

This is an uncorrected proof of evidence taken before the committee and it is made available under the condition it is recognised as such.



AGRICULTURE, RESOURCES AND ENVIRONMENT COMMITTEE

Members present:

Mr IP Rickuss MP (Chair)
Mr SV Cox MP
Mr S Knuth MP
Ms MA Maddern MP
Ms J Trad MP
Mr MJ Trout MP

Staff present:

Mr R Hansen (Research Director)
Mr M Gorringe (Principal Research Officer)

PUBLIC INQUIRY—EXAMINATION OF THE NORTH STRADBROKE ISLAND PROTECTION AND SUSTAINABILITY AND ANOTHER ACT AMENDMENT BILL 2013

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 30 OCTOBER 2013

Brisbane

WEDNESDAY, 30 OCTOBER 2013

Committee met at 9.01 am

CHAIR: Welcome, ladies and gentlemen. I declare this meeting of the Agriculture, Resources and Environment Committee open. Before we start, I ask that all phones be switched off or put on silent. I acknowledge the traditional owners of the land on which this meeting takes place. I also acknowledge with us today in the audience the elders representing the traditional custodians of North Stradbroke Island. I am Ian Rickuss, the member for Lockyer and chair of the committee. The other committee members with me today are Jackie Trad, the member for South Brisbane and deputy chair; Sam Cox, the member for Thuringowa; Shane Knuth, the member for Dalrymple; Anne Maddern, the member for Maryborough; and Michael Trout, the member for Barron River.

Please note that these proceedings are broadcast live via the Parliament of Queensland website. The purpose of this meeting is to assist the committee in the examination of the North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013. The bill was introduced by the Minister for Natural Resources and Mines, the Hon. Andrew Cripps, and subsequently referred to the committee on 17 October 2013 for examination, with a reporting deadline of 14 November 2013. We hope that the hearing today will give everyone a better understanding of the provisions of the bill.

I would like to remind everyone participating today about the sub judice rule that applies to the parliamentary proceedings under standing order 233(1). The rule applies to the matter presently before the courts between the Department of Environment and Heritage Protection and Sibelco concerning the alleged unlawful extraction and supply of B-grade sands for building and other purposes by Sibelco between 3 December 2003 and 18 December 2008 from its sandmining operations on North Stradbroke Island. Members, witnesses and briefing officers should exercise care to avoid saying anything during the committee proceedings today which would be regarded as contempt outside the parliament and could jeopardise these court proceedings. This matter is separate to the committee's examination of the bill, which is about the legal extraction of minerals from sandmining leases on North Stradbroke Island.

We will have some comments on the stakeholders' representatives shortly, from 9 am to 1 pm. Could they please ensure they stay on track about the bill, please. Mark Robinson, the member for Cleveland, has sought leave to join the committee. Is leave granted? Thank you very much.

Ms TRAD: Can I have my dissent noted.

CHAIR: Certainly. The member for South Brisbane dissents to that. We would like to hear from stakeholder representatives who are with us today. We invite your views on the bill before us. I invite Mr Peter Dowling, the member for Redlands, to speak.

DOWLING, Mr Peter, Member for Redlands, Queensland Parliament

Mr Dowling: Thank you, Mr Chair. Thank you to the committee for the opportunity to comment on this bill, the North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013. I begin by stating the obvious: this is a most significant project and a most significant issue for Stradbroke Island and, then, for the wider community.

I probably need to clarify for the record that Stradbroke Island does not sit within my electorate. It sits within Redland City but not inside the state electorate of Redlands. There is, however, that flow-on—that employment opportunity we enjoy as joint stakeholders in that employer. I also had nine years on local council at Redland City. During that time obviously I got to visit the site quite a number of times and was really appreciative of the information, the advice and getting to that understanding. I am obviously mindful of the warning, Mr Chair, that you issued at the start, so I will not comment further to Sibelco and the operations of the sand mine.

The issue as I see it is basically—and this is based on local comment that I hear around my community—based on two key areas: environment or economy. I believe that this bill actually strikes a balance for both of those. It delivers a better outcome environmentally and a better operational procedure, and it also provides a good, stable economy into the future.

Public Inquiry—Examination of the North Stradbroke Island Protection and Sustainability and
Another Act Amendment Bill 2013

As the committee and the community would be aware, North Stradbroke Island is a relatively small community. It consists of three villages, in essence, and there are two main economic drivers—two industries on the island. One is the sand extraction; the other is tourism. What is key in my estimation will be that transition from two economic drivers to one. It is moving from a strong, powerhouse industry to a fairly mature but very specific tourism product, and it is in this lead time that the bill proposes that Stradbroke Island will need to, in so many ways, need to reinvent itself. And that transition is vital. Tourism on Straddie basically—we have all done it. We have all enjoyed the beach experience and the bushwalking out to the lakes. Whale watching is a relatively new market product that has not been exploited and utilised and developed the way it could be. And then there are the cultural aspects. So it is about making tourism a 365-day economy as opposed to what it is: largely a seasonal thing.

Mr Chairman, at this time I seek leave, if I may, to have incorporated into this hearing a letter from Councillor Karen Williams, the Mayor of Redland City.

CHAIR: Is leave granted? Leave is granted.

Mr Dowling: Thank you. I take the opportunity to thank the committee for their indulgence on that matter and extend the thanks of Councillor Williams. It is a personal representation, not a formal position. That is due to a number of other issues. Karen has been overseas for a while generating economic investment in our community and lining up a general meeting to get a formal resolution of council. So I thank you on her behalf. With those few comments I close my comments.

CHAIR: So the Redland City Council is very supportive of this bill, in a general sort of sense?

Mr Dowling: Without verballing them, yes. There is that support for this. I know during 2011 when the time frames were changed under previous legislation—the original legislation—there was concern that it was very abrupt and did not leave enough time for transition within council circles. Everyone wants the best outcome for Straddie, and they see this transition as the key in developing that future market and that transition from two economies down to one but making sure that one is able to sustain the island. So that is very much the focus of the councillors that I engage with.

Mr COX: So the Redland shire, as you were saying, does understand the connection between the shire and the island, with the industry that does affect this island in relation to, say, the ferry—the support that goes to and from there? So it is a big link to the island, keeping those sorts of services available, the shire?

Mr Dowling: Absolutely. The connection between the mainland and the island community is absolutely critical. It is not just that it employs a lot of people on the island; it actually employs people on the mainland as well. So people commute to work on Straddie. You have to hate that commute and you have to hate that lifestyle, but, what can I say? People do it. It is critical. Being an isolated community—those people out on Stradbroke Island—with the rug taken out from under them, as it was fairly abruptly, that transition was not managed well. Nothing really happened from that day to this, so it is important. I read Karen's letter. Basically the last paragraph says exactly that—

There is no doubt that Sibelco is a major employer on North Stradbroke Island and Redland City. We cannot afford to lose further employment opportunities in our city with limited opportunities to broaden Redland City's economic base. I ask that the focus remain on beginning the work now to develop and sustain jobs into the future whilst balancing the cultural and environmental values of North Stradbroke Island.

I think that sums it up in a nutshell. That was a direct quote from Karen's letter.

CHAIR: Thank you, Peter. I think that is all the committee requires from you today.

HAMMAN, Mr Evan, Solicitor, Environmental Defenders Office

Mr Hamman: My name is Evan Hamman. I am an education solicitor at the Environmental Defenders Office. We are a not-for-profit legal organisation who aim to protect the environment in the public interest. One of the things we do is engage in law reform. So thank you for the opportunity to make submissions.

CHAIR: Would you like to make a brief statement?

Mr Hamman: I would, thank you. Largely I want to talk to our written submission. If the committee has had a chance to go through it they will have seen that it is largely about the process through which this bill has actually come. I am not going to talk about the potential environmental impacts or the detail of the environmental authority conditions which are new, as I have not had time to go into those. I will focus on the consultation process or the lack of consultation process.

I will make three broad points. The first is that no public consultation has taken place on the bill to gauge a range of issues. The department has noted in its questions on notice that it spoke to Sibelco and it spoke to the local Indigenous group, or the representatives of that group, and that was it. And the rest of the consultation was basically saying, 'We had an election commitment and therefore were given a mandate to introduce this bill.' We say that that is insufficient. There are a number of issues that flow from the election commitment statement. The explanatory notes state—

No public consultation has occurred on the Bill. However, during the election campaign ... then Opposition Leader, gave a commitment that if elected his government would—

Deliver a framework for the orderly ending of mining leases on North Stradbroke Island, which requires the mining company to remediate to the highest environmental standards and allows the Island proper time to transition to a new economy.

That was the only detail given in the explanatory notes. Now, three issues are raised in our submission. They are: what is the detail on what an orderly ending will be; what is a proper time for transition; what might the new economy involve; and what is meant by 'the highest environmental standards'?

With an issue like this there are obviously a range of stakeholders who want to have their view on it. Our first major point is that it was not open to them to have that discussion. A proper policy paper should have been put out prior to the bill and submissions should have been heard from all interested parties and then a draft bill put forward if required and submissions taken on that draft bill through the committee system as you have now, if it went that far. That is the first point I would like to make.

