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in public interest environmental law

21 February 2012

Federal Court challenge to Olympic Dam approval

Mr Kevin Buzzacott has filed an application in the Federal Court challenging the Commonwealth Environment Minister's approval of the Olympic Dam expansion. He is represented by the Environmental Defender's Office (SA) Inc (EDO) in those proceedings.

Mr Buzzacott (known as Uncle Kevin) is an Aboriginal Elder of the Arabunna Nation in Northern South Australia, who is concerned about the impacts of the mine on the environment. The EDO is a community legal centre that specialises in public interest environmental law.

In October last year, the Hon Tony Burke MP approved the project under the *Environment Protection and Biodiversity Conservation Act 1999*.

Mr Buzzacott says that "The mine will be the largest of its kind in the world, on the largest uranium deposit, and will also mine copper, gold and silver. It is likely to use up to 200 megalitres of water a day and a significant amount of South Australia's electricity."

"I'm happy to have an opportunity to challenge the Minister's decision because I'd like to know and understand how he's given full approval with all the uncertainties of this proposed expansion. I feel like a tiny voice in this issue because BHP Billiton is so powerful but my role is to protect the old country."

Ultimately, the open cut pit will be approximately 1 km deep and 4 km wide, and the radioactive tailings (waste) will be stored above ground covering an area of up to 40 square kilometres in piles of which approximately 5%-15% are to be lined.

Ruth Beach, solicitor at the EDO in Adelaide, said "This case is about making sure that the proper legal process is followed in approving the mine, and if successful has wider significance for other similar approvals in Australia. The EDO's client is seeking orders from the Federal Court that the Minister's approval be reviewed and, subject to the Court's findings, may be set aside and referred back to the Minister for further consideration according to the law."

Mr Buzzacott is challenging the Minister's approval on the following grounds:

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1. The approval is so uncertain that it does not constitute a proper approval under the Act. This is because much of the environmental assessment and decision-making is left up to plans and studies that have not yet been prepared or considered by the Minister or the public.

2. The Minister did not properly consider the impact of the Olympic Dam expansion on the environment. In particular, the EDO's client is arguing that the Minister has not properly considered impacts from the above ground storage of radioactive tailings waste.

3. The Minister failed to consider the environmental impacts associated with the export of uranium.

4. The Minister failed to properly consider the impacts of the expansion on groundwater resources including the Great Artesian Basin.

Ms Beach said, "Through this legal challenge, our client is seeking to ensure that the Minister has put the proper environmental safeguards in place, and has properly considered all the environmental impacts of the proposal, as he is required to do under the law."

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Environmental Defenders Office (SA) Inc