



This is takayna / Tarkine “South Marionoak” forest which will be destroyed by MMG’s proposed tailings dam.

Bob Brown Foundation response to MMG Rosebery Briefing Note

22/06/2022

From Jenny Weber, Campaign Manager, ph 0427 366 929

The law fails to, and needs to, protect the environment and threatened species. If nothing is done to protect this wild place and our environment, we will all live with the consequences of our inactions.

Note: MMG refers to the takayna / Tarkine forests of 285 hectares centred on the catchment of McKimmie Creek as “South Marionoak”.

Paste Fill Options

Mining experts have informed us that a paste-fill plant at the Rosebery mine is 100% feasible and that the company can indeed pump the dewatered tailings back underground to fill the voids left by mining. Renison Bell tin mine has similar mining methods to Rosebery and the cemented paste backfill protocol is in the process of being implemented there.

MMG admits 60 – 70% of all tailings could be put back into the mine. MMG should have started doing this 10 years ago. MMG admits to having social challenges with their alternative sites. The company’s social challenges are that tailings storage facilities in or near Rosebery are problematic due to technical failures and community concerns.

Land Tenure, History and Vegetation at the Proposed Site

The 285ha direct footprint of the proposed tailings dam is roughly 2/3 rainforest, much of which is callidendrous (cathedral-like). The area supports mature myrtle forest, with many trees 500 and more years old. The remainder of the proposed footprint is buttongrass and sedge-land, tea tree and eucalypt woodland.

Eucalyptus brookeriana, which is federally listed for protection, occurs on the site.

The forests are verified as critical breeding habitat for the vulnerable to extinction Tasmanian Masked Owl occurs on the site. Our Foundation has carried out extensive and ground-breaking Tasmanian Masked Owl research in the forests threatened by MMG. MMG did not complete fulsome and adequate investigations on the site to identify the importance of that area for the Masked Owl.

A nest for the endangered wedge-tailed eagle occurs on the site.

The rainforested upper portion of the McKimmie Ck catchment, that would be destroyed by the tailings dam, is indeed pristine. It is wholly and completely undisturbed. There are no tracks within the valley and no cut or felled trees. Minor disturbance has occurred at the rainforest fringe and localised further disturbance has occurred in non-rainforest vegetation south of the McKimmie valley.

MMG claims the site has been previously disturbed by logging but there is no historic or current logging on, or near to, the proposed site. The closest logging is at an area of oldgrowth forest 7 km north of the "South Marionoak" site.

MMG correctly states that the site is zoned as PTPZ. The rainforest of the proposed site, however, is completely designated as informal reserve by Sustainable Timber Tasmania. Recognised for its outstanding scenic and natural value, it would never be logged by STT.

MMG claims that the site has been previously disturbed by a power corridor. However, that power corridor is 8 km north of the "South Marionoak" site. This is not on the MMG mining lease and is not in the vicinity of the proposed 285 hectare site that is proposed to be inundated with heavy metals sludge.

Our Foundation has carried out 12 months of scientific surveys of the flora and fauna values in the area, including hundreds of hours spent gathering data. Our Owl survey data has been freely given to MMG consultants for verification. BBF has facilitated affidavits by verified experts in their fields. We have produced superior evidence to the company with regards to the site they want to destroy.

MMG's proposed tailings storage facility in takayna / Tarkine would include deforestation of 285 hectares of rainforest and woodland. Fragmentation and associated edge-effects would further significantly impact the region. 25 million cubic metres of toxic sludge would be pumped across the Pieman River, inundating the valley and ultimately filling it to twice the height of the tall rainforest canopy.

Timeline of Illegal Works and Legal Considerations

In response to MMG commencing works in May 2021, without approval from the Federal Environment Minister, our lawyers wrote to MMG requesting them to desist from the illegal works. This occurred in July 2021. However, the Minister did not pursue prosecution. Instead, MMG were allowed to withdraw elements of their referral, avoiding the need for a full Environmental Impact Assessment.

This became referral EPBC Ref: 2021/9079 from EPBC Ref: 2021/8909, and the Minister approved these works.

A timeline:

MMG referred the roadworks that were subject to our disruption in 2021 as part of original referral (2021/8909). They do not yet have that approval.

MMG carried out roadworks between May and July 2021. BBF intervened on a legal basis and works ceased.

MMG sought and were granted permission to remove parts of the original referral. (2021/8909), then re-submitted and made a new referral (2021/9079) that covered this roadworks and clearing and drilling.

MMG was given approval but that approval is now under reconsideration.

Referral (2021/9079) does not cover the Helilog road works that are currently underway. MMG does not have a permit for the current road works.

MMG claims the Federal Court recently dismissed an application by our Foundation to “stop early works, in recognition of the efforts MMG has taken to minimise the impact of activities on surrounding environment.” This is incorrect. The Federal Court accepted undertakings offered by MMG in lieu of an injunction.