The second point I want to make is that the idea of putting an environmental authority in a bill is new and doing it through legislation is new. There is a process under the Environmental Protection Act and if Sibelco's operations are to be regulated under the Environmental Protection Act then they must go through the proper process under the Environmental Protection Act. That is our view. For instance, not putting the process under the Environmental Protection Act where all mining leases and EAs associated with mining leases would be required to be publicly notified and the public have a discussion on the conditions in that environmental authority—a draft EA—means that they have no opportunity to raise objections. There is no Land Court process it is going to go through. Putting it at the back of the bill will essentially mean the only opportunity they have to talk about the conditions are here in front of the committee, and we see that as problematic. Particularly with the Environmental Protection Act, which is meant to operate as a whole, then you should go through the proper processes of that if you are going to have a new EA. It is different to an amendment to an EA. If they were going to go through an amendment for an EA, they would have to go through the Environmental Protection Act. So we say that there should not be special legislation in this regard. It is unprecedented and it should go through the normal Environmental Protection Act processes.

They are the first two broad points I wanted to make. Just on that second one, it appears in the explanatory notes and I think on the questions on notice that they are moving towards the model conditions and they have included the model mining conditions in the new EA. I have raised this in our submissions, but in the Department of Environment and Heritage Protection guidelines on model mining conditions they say that if public notification has been completed on the basis of different draft conditions from the model conditions the model conditions cannot be used unless the applicant wishes to renotify. Renotify requires renotification under the Environmental Protection Act, which is not occurring here. On this basis, we say shouldn't the EA provided for the bill be publicly notified so the public can comment on the specific conditions in that EA?

I make one last point in relation to the removal of review and appeal rights concerning lease extensions. For us as a community legal centre we are concerned when we see instances in legislation removing judicial review rights, removing appeal rights, removing opportunities for the community to get involved in challenging government decisions because that takes away from the accountability and the transparency of what government should be doing. New section 11F in the bill specifically excludes any challenge, appeal or review of the decision of the minister to grant a renewal of the mining lease. Section 11F(2) provides—

Unless the Supreme Court decides that the decision is affected by jurisdictional error, the decision—

- (a) is final and conclusive; and
- (b) can not be challenged, appealed against, reviewed, or called in question in any other way, under the Environmental Protection Act or any other Act or law ... and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court ...

In principle we say that under section 4(3) of the Legislative Standards Act this removes the individual's right to actually challenge a decision by the government which is key in our separation of powers so that the executive does not have too much power.

So they are the three broad points we make about the bill. It is largely process driven. We think proper consultation has not occurred. It should have occurred in a detailed policy paper about what a proper ending of mining on Stradbroke Island would be and what the new transition economy might look like. This is even more important because the government has just released its ecotourism framework and it is still before the House, so that discussion needs to happen in the context of this new ecotourism framework. You cannot have it before and then introduce the framework and then have the transition. They are the main points we would like to make and thank you very much for the time. I will take any questions if you have any.

CHAIR: Thanks very much.

Ms TRAD: Thank you, Mr Hamman, for your statement here today. Just in relation to the inclusion of the environmental authority within the bill, you believe that containing it within the bill removes the opportunity for the community to actually have a say on particular conditions which would ordinarily be notified through the normal granting of an environmental authority. In your view or in the view of the Environmental Defenders Office, is it commonplace for communities to respond to conditions contained within environmental authorities when it comes to mining proposals?

Mr Hamman: I do not know about commonplace in the sense that a lot of people are doing it, but it is particularly important for those ones that are important mining ventures where people do see particular issues, particularly if they are living around the mining. So I think the numbers are perhaps not huge, but the importance of actually making a submission needs to be there. So we do not have the data on how many people make submissions and then follow through with an objection—it is a two-stage process—and take it to the Land Court and have that objection, which is their right under the legislation at the moment. So I cannot answer, but from personal experience and my work at the EDO we definitely get people who raise issues and take objections in relation to conditions. Sometimes the EA is refused and other times conditions are changed in the EA as a result of the Land Court process.

CHAIR: Thank you very much, Mr Hamman, for your views on that. Unfortunately we have a number of people to hear from this morning and a fairly tight time frame. Thank you.

Mr Hamman: Thank you.

JONES, Mr Campbell, Chief Executive Officer, Sibelco Australia Ltd

SMITH, Mr Paul, Sustainability Manager, Development, Sibelco Australia Ltd

CHAIR: Welcome, Mr Jones. I invite you to make an opening statement.

Mr Jones: Thank you, Mr Chairman, and thank you to the whole committee for the opportunity to appear today. I am the chief executive officer of Sibelco Australia Ltd, the operator of sandmines on North Stradbroke Island. Before we begin, I would like to recognise and pay respect to the traditional owners of the land where we meet today, the Turrbal and Jagera people, and also the Quandamooka people, both past and present. I am pleased to support the North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill. This bill allows for mining to continue until 2035 and for the limited restoration of mining rights. Sibelco welcomes this legislation as a responsible and balanced policy that supports economic growth and a sensible transition of the island's economy. In my statement today, I would like to talk to you about the compelling economic, community and environmental reasons that support the bill. Then I understand there will be an opportunity for questions.

First, I want to introduce Sibelco to the committee. Established over 140 years ago in Belgium, Sibelco is a privately owned mining company with a global reputation for actively working with the communities in which we operate. Sibelco's philosophy is part of the local community and we work to achieve mutually beneficial outcomes. In Australia Sibelco is managed by an Australian team with a focus on employing local people. The long-term strategic view by Sibelco results in large proportions of our returns being reinvested in the countries where we operate. In Australia, for every dollar that is repatriated to shareholders, \$20 is injected into the Australian economy. Our products are used in everyday life. North Stradbroke Island minerals are used in products such as ceramics, glass and pigment for paint and plastics. It is also used in aerospace, shipbuilding and specialist medical application. The island contains a large mineral resource that historically has been seen as the economic base for the island and the community.

I would now like to highlight the economic benefits of the bill. Should the bill be passed, it will provide greater security for the 600 people who are employed directly or indirectly by sandmining, thus ensuring the stability of the island economy. In 2013 an independent economic analysis was commissioned through Synergies Economic Consulting to better understand the financial relationship between Sibelco and the community. The report found that mining contributed \$130 million to the local economy in the last 12 months. The study also showed should mining operations cease the gross regional product would be reduced by approximately 26 per cent. This impact is greatly magnified through indirect impacts on other industries due to the heavy integration of mining with the rest of the economy. The end of mining on the island will also see a reduction in employment by 14 per cent on the island, with additional direct job losses in South-East Queensland. Broader economic impacts also include the loss of \$196 million in revenues paid to governments in net present value terms.

It is worth noting that North Stradbroke Island has a unique economy with strong links between the community, mining activity and tourism. It is not an economy that can be easily replaced or replicated elsewhere. The transition from today's stable economy to one without sandmining will not happen rapidly. The number and size of enterprises needed to replace the mining contribution to the island economy will require a concerted and coordinated effort from state and local government, the community and commercial interest groups. The bill provides a more realistic time frame for this transition to occur and allows Sibelco to support this process. Sandmining does not preclude or restrict the development of any alternative economy for the island such as ecotourism or the operation of national parks. As sandmining will be reduced to less than four per cent of the island, other industries are free to be established and can utilise the infrastructure and services that are currently supported by the mining industry, such as electricity transmission and ferry services. With this certainty, we will now also invest an additional \$1 million in the Straddie sandmining fund on top of the original \$1 million contributed when the fund was established in 2012. The purpose of this fund is to take a long-term approach to providing key infrastructure and assisting the island in making the economic transition towards a self-sufficient economy. The fund advisory board is made up of community members who review submissions from the island based resident organisations and businesses for financial support.

I would now like to turn to the community benefits of the bill. With the bill delivering certainty for our business, we can now make long-term investment decisions. Sibelco can work with the community, the Quandamooka people, QYAC and the state government towards a future with mutual benefits for all stakeholders. Sibelco is and has been for a long time part of the island's

community. We wish to continue to consult and invest to achieve an outcome that is in the best interests of all. This is reflected in our commitment to the Straddie fund. We also look forward to partnering with the Quandamooka people and QYAC to identify opportunities where we can assist with facilitating their future aspirations. We believe the bill is consistent with the Native Title Act. We understand from the state government that the mining areas in the bill are not dealt with in the Indigenous land use agreement. The bill does not impact on areas subject to Indigenous joint management and also has no effect on existing national park.

In addition to the economic and community benefits, I would now like to talk about the environment. Sibelco has adopted an environmentally responsible approach to the continuation of mining on North Stradbroke Island. The bill means we can now deliver a smooth transition from three separate mining operations to one, reducing the mining footprint and the environmental impact on the island. Under the bill, our operations will encompass less than four per cent of the land mass. In addition, all future mining will be separated from the island's beaches, wetlands, lakes and lagoons, protecting more of the island's flora and fauna for the future. The Enterprise Mine has a minimum buffer of 150 metres from Eighteen Mile Swamp, with future operations moving further away from this wetland. We have a program of extensive monitoring and data collection which is provided to the department on an ongoing basis. This management plan ensures Eighteen Mile Swamp continues to behave within known seasonal variations.

Sibelco is proud of our long-running commitment to rehabilitating former mines to bushland. We are well regarded in rehabilitation processes and progressively rehabilitate landforms and native vegetation and reconstruct ecosystems to achieve long term sustainability on the island. In 2008, we were awarded the prestigious Queensland Government Resources Industries Sustainability Award. This award, presented by the then Environmental Protection Agency, recognised our outstanding performance in environmental management and rehabilitation. It was awarded for developing scientifically robust rehabilitation criteria.

