protected.

Many people thought that it was all sorted, that the only thing that had to be determined was the exact mechanism but, of course, in the background we still have this conga line of Labor mates who are lobbying for mining and on behalf of Marathon Resources, and they are no doubt talking up this mythical mountain of money that can be made if only we allow them to dig it up.

What has disturbed me most recently is that the mining minister, just last week, has commenced a campaign, I think you would call it, of correspondence with his constituents in the seat of West Torrens. He has been writing unsolicited letters to the voters of West Torrens

asking them what they think about Arkaroola. His letter does not include the same glowing language that the Premier used earlier this year. What minister Koutsantonis says is, and I will quote two paragraphs from his letter:

The area has also been historically identified as having high prospectivity for copper, gold, uranium and other metals with many of the tourist trails throughout the ranges a legacy of previous exploration activity. The Northern Flinders Ranges is one of the most geologically diverse and prospective areas in Australia, with a long history of exploration and mining and potential mineral and energy resources of national and international significance.

So, he talks up the region, and then talks down protection. He says:

Placing a ban on exploration and mining in the Arkaroola area would lock away these significant resources now and in the future. This could deny the opportunity for all South Australians to benefit from potential mining investment, employment opportunities and a return to the state from these resources, which are owned by the state.

What a remarkable thing. First of all, why on earth is the minister for mining selectively consulting the voters of West Torrens? That is the first question. His letter actually commences, 'As your local member and the Minister for Mineral Resources'. If he is writing as the Minister for Mineral Resources I expect we will see a full report to parliament on the outcomes of his consultation, but he would know full well that as the member for West Torrens he can keep that information to himself if he is writing as their local member.

It begs the question: is mining policy in this state being driven by the views of the electors of West Torrens, or are there, as there should be, larger forces at work? Interestingly, the return slip on the minister's letter invites voters to select one of three options, and two of those three are pro-mining options. His options are:

1. Complete ban on exploration and mining in the environmentally sensitive areas of the Arkaroola Wilderness Sanctuary.

Not the whole thing, just the environmentally sensitive parts of it. It continues:

2. The area should remain available for exploration and mining in the future, but only if and when appropriate and environmentally sensitive methods of mining are developed.

3. Exploration and mining should be permitted now, with appropriate and stringent environmental controls in place.

So, he has given the voters of West Torrens three choices to choose from, one for protection and two for mining. You have to contrast that with what the Premier said the options were in his speech earlier this year. He put three options forward as well. They were all protection options. The Premier's options included: the exclusion or limiting of future mining in the environmentally sensitive areas of Arkaroola, including areas that are subject of the company's lease; secondly, the designation of Arkaroola as a national park; and, thirdly, putting it on the National Heritage List and afterwards seeking World Heritage listing.

They are the options that the Hon. Paul Holloway referred to. The question is: why is the mining minister out there promoting a different range of options? I am with the Premier. The only debate should be: how do we protect, not minister Koutsantonis options, which are: well, do we really want to protect or do we want to exploit? So, I find it remarkable.

The minister's letter to his constituents talks up the availability of the resource when in fact those of us who have followed this debate would know that Marathon Resources is talking about an inferred resource, an imagined resource, if you like, and that is an estimate at a very low level of confidence. That is what inferred resources are. In fact, there are sound

geological opinions, and the Hon. Ann Bressington referred to geologists, there are sound opinions that the irregular nature of the resource, the cavernous, friable, near-surface rock structure, is going to make mining a particularly difficult task. That is on top of the fact that it is of very low grade. It is a lower grade than the adjoining uranium deposits around Lake Frome—certainly lower than other deposits that are being exploited.

In conclusion—and it will come as no surprise to members that I want to record the views of honourable members on the *Hansard* record in relation to this—this motion calls for the government to stop mucking about. It has been nearly 40 months; that is over three years. We know that the vast bulk of our state is open for business to the mining industry, but there are some places that are so important that they deserve a higher level of protection.

I also remind members that my motion does not call for legislative protection: it simply calls for protection. The fact that I have had to bring bills here on a pretty regular basis since 2007 is not because that is the only way to protect Arkaroola but it is basically a way of doing it when the government refuses its responsibility to the environment of this state.

The government can protect Arkaroola without legislation. My motion does not require legislation. I do not know why the government is still waiting. They are still consulting apparently, including the good citizens of West Torrens. How many more scientists from the Museum do they need to talk to to realise that this is a special part of the state that needs protection? Arkaroola is too precious to mine, and I urge all honourable members to get behind this motion.

Motion carried.