MMG existing TSF sites

Rosebery’s most recent TSF, the 2-5 dam, was commissioned in 2018 and from the outset has been problematic. There were issues constructing the dam which meant it was not sealed properly. This has resulted in regular discharges of untreated water into the local Stitt River and flooding of the Murchison Highway in high rainfall events. Having repeatedly denied there was a problem, only now are MMG trying to use grout injection to fix it after the damage has already been done.

MMG argues that disposing of tailings underground would create a waste rock problem which would need disposal on surface, oxidise (generate acid) and be environmentally detrimental. It is true that some waste rock would need storage on surface but most waste rock produced at Rosebery would not be acid forming and could be safely stored. Any acid forming material could be directed to backfill below ground or managed on the surface until mine closure, at which point it could be returned underground.

MMG claims our Foundation made unsubstantiated claims about MMG’s existing Tailings Storage Facility. BBF referred to the leaking incidents reported as recently as February 2022 and from 2018 by The Advocate Newspaper and reported by ABC Four Corners in 2022. See images below:



Four Corners May 9, 2022

Leak into Stitt River after issues with MMG Rosebery tailings storage facility



By Lachlan Bennett

Updated October 25 2018 - 8:43pm, first published 8:30pm



MMG Rosebery: tailings spill at West Coast mine site blamed on 'flow blockage', investigations continue

A mining company has identified the cause of a tailings spill at its Rosebery site, which led to the release of waste materials into nearby waterways.



Rob Inglis

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2 min read February 11, 2022 - 5:59PM

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Peaceful Direct Action Protests

MMG makes false accusations that the BBF protests are aggressive, and that people are screaming at MMG employees or contractors. Our protesters do not use intimidation or abuse. We never use employees "reactions" in our media. On many occasions there has been friendly banter with the MMG employees, who are completely at ease in the situation. This interaction is available for review in the video body cam footage that can be provided by MMG.

Nearly 100 people have been arrested for peacefully defending the takayna rainforest and its wildlife from this unnecessary and destructive proposed intrusion by MMG. At every protest action the machines that have been locked onto have been stationary with attachments made well before the machine operator has arrived on site. Protests involving hundreds of people frequently commenced at 4am so as to arrive into the public forests before the machine operators. The claims of machinery near-misses with protesters are not true.

MMG requires the standard protocol that if any protest poses a safety risk, work should stop.

MMG claims they that have sustained disruption by BBF, but this is of their own choosing. On day one, our Foundation's representatives had a meeting with Steve Scott and advised him that we were not going to stand back and let this important and beautiful place be destroyed. Steve Scott was completely aware and informed of the situation and had ample opportunity to report to company headquarters in Beijing and propose alternatives.

MMG claims a protester stepped in the path of an oncoming vehicle, forcing it to stop, before attaching themselves with a bike lock by the neck to the bull bar. The security footage taken by MMG of these incidents will show no one has ever stepped dangerously in front of a moving vehicle. The vehicle had come to a complete halt, and the driver in control of the vehicle was completely aware of the situation. Protesters were holding large bright yellow banners and wearing high visibility vests.

It is always the choice of the police search and rescue whether they have sufficient resources to be able to deal with any given situation. At any point they can choose to desist. Our climbers operate with the utmost safety protocols. Alleged hazards for the emergency services tasked with cutting out protesters are untrue. The Foundation has a long history of amicable coordination with Tasmania police, including ongoing interactions in the field and meetings at a high level. The police are trained and well experienced with protester removal from tree-sits and lock-ons. BBF operates under core principles of peaceful protest and has no intention to harm people or damage property.

In over three decades of peaceful protests in Tasmania, including those in relation to MMG, there has never been an instance where an employee, contractor, protester or member of the public has been injured due to protestor activity. On the contrary, on numerous occasions, statements have been made to police about threats, intimidation, harassment, verbal and physical abuse toward protesters.

MMG-employed Thomas Paul Security has on numerous occasions intimidated and threatened people on the public road, both before and after it was opened. This is on their security cameras, on their body cams and in statements given to police.

All protests against MMG on Helilog road are constantly filmed and scrutinised, including by MMG who have body worn cameras.

Day 10 Protest at takayna / Tarkine, Helilog road.

MMG claims a protest occurred where a truck skidded for 14 metres. This is, apparently, despite the speed limit on this road being 20 km per hour. The area where that this protest occurred was behind a locked MMG gate. Immediately adjacent to this gate was a security hub. Security operated the gate.

We have images of the protest that show there was no slippage during the time the truck had to slow down on approach to the gate and stop.

Protestors were on-site with full safety gear and high vis vests before the truck's arrival. When the truck entered the first gate the protestors were approximately 50 metres away on the road with banners prominently displayed.

The truck then stopped on the road. No running of any kind occurred as protestors were on the road already, with signage.

The truck driver spoke with protestors about the size of truck and safety of the truck. There was no aggression present during the whole interaction, either from the protesters or the truck driver.

The truck engine was turned off. Safety was confirmed and protestors locked onto the middle bar of the truck.

The truck driver had positive interactions and had amicable conversations with protestors and even kindly brought a coffee to the female who was locked on.



MMG's proposed tailings dam would destroy and smother this rainforest valley.



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