Our rehabilitation programs are based on a deep understanding of the island's unique ecosystems, with over 60 years of research and experience. We progressively rehabilitate as we go. This technique ensures the land is restored quickly and that ecosystem processes can restart within a few years of mining.

Sibelco is committed to further strengthen environmental regulation of our activities. The Department of Environment and Heritage Protection have recently introduced their model conditions for environmental authorities. These represent the benchmark that all future environmental authorities will aspire to. These conditions are embedded in the bill. That makes these conditions transparent and makes Sibelco accountable. These new conditions, coupled with our already strong rehabilitation criteria, now make our environmental authority one of the most thorough and stringent in the state. With certainty of operations in place through the passage of the bill, we will seek to accelerate the handing back, to the state, of rehabilitated areas and undisturbed land.

In the first public hearing, there were comments and questions relating to the process of this bill being introduced into parliament. I want to be clear that Sibelco supports the general intention of the North Stradbroke Island Protection and Sustainability Act 2011. The act provided a staged and certain transition away from mining on North Stradbroke Island. However, it did so in an accelerated and unrealistic time frame. The 2011 act operated to cancel or sterilise a number of Sibelco's mining leases. Other interests were created over cancelled and current tenure, such as national park or Indigenous joint management areas. This dual tenure is complicated and conflicting and does not provide certainty to any stakeholder.

The essential amendment contained in this bill is the continuation of mining at the Enterprise mine until 2035. The other changes ensure that Sibelco remains accountable and responsible for rehabilitation to disturbed areas and has the tenure to implement our rehabilitation activities at the Yarraman and Enterprise mines.

Sibelco originally requested that the current government restore all tenure that was prematurely cancelled. However, during constructive discussions with the departments, we were challenged to significantly move our position. We were challenged to come up with the best possible alternative proposal that would deliver maximum benefits for all stakeholders. Specifically, the state challenged Sibelco to remove requests in relation to any tenure that was covered by the ILUA.

While we are not a party to this confidential document, the state communicated the limited area in which we may be able to operate. As a result, Sibelco then requested tenure over only those leases that were part of the current operational mines and we did not seek to restore rights over

tenure that has other interests, such as national park or Indigenous joint management areas. The bill represents a practical and pragmatic solution seeking only to provide tenure solutions in the project area.

In conclusion, I would like to leave you with the following key messages. Sibelco has worked openly and constructively with the government and the community to reach an outcome that is fair and beneficial for all stakeholders. The bill delivers a sensible and balanced solution for the Island. Sibelco supports this legislation as beneficial for the North Stradbroke Island community. We submit that there are compelling economic, community and environmental reasons to support the bill. We urge the committee to provide their support for the bill and, in so doing, provide North Stradbroke Island with the certainty, economic support and the time it needs to transition to a sustainable future that is not reliant on sandmining. I thank you again for your invitation today.

CHAIR: Thanks, Mr Jones, for that summary of what Sibelco's ideas are. I would like to get the elephant in the room out of the way first, if you like. Quite a lot of the submissions are quite critical of the fact that you ran a third party campaign at the last election. Did Sibelco run a third party campaign during the last election campaign?

Mr Jones: Yes, we did, Chairman. We did advertise in a number of electorates, including Ashgrove.

CHAIR: Is this common? Does Sibelco do this often? What other types of groups run these sorts of campaigns?

Mr Jones: The purpose of the campaign was to make sure that the electorate was fully aware of the repercussions of the legislative change that had been made by the previous government. The sponsor of that legislation was Kate Jones. We felt that advertising in her electorate and others was one technique of getting the message through to the electorate about the important implications of the current act. So that advertising campaign was specifically designed to inform the public of the implications of those changes.

CHAIR: While you are talking about employment—you mentioned some numbers earlier—do you employ many Indigenous people on the island?

Mr Jones: Thank you, Chairman, for raising that. I think it is a really important point. Twenty per cent of our workforce is Indigenous. We support about 60 families. So I think we are a significant employer and obviously, as a ratio, that is significantly higher than any other company in the district.

Ms TRAD: Good morning, Mr Jones. I understand you flew up from Sydney, so welcome to Brisbane.

Mr Jones: Thank you.

Ms TRAD: Can I start by asking you a question in relation to the environmental authority. You made reference to the former hearing. Obviously you have been appraised of that or you have read the transcript. The department advised the committee that it was Sibelco's request that the environmental approval be included in the legislation. Why is that?

Mr Jones: The model conditions really state the aspirations of the government going forward. So by having them embedded in the legislation I think makes it incredibly transparent and results in Sibelco being responsible and accountable for the outcomes, which we are more than happy to meet.

Ms TRAD: I think there is some conjecture about that, Mr Jones. We have heard earlier testimony from the EDO that it actually does compromise the community's ability to have an input into the environmental conditions themselves. I want to move on, though, to the issue of working with the community. You did advise that Sibelco takes great pride in working with the local communities. You would be aware that QYAC are the traditional owners and they have been granted native title over North Stradbroke Island. I want to know whether or not you have had any discussions with QYAC in relation to the amendments put forward. If you have, then you would be aware that there is some concern about the removal of their native title rights or the rights articulated in the ILUA. If that is the case, Mr Jones, would Sibelco want to continue mining Stradbroke Island if it was at the expense of native title rights?

Mr Jones: Our relationship with QYAC and the Quandamooka people is an open door. We welcome any communication and we continue to communicate with them on the day-to-day matters of operating our mines. The opportunity for Sibelco to actually assist QYAC in realising their aspirations I think needs to be brought to the table. The company, while we are operating, will

enable QYAC to work with us, and we work with them, to develop their plans. We are going to be surrendering significant land to the state over a period of time. If we can work together with QYAC, with the Quandamooka people, with the state government, then we could actually achieve outcomes in a faster time frame than what QYAC would do independently. So on the point of are we removing their native title rights, I think we are looking at it from the wrong perspective. We are here to help them achieve their aspirations through a consultative process and our financial support to achieve that.

Ms TRAD: Thank you.

CHAIR: Last one.

Ms TRAD: Well, I think you had a run of about four, Ian. In relation to the line of questioning that the chairman raised, notwithstanding that response, which I have to say, Mr Jones, with all due respect, was a bit paternalistic, I do want to refer to the third party campaign that you waged in Ashgrove. Can you advise how much you spent not only in Ashgrove but in other electorates, as you said?

Mr Jones: We spent around \$91,000 on advertising, and that was submitted to the Electoral Commission. I think the paternal comment I would like to respond to. I think you are missing one of the real differences between Sibelco and other organisations. Being privately held, we have a very long-term view. We are not measured against this quarterly result nor have we made a promise to some shareholders about a quarterly result. We do not high grade mines. We are there for the long term. That strategy absolutely encourages and almost insists that we foster relationships with the community—all of the community, whether it is Indigenous, other industries or our direct neighbours. That long-term approach really does make us a little bit more paternal than you realise, and I would welcome the opportunity to talk to you on another date to explain exactly how Sibelco goes forward with our plans to manage our mines, because we have a very long-term view.

Mr TROUT: The former government had a plan to wind up sandmining by about 2019. What would effect would that have had on Sibelco and also on the economy of the island?

Mr Jones: Again, the time frame is just too short. Shutting down the two largest mines within the next five years or so would result in a major scale down of our operations and certainly a significant slowdown of investment as well. It means that we would be not be injecting \$130 million a year. We would be very much in that scale down, retraction mode. As I stated in my opening statement, the economy on North Stradbroke Island is actually quite unique and complex. It needs time to transition. New enterprises need to be developed. It is unlikely that there is going to be one enterprise turn up that generates \$130 million worth of injection in a relatively short time frame. We are going to need 10, 20, 30 or 40 enterprises. I think this time frame concept was unfortunately missed and misunderstood by the previous government and the current legislation.

Mr COX: There seems to be overwhelmingly strong support from the community by some of the polls you have cited, but there are elements on the island that would like to see sandmining stopped. How can you address the sentiments of those people?

Mr Jones: Again, thank you for the question. I think it is relevant. I guess there are two points there. The first is that we have very strong support on the island—and the polls have clearly reflected that—for the continuation of sandmining. Almost with any proposal/idea, there is always for and against. I think it is Sibelco's job to work with the community, try to find those win-win outcomes or at least identify where there is alignment and for us to facilitate and make those common goals happen. So having things like the Straddie fund, for example, which is made up of community members, not company employees—I do not sit on it—I think these types of mechanisms are really important to be able to get the feedback from the community about what they see as important and what they would like the company to invest in. I think it is these kinds of initiatives that we need to continue to foster and develop to ensure that we actually meet as many of those common goals that we can find.

Ms TRAD: Mr Jones, just getting back to your engagement in the 2012 state election, clearly you stated that it was Sibelco's intention to put forward the case of what was to happen in terms of the cessation of sandmining on Stradbroke Island. I have to say it would have been great for a lot more third parties to engage in that campaign, I think. What I am really keen to understand, Mr Jones, is, in relation to the challenge put forward to you by the state government in relation to, I guess, the preparation of an election policy leading into the state election, did you have a meeting with the Premier or did Mr Smith have a meeting with the Premier, or anyone from his staff, at the time that he was in opposition as well as in government in relation to this amendment bill? Have you got everything you wanted?

