



20 July 2021

Hon. Meaghan Scanlon  
Minister for the Environment and the Great Barrier Reef  
and Minister for Science and Youth Affairs  
Level 31, 1 William Street  
BRISBANE QLD 4000

By email: [environment@ministerial.qld.gov.au](mailto:environment@ministerial.qld.gov.au)

**Request for urgent Ministerial intervention to protect the traditional lands and waters of  
Wangan and Jagalingou Country, especially the sacred Doongmabulla Springs**

Dear Minister,

I am the senior cultural leader of the Wangan and Jagalingou Nagana Yarrbayn Cultural Custodians, a group of Traditional Owners of Wangan and Jagalingou Country.

In a request for urgent enforcement action under the Environmental Protection Act 1994 – provided on 23 April 2021 by our solicitors, the Environmental Defenders Office – we called upon you to investigate reported environmental harm and threatened environmental harm and to take action to remedy or restrain any offences being committed by Adani Mining Pty Ltd (Adani).

We also drew attention to the impact on our human rights from the loss of, and damage to, places and natural resources of cultural significance to our people. These impacts breach our cultural rights as defined under the Human Rights Act (Qld) 2019.

On 17 May 2021 our solicitor Alison Rose, our adviser, Anthony Esposito, and our consulting water expert, Dr Matthew Currell, met on our behalf with Department of Environment and Science (DES) officers investigating our complaint.

On 16 June 2021 we provided DES investigators with a confidential report prepared for us by Dr Matthew Currell, Associate Professor of Environmental Engineering at RMIT University; being an independent scientific review of baseline groundwater monitoring to assess the impacts from the Carmichael Mine on our culturally significant Doongmabulla Springs Complex.

On 29 June we received a response from Louise Pinn, Compliance Delivery Manager, Coal and Central Compliance, Environmental Services and Regulation, on behalf of DES, advising that the department had concluded its investigation and that the department's decision is "that no further action will be taken".

This short and sudden response from DES coincided with media inquiries into the investigation and was a mere 1 ½ page reply offering no information and certainly failing, in our view, to deal with the substantive matters we raised. (See attached media article).

DES did informally extend an offer to our solicitor to meet to discuss the findings, prior to sending the letter. However, there has been no follow up and the department's letter itself was conclusive.

We understand from the letter that we can request the Queensland Ombudsman to review this decision, but we have no intention of referring this to Mr Reilly. We have instead instructed our solicitors to review all legal options and seek advice from senior counsel regarding enforcement action on both environmental and human rights grounds.

We are alarmed by the poor environmental practices of Adani that we are witnessing on our traditional lands; and we are now deeply dissatisfied with the handling by the Queensland Government of our call for urgent action to address ongoing environmental harm, and the severe threat to the culturally significant Doongmabulla Springs.

We do not accept that DES found no evidence to support our allegations, especially in relation to water monitoring. Nor do we accept the department's conclusion regarding allegations of oil contamination of the land and depositing of greywater, as this doesn't align with the information provided by our witness.

The department's response to our human rights concerns was perfunctory at best; and shows a lack of seriousness in respect of its obligation to act and make its decisions in a way that does not limit cultural rights as required under the provisions of the Human Rights Act. No justification for the limitation of our cultural rights has been provided by DES.<sup>1</sup>

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<sup>1</sup> An act or decision is compatible with cultural rights if it does not limit cultural rights or limits cultural rights only to the extent that is reasonably and demonstrably justifiable per, *Human Rights Act 2019* sections 8 and 13.

We are especially alarmed by evidence that there is already substantial change to the groundwater occurring at the mine site *before* the baseline water requirements have been fulfilled and sufficient data collected.

Substantial de-watering activity has been taking place at the mine site since late 2019 and continued throughout 2020, and the consequences of commencing mining activity without baseline data for the springs are serious.

We do not consider that this complies with the intent of the approval condition, which is to protect the Doongmabulla Springs complex and ground water resources.

We have said all along that the consequences to the water and the Doongmabulla Springs of commencing mining activity will be adverse and serious. We are aware that critical scientific understandings of the source aquifers and of the impacts of the mine on the Doongmabulla Springs remain unresolved.

We do not accept the department's view that assessment of the groundwater for the Carmichael Coal Mine has "been rigorous and based on the best available science" provides justification for taking no further action. Failure to respond to and adopt the recent recommendations provided in Dr Currell's report is an example that the best available science is not being adopted.

We know that the water approvals were rushed for political reasons and that they aren't based on comprehensive knowledge of the impacts of the mine on the Doongmabulla Springs.

Importantly to us, we know that the mine will drain the life out of our Country and destroy our dreaming and our sacred site if it proceeds unchecked. It will be catastrophic, and every bit as destructive to our land and culture, and as hurtful to our people, as the blasting of the caves at Juukan Gorge.

We fear that the very large volume of water extraction by Adani that is now evident has already locked in future environmental damage to our sacred site. This can only get worse. And we know from experience and history that the consequences for our people will be severe, causing ongoing loss of connection to country and to our culture, intergenerational trauma, grief, and psychological harm.

We have raised many times that the Adani Carmichael mining project breaches our human rights, as there was, unarguably, no free, prior, and informed consent for the issuing of the mining leases. The Government is now responsible for the impacts occurring on our lands and waters and to our sacred sites, which will cause serious harm to our cultural rights and heritage, and to our people's well-being as a First Nation. You can change this.

**We are calling for your urgent intervention and your support to ensure that our human rights are respected and upheld, that the environment is properly managed, and that the water that flows on and below the ground, including at the source of our sacred Doongmabulla Springs, is protected.**

Our culture is inseparable from our lands and waters, including groundwater. Where the groundwater flows to the surface, at the Doongmabulla Springs, is our most sacred site. Mining our land and extracting our groundwater denies us our right to enjoy, maintain and protect our culture and traditional stories.

We need you to ensure that we are not subjected to forced destruction of our culture. Please meet with us to discuss these matters and ensure the following:

1. To protect our sacred Doongmabulla Springs, call an immediate stop to work on mine construction until there is evidence that conclusively proves there will be no harm to the Doongmabulla Springs complex from Adani's mine
2. Allow for independent verification of the results of the DES investigation into our complaint of 23 April 2021, with opportunities for us to present information and ask questions
3. Fund and support a comprehensive, independent, scientific review of water sources and current and future water extraction, and all water approvals, licenses and permits
4. Fund and support permanent capacity for our cultural custodians' group and our expert advisers to monitor and review water use and extraction, and their impacts on the environment, and contribute to their management and mitigation

We await your urgent reply. Please reply by email to [info@wanganjagalngou.com.au](mailto:info@wanganjagalngou.com.au). I can also be reached through our adviser on 0418 152 743.

Sincerely,



Adrian Burragubba