

Agriculture, Resources and Environment Committee
 Parliament House, Brisbane
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 25.10.2013

Submission: Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013

I am a permanent resident of North Stradbroke Island. I oppose this Amendment Bill for the following reasons: legal/ethical, economic, environmental, social.

I note that the time allowed for committee deliberations and public comment on the Bill is unacceptably, ridiculously short.

Legal/ethical objection

First, the Bill is made without consultation with or consent of the primary owners of NSI whose lands are permanently changed for the worse by mining operations, the Quandamooka People. The government and Quandamooka People signed an ILUA as part of the 2011 native title determination that recognises traditional ownership of NSI and its waters. The government may not unilaterally break or circumvent or ignore the ILUA or the rights and interests of the Quandamooka People.

In drawing up the Bill, neither has there been consultation with the public or any stakeholders apart from the mining company. The government's dealing solely with the miner is undemocratic.

It is noted that Sibelco invested heavily in a far-reaching PR campaign designed to get Campbell Newman elected in Ashgrove (the mining company spent \$90,000+ on printing and postage alone, and failed to declare itself an interested third party); and Mr Newman duly included extension of mining on NSI in his election platform. Following the election, Sibelco enjoyed exclusive government access for the purpose of rewriting the NSI Protection and Sustainability Act 2011. Note: All Sibelco's requirements are incorporated in the Amendment Bill (advised by public servants, Committee briefing, 23.10.2013).

Quandamooka Yoolooburrabee Aboriginal Corporation, representative body of the traditional owners, was not informed of the ongoing discussions affecting their country and its economic future. It is impossible to reconcile the secrecy and its exclusive dealings with the miner with the government's assertion that it is 'committed to fulfilling its obligations under the ILUA'.

Sovereign risk is cited as an excuse for the Amendment Bill. Companies need to make long-term investment decisions in a secure regulatory climate: that is not in question. However, the miner was well aware of the tenure risks, as it was operating at Enterprise on expired leases prior to the Bligh government's renewal of expired leases to permit mining to extend until 2019 and wind up in a timely manner. Further, the miner established two large off-path tailings deposits (they are visible from Brisbane) – including one stockpiled illegally in an off-lease location – not for the miner's statutory requirement of using the sand to rehabilitate the post-mining landform but to sell as construction sand. In other words, the miner *quarried* the sand, an activity not permitted on mining leases. Sibelco has estimated it has enough sand stockpiled to sell for 100 years. The Quandamooka People reject the notion that this sand is surplus: they consider all the sand integral to the island. It is to be noted that Redland City Council under IPA legislation unanimously rejected the miner's development application to remove quarried sand from its mining leases; fought the miner in the Land and Environment Court and won; and again won an appeal in the Supreme Court of Queensland. The miner's commercial and legal aggression, and illegal past behaviour, should not be accorded the smokescreen in this Bill of safeguarding Queensland's reputation for sovereign risk.

Sibelco is currently before the courts for removing and selling sand from its Vance mining lease without permits.

Given the primacy of the ownership of the island by the Quandamooka People; and the normative requirement in a democracy that governments consult appropriately with stakeholders in the making of legislation; and the mining company's pivotal role in the premier's election; and Sibelco's currently facing

charges in court, I have grave misgivings about the legal (and ethical) validity of this Amendment Bill.

Economic objection

The stated principal policy driver of the Bill is economic. Yet mining is a declining industry on NSI.

After more than 60 years of mining, minerals are largely depleted. Yarraman is due to finish in 2015. About half the islanders who are employed in mining work at Yarraman: how many jobs will be shed when that mine closes?

Vance silica mine is uneconomical: it went into suspension this year with job losses.

Mining is not a secure industry: when resources run out, typically the miners move on. The industry is heavily dependent on the vagaries of overseas markets that can founder at any time, resulting in jobs losses.

This Bill is not driven by concern for jobs: after all, mining employs just 13.2 per cent of the island workforce (2011 Census). Successive censuses chart the steady decline of mining jobs on NSI – down from 173 in 2001 to 112 in 2011 (ie, down from 19.1 to 13.2 per cent). Jobs in accommodation and food services *increased* from 140 in 2001 to 154 in 2011 (up from 15.4 to 18.1 per cent); and in education and training from 54 in 2001 to 69 in 2011 (from 5.9 to 8.1 per cent).

Note: the number of island residents employed by mining has fallen by 35 per cent over ten years. Employment in all other major sectors has increased. There has been a 6 per cent reduction in the total number of island residents employed. The island population has declined.

The notion that the economy is a policy driver of the Bill is erroneous.

Mining is not the major island employer. (Sibelco says mining is the major *single* employer: this is sophistry). Rather than driving the economy, mining is in fact a brake to NSI's future sustainable economic diversity.

The Newman government shut down the NSI Economic Transition Studies of 2011. This was not a pie-in-the-sky exercise. Sophisticated analyses were prepared identifying opportunities and threats to NSI's economy. Among the opportunities are the island's natural assets and its location; Aboriginal culture and history; resident creatives (including artists, photographers, writers, editors, film makers); educational and research facilities; tourism industry; health and wellbeing businesses...

A threat to NSI's long-term economy is mining. Mining destroys environments and landscapes on which national park and nature-based businesses depend. Mining, by definition, presents an image at odds with the natural, environmental brand that is Stradbroke's birthright and future.

Despite winning a (mining industry) award in 2008 for rehabilitation, the miner cannot be expected to perform miracles: post-mining rehabilitation cannot restore country to original pre-mine condition. Mined land sticks out like a sore thumb from pristine country for periods of many, many, many, many generations and beyond. The scars of the mines on NSI are visible from outer space.