Mr Jones: Yes, I have met with the Premier on maybe one or two occasions. No, we did not get everything that we wanted. I think this is a really important point; I am glad you have come back to it. In the amendment there is not a restoration of all of our tenure; in fact, au contraire. It is minimalistic. We were challenged by the departments to come up with a proposal that met the criteria the state government wanted, which was to reinstate mining but to not impact on Indigenous rights, to not impact on national parks. We worked on numerous proposals and negotiated with the government to come up with what is now being tabled as the amendment. It is really pleasing to see a government that is open for business—that wants to engage, that wants to actually work with companies, the community and the other stakeholders to come up with a solution that is the best solution for all parties. That is what is now being proposed as the amendment.

CHAIR: Thank you very much, Mr Jones, for appearing before the committee this morning. Thank you also Mr Smith for appearing. If you are interested you could stay and listen to more of the committee's hearing.

Mr Jones: Thank you again for the opportunity.

Proof

LAMING, Mr Andrew, Federal Member for Bowman

CHAIR: Welcome, Mr Laming. If you would like to start off with a brief statement we will go from there.

Mr Laming: Thanks, colleagues. I am the federal member for the area including North Stradbroke Island—the electorate of Bowman—where I have been the MP for nine years. I come today with a very brief submission. I will not detain you any longer than I have to. I simply say that I have worked fairly assiduously over the last five years to try to understand local sentiments around sandmining on North Stradbroke Island. The results may surprise some because they are not always available to the general media.

We survey the North Stradbroke Island population on a two-yearly basis. Our most recent results are from 2011. For this survey, which is sent to every postbox on the island, our response rate is in the vicinity of 10 per cent. That is high for a mail-out survey, but obviously not truly representative. We have done our best to eliminate a whole range of skews from that, which I can go into in further detail.

Support for sandmining on North Stradbroke Island when the individual households are asked approximates 87 per cent. More broadly, when we come back to the Redlands area support is a whisker under 70 per cent. I would suspect that as you move away from the benefits of sandmining those figures tend to equalise. We also analyse the degree of concordance between voting intention and support for sandmining. Sadly there is a level of immaturity in this debate because increasingly it divides on party lines as you move away from North Stradbroke Island. The important point is that on the island it is extremely hard to find a body of people who oppose sandmining when people can vote in the privacy of their own homes—household by household.

All of the stakeholders need to be respected, but, above all, I do what to impact the high economic cost of ceasing sandmining that was of great concern two years ago. I do not know where many of the members here live, but imagine if I told you that virtually all the high-paying jobs would be wiped out within 40 kilometres of your dwelling. Imagine what would happen to the resale value of your property? The conception that we can switch off sandmining in seven years and that is a reasonable timetable simply cannot be entertained.

The idea that we can have long-term confidence about the multiuse of a beautiful asset like North Stradbroke Island and allow for everyone's concerns but also have an economic backbone I do not think is questioned on the island itself. So long as we have some form of high-wage viable income on the island we can then afford all of the other parallel activities that this beautiful island has to offer. Without sandmining we risk—and at the risk of overstating it—developing a hybrid within 40 kilometres of Brisbane of something between Palm Island and the Tasmanian economy. The last thing we want is a non-vibrant North Stradbroke Island. The conception that the two or three interests cannot co-exist, I think is also fanciful. We have every opportunity to have a strong ecotourism presence on this island together with sandmining, which follows an extremely well-defined and well-debated mine path.

I conclude my remarks with the fact that, while obviously this is a political survey, my name is not on the survey. It is sent to every household. The results of those surveys are within one per cent of the state election voting intentions. We know that there is not a political skew in these surveys. The figure of 87 per cent to me is resounding. For those reasons, many local submissions in front of you will be supporting this bill and the continuation of sandmining.

CHAIR: I had a flick through the submissions and of the 120-odd submissions there were 40 for sandmining, 28 from the island against and 56 non-resident against it. Most people were against it. There were even four that were noncommittal. It is interesting. Now that we have this long-term transition, would the federal government be interested in assisting the state government in the long-term transition because we really will need a whole-of-government approach to this transition? Would you be lobbying for assistance with the transition over the long-term?

Mr Laming: I am in the process of writing to both my leader and to the Premier to propose a coordinated approach. It makes sense obviously that all three levels of government are working together. But clearly the federal government has explicit responsibilities through the co-funding of housing, education and health services but, in particular, the offering of Centrelink, DVA and child support services. In those areas we carry prime responsibility.

CHAIR: Thank you Mr Laming for your presentation today.

DONATIU, Mr Paul, Executive Coordinator, National Parks Association of Queensland

CHAIR: I call Mr Paul Donatiu. Would you like to make a statement?

Mr Donatiu: I acknowledge today the traditional owners of this land both past and present. I thank the committee and the chair for the opportunity to address the committee today and to actually speak to this amendment. Others present who perhaps align with the National Parks Association's concerns about this bill will speak to the legal, the consultative, the Indigenous and other issues associated with the bill. My purpose and my short presentation is to try to paint, in the clearest of terms, the environmental risks associated with extending mining on North Stradbroke Island. That is what I will solely do today.

I cannot emphasise strongly enough that it is this committee and, in particular, this government that has the responsibility for the environmental future of the island. The National Parks Association believes that this future rests solely with the islands wild places and their appreciation by the millions of domestic and international visitors who come to the island every year.

I want you to imagine an 18 mile length of land near the eastern shore of North Stradbroke Island that was once the largest barrier wetland in the world. It is now dry, waterless, reeds and waterlilies are turning brown, animals are long gone, the rare fish have been lost, and standards of the tallest orchid in Australia are now dead and dying. Imagine further a camper or perhaps a four-wheel driver inadvertently starting a fire in this wetland and the whole stretch burning with an intensity never seen on the island before. Because there is no longer any standing water, the peat layer that prevents water seeping away from the wetland also burns, until the whole structure of the wetland, a feature that actually took thousands of years to create, is gone forever. Imagine the international reaction to a highly visible blackened scar in the landscape 30 kilometres long. I believe, and my organisation believes, that this legislation places Eighteen Mile Swamp at risk.

Imagine also an empty, bleak, lifeless hole in the ground 30 metres deep, with a dried crust of drying aquatic vegetation around it. This was once a remarkable lake, home to endangered perch, to water so clear that you could actually see the bottom, to a place that was still yielding its secrets about how plants and animals have adapted to climate change over recent millennia and still providing a refuge for those same species in the future. This legislation places Blue Lake at risk as well. The mine path proposed in the bill will enter the Blue Lake catchment and skirt the Ramsar boundary of Eighteen Mile Swamp. It puts at risk these incredibly beautiful and rare places and all for sand. Can you afford to actually take this risk?

I want to finish by quoting from an email I received yesterday from some friends who have now moved to New South Wales. They state—

The recent changes in Queensland reinforce our decision to leave a state where development and business are seen as sacrosanct and the environment is optional.

NPAQ ask that the government stop treating the environment as just another commodity and appreciate nature for its own benefit.

Ms TRAD: Mr Donatiu, thank you for that illustrative description of the potential environmental impacts of mining so close to Eighteen Mile Swamp and the ramifications of mining so close to Blue Lake. I have been to both and I understand exactly the picture you are trying to paint. We heard from Sibelco that no national park on the island is at risk from the extension of their sandmining operations at Enterprise. Is that your view?

Mr Donatiu: My understanding is that the hydrology on the island is very much interconnected. So if you do something at one place on the island it will still have an impact on another part of the island. There have been numerous studies that have illustrated this point and shown that the actual water bodies on the island are interconnected through the aquifer and that it would be very easy to damage or put at risk these areas, particularly in terms of damage to the aquifer. So the mine path, as I understand it, does enter the catchment of Blue Lake and will come awfully close to Eighteen Mile Swamp. It does in reality, because of those interconnections, put those places at risk. There are plenty of scientific reports that have stated that in the past, some of which are referenced in our submission.

Dr ROBINSON: Mr Donatiu, thank you for appearing before the committee. In Sibelco's presentation they mentioned the Labor government's award in 2008 for sustainability, with particular reference to their conservation practice, their rehabilitation and their revegetation. I note that a new 20 per cent national park was recently declared by the previous government on North Stradbroke Island. Given that this was a previously mined area, does that not show that the recent rehabilitation work after sandmining on Straddie has significantly improved in recent years?

Mr Donatju: That is an interesting question. From some of my experiences with Greening Australia, and that is purely working on restoration and rehabilitation efforts, I would say that it is very difficult to replace all the ecosystem processes and the full level of diversity in vegetation communities within a couple of years. It is virtually impossible to do that. It takes decades, if not longer, to actually fully restore ecosystems to their full potential. It can look good, it can look like it is complete, but with any thorough investigation I doubt that it would stand up to land that has not been disturbed.

Dr ROBINSON: Did you feel that that award was not a worthy award or are you just anti-mining?

Mr Donatju: I think the question about sustainability in terms of that award I am sure was well merited. However, the point stands that in terms of trying to restore a community that has been completely removed by mining, look at the incredible layering of soils under those vegetation communities. It is impossible to restore that. It is impossible to restore the hydrology that once existed there. It is simply not possible to put that back in a couple of years.

