

Small farmers take fight to mighty miner

- **Marian Wilkinson Environment Editor**
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A LEGAL battle between angry farmers and the mining giant BHP-Billiton in the black-soil country of the Liverpool Plains is threatening to derail plans to develop one of the biggest new coal mining ventures in NSW.

Geoff Brown and three fellow farmers took their fight to the mining warden's court in Gunnedah this month, challenging BHP's right to come onto their land in a search for 500 million tonnes of untapped coal reserves buried in the Caroona region. BHP bought the rights with a \$99 million exploration licence from the NSW Government.

For five days in the Gunnedah court, the mining warden, John Bailey, heard arguments over the farmers' charges that BHP's drilling methods could risk contaminating the deep aquifers that help water some of the richest farmland in Australia.

"We've seen everywhere else where mining has occurred that they've destroyed the farming land," Mr Brown told the *Herald* from his Caroona property, where he grows soya beans, corn, wheat and chickpeas.

"The big issue up here is our water, and mining doesn't seem to regard water as very important. That's why I can't see mining and agriculture going together side by side."

The mining giant vigorously defended itself in the hearings. The Sydney barrister Richard Beasley outlined the efforts BHP makes in its drilling to avoid the risk of contaminating aquifers.

But for the first time in the fight, the farmers went to court backed by a rich fighting fund. They hired their own barrister, the Sydney silk Tony Bannon, who peppered BHP's experts with tough questions, challenging their assurances in exchanges that became increasingly heated by the end of the hearings.

A decision in the case is expected next month and the farmers say it could have serious implications for the mining industry across the state.

"The outcome is incredibly significant," said Tim Duddy, a local farmer who has been leading the charge against BHP since last year. "No matter which way it goes, it will change mining exploration in Australia."

Mr Duddy, who blockaded his property to stop BHP drilling on his land, says that if the farmers lose they will find a way to appeal. "We will go to higher authorities on it. This is huge."

BHP-Billiton and the NSW Minister for Natural Resources, Ian Macdonald, are acutely aware of the big stakes in this fight. Not only is a potential \$2 billion coal project under threat but so too are exploration rights for coal and gas miners across the state. Mr Macdonald

issued a \$300 million exploration licence last year not far from Caroonna to the Chinese state-owned coal miner Shenhua.

BHP has tried to reassure local farmers that it is narrowing its search, shifting away from farmland on the flood plain and from the deep aquifers that provide irrigation.

"We believe farming and coal mining can co-exist in the area as it has done for many years," a BHP-Billiton spokesman said. The company has attempted arbitrating with the farmers but with limited success. Mr Macdonald met a delegation of farmers last month.

"The Government will not allow the integrity of water supplies in the region to be compromised and will not approve of any mining that is likely to have an unacceptable impact on the environment," he said.

Mr Brown, who wants to obtain organic certification for his produce, says he doubts BHP can satisfy him in time that mining will not endanger the environment.

"If we can't produce good quality food for people to eat we shouldn't be in the game."