Thirty per cent of NSI's surface is environmentally degraded or disturbed/contaminated by mining operations. Losses of natural assets include 90 middens on Main Beach, mature forests, waterbodies and uncounted wildlife, as well as cultural artefacts and spiritual sites. When a single mature pandanus is valued in 2013 at \$10,000 (reference Redland City Council), what monetary value is put on the totality of Stradbroke's natural assets and landscapes; and in contrast, what lasting legacy value, in environmental and/or monetary terms, will mining bequeath the island?

It looks like knowing disregard to promote extended mining and further, unnecessary destruction of virgin land and thus delay and curtail Stradbroke's progress towards economic stability and prosperity from nature-based and other industries and businesses.

Today and tomorrow, mining harms Minjerribah Camping's corporate brand.

Minjerribah Camping is a young Aboriginal business bringing meaningful employment and pride to islanders. Indigenous management of the camp grounds is a natural fit with caring for country obligations; the interface with Aboriginal people and an authentic living culture makes for a richer experience for visitors, possibly one unique in this urbanised region.

Sibelco inflates its ostensible significance to the island economy to implausible levels: *sand miners contribute \$70 million a year to NSI* (Campbell Jones, CEO Unimin Australia, 'Sustainable Stradbroke'); *mining accounts for almost half the NSI economy* (ibid). The verifiable facts – census data, the per capita wealth of NSI residents, the percentage of NSI residents living below the poverty line (18 per cent non-Aboriginal households and 45 per cent Aboriginal households, 2006 Census), etc – do not validate such wild ambit claims.

Rather than support a single, declining, depletive and destructive industry, the government could put NSI on a strong, sound, stable long-term economic and social footing by facilitating the timely transition to a positive, alternative, diversified, sustainable economy that builds on existing natural and other assets and capacities. This transition to economic diversity and stability does not require decades to be implemented: it can and should happen now, without any delays. A responsible government would perceive and seize this opportunity. What drives the Newman government's intention to shackle Stradbroke to a corpse?.

Environmental objection

The Bill would further extend mining on NSI beyond 2019 by 16 years, plus a further five years for rehabilitation, locking up country until 2040. Prolonged, extended mining would destroy additional, new areas of original landscape. In return for long-term irreparable damage to the island's remaining iconic landscape, the government would reap a paltry short-term \$75 million in royalties – under \$5 million a year.

Marooned patches of un-mined land create fragmented, disconnected habitats where wildlife must struggle to survive. Mining tracks facilitate infestation by feral foxes, which are at peak numbers throughout the island. The areas disturbed by mining are also prone to weeds and other pests such as cane toads.

Extending the Enterprise mine path along the 18 Mile Swamp escarpment would risk damaging the internationally-listed wetland, as well as the catchment to Blue Lake, aka God's Bathtub for its significant environmental values.

The Bill would weaken environmental controls that govern mining, reducing buffer areas and removing conditions preventing off-lease harm.

The Bill puts the interests of mining before the conservation of NSI's remaining natural assets on which the island's environmental resilience – and economic future – depend. Unfortunately, mining has a long (documented) history of environmental degradation, of accidents and deliberately cut corners, as well as the alleged illegal removal of significant amounts of sand for which Sibelco is currently before the courts.

Mining has had more than 60 years of exploiting the island's natural resources. Mining will end, as the resources are finite. When will it end and on whose terms? What will be left for island residents?

Social objection

After the protracted era of nasty, hostile, community-dividing tactics employed by the mining company to suppress dissent to extended mining, most residents of NSI want peace and hope for the future – not to step back into an economy rigged to protect the interests of a single powerful industry: mining.

Fear-mongering always works. Sibelco declares that electricity and fuel prices will rise if mining quits NSI. Without reference to facts, many on the island believe this fiction and are made anxious. Contrary to the story Sibelco would like islanders to swallow, their electricity costs are not subsidised by the miner. The bulk electricity supply is from Beenleigh. Mining companies in the 1960s paid part or all the costs of the

original installation; this connection supplies the island townships. Sibelco did not contribute to the cost of the recent improved power supply, despite calling for it: that cost was borne by Energex.

Similarly, despite the heavy usage by mining trucks, Sibelco does not contribute nearly enough to the upkeep of the island main road; the state government does that.

Sibelco trumpeted its financial contribution to the new pontoon at Dunwich opened in 2010, the implication being that the miner was giving back to the island community. However, Sibelco contributed \$100,000, or 4 per cent of the total cost of the facility that is essential to transport its mainland-based workforce on and off the island.

Sibelco spends far more than that amount just on advertising and PR.

The barrage of fictions, spin and propaganda from the miner affects everyone on the island.

Because Sibelco has the wealth to publicise its message aggressively and relentlessly – and the opponents of mining don't have those means and are subjected to threats and intimidation when they voice dissent – the miner is perceived as omnipotent on NSI. Even the government is singing to its tune. The miner is conducting a long-running promotional campaign that uses print, cinema, television advertising; a newsletter; website; rallies with badged paraphernalia like bumper stickers, posters and tee shirts; the services of a PR/lobbying company; grants to community groups.

And yet: Everyone – including government – accepts that mining on NSI cannot extend forever. Mining will end.

In conclusion

The Amendment Bill is designed to delay by a significant additional period the meaningful progress by NSI businesses and residents towards the diversified, stable economic transition that must eventuate. The Bill hobbles business and industry by privileging mining. It blights the island's nature-based economic future. It disrespects Aboriginal traditional owners. It destabilises the NSI community and stultifies opportunity. It affronts future generations who would come to the island to experience its pristine environmental values.

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