Mrs MADDERN: I am the member for Maryborough, obviously very close to Fraser Island. I have read your submission. I refer to page 4 where you say—

Allowing ecotourism facilities on National Park land on the Island will further erode the cardinal principle of National Park management.

What are your comments about the proposition for transitioning this island to a viable economy, and it is the community that I am concerned about?

Mr Donatju: In terms of what would be a viable transition?

Mrs MADDERN: The transitional process is to ecotourism, but you are basically saying in your submission that you do not support ecotourism. How then do we support that community?

Mr Donatju: My organisation certainly supports tourism based on the environment. It does not support, for example, resorts in national parks. It does not support any structure or activity that really damages why that national park was gazetted in the first place. At the time when the original legislation went through, it seemed irrational to actually mine an area that could later be made a national park, so we resisted that. In this instance, the comments that we have made in our submission are specifically towards those explanatory notes on pages 2 to 3 for the bill. We are concerned that the primary purpose of national parks is the conservation of nature. The primary purpose is not tourism. However, tourism does benefit enormously from national parks. You only have to look at the front page of the *Courier-Mail* today to see that. There should be a transition to tourism, but it should not be at the expense of the environment of the island. We would be concerned about any move, whether it is in terms of the new mine path or other developments, to jeopardise that future.

Mr TROUT: The comments you made earlier in regards to the environment and lakes drying up and so forth, is that backed up by science or it is purely your own opinion?

Mr Donatju: If you have a look at the references in our submission, you will see comments from scientists such as Allison Specht and Errol Stock who are very concerned about the impact of mining on the island and demonstrate the interconnectedness of the hydrology and its connections to various water bodies on the island.

CHAIR: Thank you very much for your time this morning, Paul. Thank you for making your presentation. I call Ms Lee Curtis from the Protect the Bush Alliance.

CURTIS, Ms Lee, Coordinator, Protect the Bush Alliance

CHAIR: Ms Curtis, would you like to state your name for Hansard, please, and then make a brief statement if you would like.

Ms Curtis: Good morning. My name is Lee Curtis. I am the coordinator for the Protect the Bush Alliance. Thank you very much for allowing me to speak to the committee this morning. First of all, I would like to recognise the Jagera, Turrbal and the Quandamooka people who are the traditional owners of Minjerribah, North Stradbroke Island. Protect the Bush Alliance is an alliance of prominent and well respected environmental organisations. Our members are concerned about protecting land of high conservation value in Queensland. We strongly disapprove of the government's decision to allow mining to continue on North Stradbroke Island. We do not believe that continued mining will be of significant economic benefit to either the island or the state. The social consequences will be the perpetuation of the existing ill-feeling between inhabitants. Ethically speaking, the disconcerting lack of public consultation and the disdain of the IULA, along with the infringement on the rights of the Quandamooka people, are disappointing, unacceptable and worthy of lengthy protest. But I will leave that to others better versed in those matters than I. Instead, I will concentrate on the environmental ramifications.

We believe that continued mining will have a negative impact on the island's Ramsar listed wetlands, which are of global importance. There is no argument about this. The latest mine path proposed allows mining on the escarpment above Eighteen Mile Swamp. The potential risk to the long-term viability of this fragile ecosystem is enormous.

Another awe-inspiring natural phenomenon, Blue Lake, has received national and international acclaim as God's bathtub in an article published in *National Geographic's* News Watch. Recent studies have confirmed that this lake is of enormous scientific significance as it has remained nearly untouched by changes in climate for 7,000 years. It is, therefore, ranked among the rarest of its kind on the planet. This body of water, should it be allowed to remain in its current pristine undisturbed state, could provide vital data about how ecosystems react to climate change at different time scales from days to millennia. Scientific research, which this government claims is the foundation for their sound decision making, will provide authorities with the information they need to make wise decisions about protecting the lake and aquifer for the next several thousand years at the very least. Continued mining is not one of the recommendations. Blue Lake is home to the tiny threatened oxleyan pygmy perch. This perch's geographic range is undergoing significant contraction and the small remaining populations are extremely vulnerable to habitat disturbance.

Besides the delightful diminutive perch, North Stradbroke Island is home to a wide variety of other amazing flora and fauna. Being one of the two largest sand islands in the world, it is indeed a rare natural phenomenon worthy of preservation. Unfortunately, quite a few species are already under threat of extinction and further mismanagement of the island's fragile and precious ecosystems is sure to seal their fate. Another prominent vulnerable species is the beach stone curlew, highly prized by bird watchers. Human disturbance threatens this ground foraging and ground nesting bird. Extending the mining lease will only exacerbate its current stressful plight by limiting its access to undisturbed habitat. The threatened eastern curlew, the largest winter migratory shore bird to Australia, is listed as vulnerable on the current IUCN red list. It migrates from breeding grounds in Siberia and Mongolia. Its population has been declining steadily at a rate of 2.4 per cent annually in Moreton Bay and in order to ensure its survival it is essential that its feeding and roosting sites be protected from further disturbance and pollution or they will disappear.

Straddie is very fortunate to host the threatened charismatic glossy black cockatoo. It is particularly sensitive to the disturbance of its habitat. This super picky eater feeds almost solely on she-oak cones, especially those of the black she-oak, the forest she-oak and the coast she-oak, and only feeds in a chosen few of these. It continues to return to the same select few trees, even if there are others nearby with abundant cones. It only breeds every two years and constructs its nest for its single offspring in eucalypt tree hollows, which take at least 300 years to develop. Continued sandmining on Straddie is likely to destroy this bird's nesting and food trees. Hollow trees are home to many other fauna species as well. Further clearing of these trees for mining will be fatal to an indefinite number of island animals.

Eighty-five per cent of our nation's mammals are found nowhere else on the planet. Many of them are icons that are recognised and adored worldwide; all the more reason to protect them fiercely. In the past 200 years since European settlement, Australia has broken the world record for the most mammal extinctions on the planet—hardly an accomplishment of which we can be proud. The koalas on Straddie have been shown to be healthier than those on the mainland, which are

currently suffering from a variety of potentially fatal stress related diseases brought on primarily by the unrelenting destruction of their habitat. Further sandmining will increase the likelihood that this national icon will suffer the same fate as its mainland cousin. Sadly, our state's flying fox species are maligned, mistreated and misunderstood.

Ms TRAD: Hear, hear!

Ms Curtis: But the fact remains that they carry out a vital role in our ecosystem, in particular, the threatened grey-headed flying fox. Its roost is usually located near water and mangroves, melaleucas and casuarinas. It disperses seeds and spreads pollen from over 200 species of fruiting and flowering trees, representing 50 different families, including numerous eucalypt, melaleuca and banksia species. Scientists have estimated that, if the grey-headed flying fox becomes extinct, we will lose up to 25 per cent of our trees where flying foxes once occurred. That includes Straddie trees, which are not only necessary for flying foxes but also to the survival of a number of other threatened fauna species, including the koala and the glossy black cockatoo.

There are also a number of threatened frog species on the island, including the wallum sedge frog, the wallum froglet and the Cooloola sedge frog. Each fills a vital role in the island's varied ecosystems and extended sandmining will only further threaten their survival, as stated on the Queensland government's website for threatened species. The further destruction and fragmentation of island ecosystems is bound to impact negatively on the already stressed animals.

Straddie is incredibly fortunate to host several endemic and extremely rare species of orchid, the swamp orchid and the yellow swamp orchid. The spectacular swamp orchid grows to two metres tall and is the largest in Australia. When not in flower, these orchids are virtually unnoticeable so are susceptible to consequences of off-path bush walking, as well as land clearing, sandmining and illegal harvesting.

Not even five per cent of Queensland is in national park; the national average is nine per cent. Considering Queensland has the highest biodiversity of all the states and is one of the six most biodiverse countries in the world, five per cent is nowhere near sufficient. Further mining on Straddie will reduce the quality of the land slotted to become national park. Much of the already mined areas have been sitting bare for years awaiting revegetation and even if and when the mine land is revegetated, because rehabilitation is scientifically impossible as Paul Donatiu previously stated, the ecosystems will never be returned to their previous glory.

The government is now faced with a choice: it can ensure the healthy future of a spectacular island, an island which offers countless natural and cultural assets that are of tremendous benefit to the physical, emotional, economic and social wellbeing of our current and, if properly managed, many future generations of Australians, as well as international visitors; or the government can allow sandmining to continue until 2035 or beyond for the sake of short-term gain from an unsustainable activity that will cause irreversible damage to a precious and unique natural environment, as well as to the spirit of the people who call it home.

CHAIR: That was a very broad-brush approach to the bill that we are looking at.

Ms Curtis: Sorry, it is my first time.

Dr ROBINSON: Thank you, Ms Curtis, for bringing your perspective to the committee. I have a very quick question. In terms of the organisation you represent today, the Protect the Bush Alliance, can you tell me accurately how many of your members actually live on the island, are residents, as opposed to those who live off the island and are not part of the community?

Ms Curtis: I do not really see that that is relevant.

CHAIR: I would like you to answer the question, if you could.

Ms Curtis: I do not know.

Dr ROBINSON: I am asking you.

CHAIR: You do not know?

Ms Curtis: I do not know. I do not have the membership list in front of me. Not very many, but a lot of them do visit.

CHAIR: Not many live on the island?

Ms Curtis: Not many live on the island.

Dr ROBINSON: Would you say fewer than 10 or fewer than 20 live on the island?

Ms Curtis: Possibly around 20.

Dr ROBINSON: Like 0.0 per cent of the population or something like that?

Ms TRAD: I do not understand how this is relevant?

CHAIR: I call the member for Maryborough.

Mrs MADDERN: I have read your submission and I have listened to what you have had to say. It seems to me that there is a little bit of a contradiction here. In your submission you are basically saying that any movement disturbs the wildlife and therefore causes some issues with them maintaining and breeding. But then you are also saying that it needs to be open to the world to see. I find that a little bit of a contradiction.

Ms Curtis: I think you might have misunderstood me.

Mrs MADDERN: In what way?

Ms Curtis: I do not think I said it needs to be open for the world to see. It needs to be maintained for future generations and well managed so that we make sure that their habitats are not disturbed.

Mrs MADDERN: So you are basically saying—

Ms Curtis: If it is turned into a national park—

Mrs MADDERN:—that there is not going to be tourism in the national park or that people will not be able to access those sites?

Ms Curtis: If it is well managed then it will have minimal impact—much more minimal than sandmining.

Ms TRAD: Good morning, Ms Curtis. Thank you for your presentation. I found it very informative and very relevant to the bill. The Protect the Bush Alliance is obviously a peak organisation looking at bush care and issues around the environmental management protection of bush generally around Queensland?

Ms Curtis: It specifically concentrates on properties of high conservation value.

Ms TRAD: So you would not have members of the Protect the Bush Alliance living in all areas where there is high conservation value throughout the state?

Ms Curtis: We do actually have a lot of members spread all over Queensland because our members include organisations such as BirdLife Australia, Birds Queensland, a variety of environmental organisations, The Wilderness Society et cetera that are everywhere.

Ms TRAD: Just to follow-up, there has been some discussion earlier today about third parties participating in campaigning around issues that they feel strongly about. If the Protect the Bush Alliance had \$90,000 at their disposal, do you think you would like to run a campaign about why protecting the bush is really important in key electorates?

Ms Curtis: That would be a wonderful idea, thank you very much.

CHAIR: That is getting outside the bill. I call the member for Thuringowa.

Mr COX: I have one quick question—and a yes or no answer would suffice. I understand you are concerned about the survival of flora and fauna on the island. Does your organisation have any concerns about the risks for the livelihoods of the community which has been built around sandmining for many years and the short- to medium-term survival of sandmining on the island? Do you have the same concerns for the community and the people that depend on mining?

Ms Curtis: I cannot answer for all of our members, but personally I am concerned for the wellbeing of the inhabitants of the island seeing that I am a newcomer. I feel that there are definitely options to sandmining.

CHAIR: Thank you very much for your presentation. We will have a short break.

Proceedings suspended from 10.19 am to 10.34 am

CHAIR: We will reconvene the hearing.

THOMSON, Mr David, Chairman, Straddie Chamber of Commerce

CHAIR: I welcome Mr Thomson. Would you like to make a brief statement?

Mr Thomson: Good morning and thank you for the opportunity to address the committee today. I will talk generally through the submission that you would have already received from the chamber and take questions at the end of that submission. I think I should disclose upfront that I was a member of the previous government's economic transition team back in 2011. So I have been involved in the transition to tourism project since 2011. I also should disclose that, in my other life, I also run the ferry company that provides the services to the island. I believe the ferry company has put in a submission also. I am happy to take questions on that too, if you need me to.

The chamber itself represents over 100 businesses on the island. I think there are about 125 or 130 businesses on the island. Our criteria for membership is twofold: firstly, having assets and employees based on the island; and, secondly, having a bona fide business and GST number. The criteria have been quite successful and I think our membership is about 85 per cent of total eligible members.

Our role really is threefold. Firstly, we are the local tourism organisation on the island. So a fair chunk of time, resources and capital goes into promoting Straddie as a tourism destination. We work with the various government agencies and our members to do that promotion. Secondly, our members are predominantly small businesses. They do not know what they do not know. We offer them a service to give them small business advice. We recruit various state government agencies to deliver that for us. Thirdly, we lobby with a collective voice on items that are of interest to our business community.

You will have seen in our submission that predominantly our thrust is that this is all about the transition from where we are now to where we want to be. The island economy is traditionally very seasonal. We have 16 weeks a year, which coincides with the school holidays, when we have more than enough people on the island—more than enough people to sustain the businesses, provide the cash flow and give some critical mass. It is the 35 to 40 weeks in between those peaks where our businesses struggle with cash flow. They struggle with employment retention. The commercial economy on the island does provide a base load for those businesses.

So our key strategic challenge as a local tourism organisation is to try to level out those peaks and troughs so that our member businesses are able to have a sustainable, predictable cash flow. That, in itself, gives them the opportunity to borrow, to talk to lenders and to have a base to their business which they can use as collateral. It is very important that those businesses survive so we have a sustainable economy. The economy needs to have an ability to provide jobs, provide cash and provide employment to those people who live on the island. There are over 2,000 permanent employees on the island. We quite proudly provide employment and training opportunities for those people.

The island economy has benefited over the years from about 40 per cent of the economic activity coming from the ferry company which comes from what we call the commercial base on the island. Sibelco, of course, is the biggest member of that business community. But its demand, both direct and indirect, when coupled with the supply chain replenishment for hotel, the grocery stores et cetera provides about 40 per cent of the revenue for the ferry company.

As you would know, Stradbroke Ferries has been operating the service to the island since 1964. For the bulk of those years it has provided a service 365 days a year. Without doubt, it is the commercial critical mass that allows us to provide, firstly, the hourly timetable from the mainland and, secondly, the fare structure we are able to provide. A comparison that we as the ferry company look at regularly is our northern neighbour, Moreton Island, which, as we speak, has one daily service and a price structure in excess of the Stradbroke Island fare structure. Quite clearly it does not have the critical mass to allow it to run an hourly service. From where we sit as a ferry company, the commercial traffic, including the direct business that we do with Sibelco and the indirect business, gives us the ability to supply and reinvest in the umbilical cord that goes to and from the island.

That is the end of my submission. I am happy to take questions.

CHAIR: Thank you very much for that submission, David. You said that you were involved with the 2011 transition. Did the business groups on the island understand what the Newman government's policy was coming into the 2012 election?

Mr Thomson: Only as a citizen of Queensland I picked up that the then opposition stated that it would attempt to move the goalposts back to where they were prior to them being changed. The business community on the island got the same message. We have been watching with interest for the last 18 months or so to see how that would evolve.

CHAIR: So really there was a fair understanding on the island that there was going to be some extension of the sandmining operation?

Mr Thomson: Yes, it was part of the opposition's platform. That was a promise or commitment they made and the island, the business community took that on board.

Mr COX: In your submission you state, 'It is a well repeated line in business that hope is not a strategy.' I guess hope is not something that banks look at when it comes to security. With mining disappearing virtually overnight due to the short time for transitioning, I imagine the security that banks hold is the value of the land or property that people own. I believe that property values declined instantly. I guess when this happened it did not give much hope for anyone over there in terms of their financial security?

Mr Thomson: As has been said before, there are three townships on the island. I think the township that was impacted most by what you are talking about is Dunwich which has traditionally been where the mining community has purchased property. Evidence showed that in the six months after the announcement to truncate mining property values in Dunwich dropped dramatically. A number of our member companies—and I want to retain the confidence of those companies—had discussions with their banks and their lenders about their ability to sustain their borrowings given the uncertainty about future cash flows.

Mr COX: To follow-on from that, was there much hope given by the previous government when they decided to stop sandmining in terms of what was going to fill the gap for this island, and the Redlands shire too, with regard to this industry and the revenues made from it?

Mr Thomson: The reason I disclosed my membership of the economic transition task team set-up by the previous government was that I was very disappointed about a lack of a plan. Without being too simplistic, we were right back at the butchers paper and coloured crayons stage and saying, 'What are we going to do to transition this island economy to a thing called sustainable tourism? What are we going to do? What are the plans?' We were back working as a group trying to develop for government whatever those investment ideas might be. It was a very disappointing and convoluted process that went for most of 2011 and up to and including 2012. That committee has been deactivated. I am not too sure where it is all at now.

Mr TROUT: I note the chamber is also the LTO of Stradbroke Island—the local tourism organisation. With that hat on, and particularly with ecotourism being one of your pillars of tourism, do you believe that Sibelco is a sound corporate environmental citizen?

Mr Thomson: I think we still have to develop the environmental tourism product. I think we have struggled along for the last 30 or 40 years providing beaches and recreational type holidays around the beaches. There is not really an industry yet called sustainable tourism, but it is definitely the way forward.

Sibelco, as an environmental citizen—and I pick up on previous comments—has over the years won rehabilitation awards from state governments and other bodies. I know that the mine path that has been proposed is not invasive over all the island. I am sure, without speaking on behalf of Sibelco, that Sibelco can work with the interested parties to develop a sustainable tourism industry. But it is very early days. It has not got off the ground yet.

Ms TRAD: Mr Thomson, was your submission distributed among your members in a consultative way before being provided to the committee?

Mr Thomson: Yes, we had a committee meeting and I wrote the submission and distributed it to our executive committee members. Given the short time frame we had, I asked the executive committee to come back to me with a show of hands, or their views, and of our seven committee members I had five in the affirmative and one dissenting voice and one no response.

Ms TRAD: Mr Thomson, I understand that QYAC is also a member of the chamber of commerce. Were their views sought in relation to the submission?

Mr Thomson: QYAC put its own submission to the chamber and it was quite a well presented document. So it was not part of the committee's submission, but it was definitely an input to us.

Ms TRAD: I will take that as a no. As a member of the chamber of commerce, they were not consulted in relation to the chamber of commerce submission to the inquiry?

Mr Thomson: No, there are 109 members of our community and, given we had four days to put it together, not all of our members could be involved. The executive team represents seven or eight of the businesses on the island, but the wider community did not have a chance to input directly, Ms Trad.

Ms TRAD: I will go on to the transition process, which you disparagingly referred to before. I understand from the department that—sorry, is that too long a word? Could you not understand it?

CHAIR: No, you are verballing him.

Ms TRAD: It was disparaging. He did mention crayons and butcher's paper, which was a disparaging comment.

CHAIR: That could be what was actually being used, of course.

Ms TRAD: I doubt it, Ian, but if you want to have this conversation now I am happy—

Dr ROBINSON: Point of order, Mr Chair, I find that to be a misleading comment, putting other words in the mouth of one of our good community leaders on the island and turning what I think has been a very reasonable response into obviously a political bent that the member has.

CHAIR: Could you rephrase the question, please.

Ms TRAD: Mr Chair, with your indulgence the witness did say 'butcher's paper and crayon'—did you not, Mr Thomson?

Mr Thomson: Yes, I did.

Ms TRAD: Thank you very much.

CHAIR: Could you please rephrase the question.

Ms TRAD: I am getting to my question, Mr Chair. Mr Thomson, considering that there is now no transition process in place and you did not have much faith in the previous one, what is happening in terms of the economic transition?

Mr Thomson: I am waiting for advice, Ms Trad, what is the next step after the economic transition team. I do not know if it is a work in progress; I just do not know. I have not been advised as a previous member what the current one is.

Mrs MADDERN: I am a property valuer by profession so I really understand the issues with banks and security and all the rest of that. One of things that interests me is that if you are going to grow tourism you are going to really have to keep your ferry prices at a reasonable level, otherwise it impacts on tourism—the numbers going across. There has been comment made about the price of fuel if the mining company is no longer mining. Could you make some comments about that, please, and what impact you think it might have?

Mr Thomson: Just to remind the committee, I am here representing the chamber. The ferry company is a member of the chamber and it has put its own submission in, as I understand it. So I am happy to change hats. Ferry companies are typically like airlines. They have capital-intensive, high net-worth assets and need to be utilised. The current structure of our ferry company is able to provide a regular timetable service for the island and our existing price of infrastructure is based around our utilisation. If that utilisation falls, the asset intensity will change and, therefore, we will need to either reduce the assets or raise the revenue to cover the assets. That is the economic reality.

Mrs MADDERN: I was not actually asking particularly about the ferry company in that capacity but, as you called it, the umbilical cord between the island and the mainland. So if ecotourism is going to grow, it is going to need that umbilical cord to get from point A to point B. My concern was about fuel prices. Would that umbilical cord be impacted by increasing fuel prices if the mining company was not functioning and bringing fuel over?

Mr Thomson: Fuel prices are probably independent of whatever we have to say, I think. Sure, of our two big costs in our ferry business, is one is labour and one is diesel. Our current timetable demands a high use of diesel. The price will be what the price is, but it is a cost that we have to monitor in our total P&L to provide the service. With or without Sibelco, I am not too sure that would impact on our purchase price of diesel, which we buy in metropolitan Brisbane along with most other diesel purchasers.

Mr COX: I just want to follow up the comments of the deputy chair, the member for South Brisbane in regard to the transition and what is happening now. The fact that this bill is letting sandmining continue to 2035 is an example of not a transition but now would I would call a reasonable time now to give the community on the island to make a proper transition plan.

Mr Thomson: I think absolutely. A transition is mandatory. It is a matter of how much time we have and what are the resources to apply to that transition. The previous ETT, which met for 18 months, struggled with what resource are we going to apply to this transition and the vision. With this bill being successfully passed into law, the first output is that we have more time as a business community to plan whatever the future looks like. Time is of benefit to transition. It was an enemy of the previous one.

CHAIR: Thank you, Mr Thomson, for making your time available today. I am very pleased that you could make a dissertation. Thank you.

Proof

TRUMAN, Ms Jennie, Private capacity

CHAIR: Welcome, Ms Truman. If you would like to make a brief statement, you are more than welcome. Thank you.

Ms Truman: I am a resident of Point Lookout. Thank you for the opportunity to speak today. Sibelco can close mining operations on North Stradbroke Island at any time. This proposed amendment does not guarantee that Sibelco will be an employer on the island for another two decades. Sibelco has no obligations to the island community. They can pull up, dredge and leave just like that. It happens all the time in places all over the world: car factories closing down overnight, thousands of people losing their jobs. Sandmining is not a sustainable industry on North Stradbroke. Sandmining is not the backbone of the island economy. It is not the largest employer on North Stradbroke. I have not seen any real economic data to substantiate what would happen to the local community if mining ceased.

I have run successful businesses on the island for 25 years. In that time, I have witnessed a dwindling population, services diminish and disappear, high school closure and a declining standard of living in some communities. This has been happening whilst we have mining. So mining is not the great saviour that some people make it out to be. Sandmining has not provided the island with a growing, bountiful economy. So why keep Sibelco around for another 20 years? What will the island gain. The new lands and water destroyed by further mining activities will not be gained by being replaced by a poor imitation of original land form lacking biodiversity and water retention.

The government states that this is a transition phase. A transition from what to what? In my written submission, I mentioned Sibelco's subtle and insidious propaganda campaign to keep the communities divided, thereby causing disharmony. I am angry about the biased, misleading information put about by Sibelco. But this will not be a factor to sway the government against this amendment, because I am sure you were thinking, 'Propaganda? So what? Big companies use this tactic all the time. It doesn't matter.' All I want to say about this is that I have seen, felt and heard the effects of these destabilising tactics on what was once a strong community and it does matter to me.

Twenty more years of this foreign owned company having a stranglehold on the island's land and water and people does matter to me. The mining industry has closed off the island's perched lakes, hidden valleys, ancient forests and landscapes for the past 60 years. That has held back ecotourism. They have not only closed off the southern section of the island; they have mined through the ancient dunes, the underground waters, polluted and drained areas and created desert areas devoid of biodiversity. Twenty more years of destruction to land and water will stand in the way of seeking a sustainable future for the island and what I believe is a viable proposal for nature and education based tourism.

This amendment is not only proposing an extension to the mining time frame; it proposes relaxations to environmental monitoring conditions in the proposed amended environmental authority. It proposes dismissing any future environmental studies on new areas to be mined, such as Mount Corrie. It overturns Enterprise's restricted mine path, allowing increased clearing and dredging beside wetlands and national parks.

I am currently involved in running three businesses at Point Lookout, employing 15 people. The lack of frozen delivery services, no early barges, no banking facilities, cyclones and shark attacks are the factors that do and would affect my businesses. Closing down the sandmining industry would not. Thank you.

An incident having occurred in the public gallery—

CHAIR: Please, if there are any more outbreaks of that we will have to ask the people to leave. Thank you.

Dr ROBINSON: Mr Truman, can I start by acknowledging the long-term role you have played on the island and appreciation that you have taken the time to come into the parliament today to express your views. I just have one question—and just perhaps for the record and if I missed it in your opening address I apologise—could you state whether you have in the past been a member of the small green political group on the island called SIMO.

Ms Truman: I have in the past. I have not been a member for the last six years, I think it is.

Mrs MADDERN: In your statement and from what you have just said you manage three businesses. Could I ask what kind of businesses they are?

Ms Truman: Two related to food services and one is a gallery/gift shop.

Mrs MADDERN: In your submission you said—

It is a fact that the accommodation tourism industry employs more people on the Island than Sibelco.

Do you have any indication of whether those employees are full-time employees, or casuals, or part-timers?

Ms Truman: Not off the top of my head. It is in the census material.

Ms TRAD: Thank you for your statement here today. In relation to your opening remarks that Sibelco, any mining company, or any business can close up and leave the island at any stage, there has obviously been a variety of owners and there have been fluctuations in the type of mining activity that has occurred on the island over a number of years, and I assume that you have been a long-term resident and business owner on the island. Have you seen that fluctuating mining have a big impact in terms of the local economy? Is it something that local business owners talk about when it happens?

Ms Truman: I suppose the biggest turnaround was when Iluka took over CRL and started selling off all the houses in Dunwich. That caused a bit of hardship with low-income accommodation being very scarce on the island. But that is there whether the mining company is there or not. It is pretty hard to answer that question. I have not seen anything within my business on the island for 25 years that if the mining company closed down for a reason, I do not see any corresponding economic difference in my takings because of that, no.

Ms TRAD: Ms Truman, just in relation to the environmental authority being included in the legislation, this is a unique thing that the department in the previous hearing admitted to. It is not something that is normally done. We heard from the Environmental Defenders Office earlier today that by placing the EA in the legislation conditions and variations to the conditions will not need to go to public consultation. Do you think that this would be an issue for residents and business owners on the island—that is, that things can change in terms of the environmental authority and there will not be any local checks and balances?

Ms Truman: I was involved for quite a long time negotiating conditions on environmental authorities with the mining company and with the EPA and they are not worth the paper they are written on, now or then. Nothing was ever done to improve the rehabilitation outcomes. I look back on that thinking that that was a big waste of time and energy on my behalf, mainly because of the lack of leadership of government organisations such as the EPA.

CHAIR: Thank you very much, Ms Truman, for making your time available this morning to the committee. Thank you.

Ms Truman: Thank you.

COOPER, Ms Jacqueline, Private capacity

CHAIR: Ms Cooper, I invite you to make an opening statement.

Ms Cooper: I thank you for the opportunity to address this committee. I am a resident of Stradbroke Island where I am self-employed and work as an editor, a design writer and, with my husband, as publisher of an online international architecture magazine. I wish to talk about the social impacts of mining on the community, about the diminishing part mining plays in our island economy and about why this proposed bill in its current guise cannot deliver a stable, diversified economy for Stradbroke Island. I well understand that mining has been a backstay of Stradbroke's economy for decades. Island families have been brought up on the earnings of mining. There is a respect for islanders who have given their working lives to the mines. Mining is part of Stradbroke's history. But the days have gone when miners' children populated island schools and families lived in houses provided by the mining company. Some 83 houses at Dunwich were sold in 2002, so the economic transition has been underway for a long time already.

Today, fewer islanders are working in mining than a decade ago and even fewer will have jobs when Yarraman finishes in 2015. Yarraman employs about half of the islanders still working in mining. This year the Vance silica mine was mothballed, losing jobs. So already by 2013 we find ourselves on the back foot with no plan to cope with the social and economic challenge of helping these workers move across to other employment on the island. An economic transition task force in 2011 was looking into island employment, but the government abolished the task force and has not replaced it yet with any other policy initiative. I would like to table, if I may, two of the documents from that initiative, which are the draft economic transition strategy and the planning for action draft, merely to demonstrate to the committee that there has been quite a lot of work already done—exploratory work, analytic work. There is still an enormous amount to be done. We need proper accounting and we need—

CHAIR: Is leave granted? Leave is granted.

Ms Cooper: The fact is that the mining industry is shedding jobs on Stradbroke—not increasing jobs, not safeguarding future employment opportunities for islanders—and this is the scenario we face. In the 10 years between 2001 and 2011, the percentage of islanders employed in mining fell by 35 per cent. The most recent 2011 census records 13.2 per cent of islanders working in mining. That is 112 jobs down from 173 jobs in 2001. The reason there are fewer mining jobs is simple: minerals are running out. In contrast to the decline in mining jobs, during the same decade to 2011, more island residents were being employed in all other key sectors in tourism, construction, education and training, and health care. Jobs in accommodation and food services, for example, rose to 18.1 per cent of the island workforce in 2011. That is 154 jobs. That is more than mining's 112 jobs in 2011. The upward trend is the same for the other sectors. Construction went from 71 jobs in 2001 to 76 in 2011; education and training was up from 54 jobs in 2001 to 69 in 2011; and health care went from 56 jobs in 2001 to 89 in 2011. These are census figures. What successive censuses show is the steady decline of mining jobs on the one hand and on the other the steady increase of jobs in other sectors of the island economy. That is an historical fact.

But the world's largest sandminer, Sibelco, occupies leases over much of the world's second largest sand island. With its matchless wealth and influence, Sibelco behaves like the paternalistic grand seigneur of Stradbroke Island—of 'North Sibelco Island'—dispensing community grants while trumpeting corporate generosity; also spreading fear in the community about price rises and closures should mining leave the island; and sneering at the proposition that we have the capacity on Stradbroke to sustain an alternative economic future that does not include mining. The company sees to it that those who oppose more mining are intimidated, excoriated and threatened, and I and others speak from personal experience. It is all part and parcel of Sibelco's successful multimillion-dollar PR campaign of spin and propaganda launched in 2011 when the Bligh government announced heavy mineral mining would end in 2019, with all mining to end in 2025 and national park established over 80 per cent of the island in 2026. Rowland designed Sibelco's PR campaign and lobbies this government on its behalf. The success of the PR campaign is measured by provisions in the bill that would further extend mining beyond Bligh's legislation by another 16 years, taking Enterprise Mine to 2035 plus five years more for rehabilitation. This means the interior of the island will be off limits and national park in the south will be blocked to public access until 2040. This will hardly boost or encourage tourism on the island.

The Quandamooka people, who are the traditional owners of Stradbroke, have not been consulted in the preparation of this legislation, yet it affects their country and livelihoods. It is legislation that destroys their land, and here is the thing: in the future Sibelco is not intent on mining its leases, which it is currently scrapping along the bottom to extract the last vestiges of minerals;

Sibelco wants to quarry the sand to sell for construction uses and it has two vast stockpiles which it calls surplus sand ready to be trucked off the island instead of returned back into the huge gaping voids mining has created. I would like Sibelco and the government to answer the question: do they also intend to establish a quarry business on the island, as CRL planned some years ago but Redland City Council rejected? Extending the life of Enterprise through this bill opens up that possibility again. I question whether it is appropriate to grant a mining extension to a company like Sibelco which is still before the courts over charges for taking and selling sand from the island.

CHAIR: Just be careful with sub judice here please.

Ms Cooper: I understand that. Until this matter is resolved, the question remains whether or not Sibelco is fit and proper to be entrusted with mining on Stradbroke. I note in the preparation of this bill the absence of stakeholder input except Sibelco's and I note that all the mining company's significant requests are included in the bill. The lack of meaningful democratic process is unacceptable, which is why I am here today.

In concluding this I offer three practical suggestions the committee would do well to consider at this eleventh hour in the progress of the bill. First: the government should test its and the mining company's proposition that mining is the only means to deliver the long-term economic stability on Stradbroke Island. An independent economic report is required, not like the Synergies study commissioned by Sibelco in 2010 but a disinterested professional inquiry into the island's economic prospects. Second: now, well before mining goes, is the time to bed down Stradbroke's alternative economic future, not in 2035. But what is the plan? What strategies are we putting in place today? Already in 2013 we are seeing some clear indications that we have to work outside the mining box. We see how the mining jobs are leaving the island. To extend mining further will destroy land on which Stradbroke's nature based economy depends. To rely on mining alone, as this bill proposes, is almost literally to bury our head in the sand. An independent, rigorous economic study is a critical, basic tool that is needed if we are to build a stable long-term economy. Third: call an immediate moratorium on the progress of this bill in order to let full consultation take place between the government and the Quandamooka Yoolooburrabee Aboriginal Corporation representative body of the traditional owners and other island stakeholders.

As it stands, this bill is being rushed through the parliamentary process to benefit only one industry that cannot produce jobs or the diversified, stable, long-term economy we need. This bill, despite its name, delivers Stradbroke neither protection nor sustainability. Stradbroke Island—after being mined since 1949, after 16 years of struggle for native title recognition in 2011 and after the years of fear and anxiety dividing the community—is now owed at least the grace of a fair and open hearing about its future. These are basic, practical and doable suggestions which are in your hands, and I thank you for your attention.

CHAIR: Thank you very much for your comments, Ms Cooper.

Dr ROBINSON: Thank you, Ms Cooper, for your contribution today. I also want to acknowledge the long-term involvement that you have had with the island and the contribution personally that you have made. I also, for the record, thank you in that in your capacity with the organisation SIMO in my first term as the member of parliament from 2009 you kindly extended invitations for me to attend the annual general meeting of SIMO. I appreciated that.

Ms Cooper: May I say I am no longer a member of SIMO. I have not been for several years.

Dr ROBINSON: Thank you, for the record. My question is with regard to third-party green political campaigns in the 2012 election. Did any individuals from SIMO as an organisation join the FOSI campaign in Ashgrove and other electorates? What did you think of that third-party green political campaign?

Ms Cooper: Two things. First, I was not involved and I was out of the country during that period. I think it is perfectly entitled for anyone—green groups, red groups—to put—

Dr ROBINSON: Mining groups.

Ms Cooper: And mining groups indeed to put forward their views. I would point out that the mining company's involvement in the Ashgrove electorate extended well beyond the \$90,000-odd that it spent on printing and postage and sending out 100,000 letters from the mothers of Stradbroke, but in fact that was part of a much larger orchestrated campaign that was designed and delivered very successfully by Rowland. I am not an expert, but I would imagine that the company spent millions on advertising. This campaign has been rolling for many years.

Dr ROBINSON: Just as a point of order, Chair—and I appreciate the wide breadth of the answer—but my question was about the green political campaigns. So are you saying you do not know any SIMO individuals who joined the FOSI campaign?

Ms TRAD: She was overseas, as she says.

Ms Cooper: I was not back—

Dr ROBINSON: My question is whether any of the membership of SIMO—

Ms Cooper: I am not involved in SIMO.

Dr ROBINSON: I do not mean to badger you; my apologies.

Ms Cooper: No. I am sorry, but I am not involved in SIMO so I am completely unable to answer your question. I am the wrong person to ask.

Dr ROBINSON: Thank you.

Mrs MADDERN: In your submission at page 2—and you referred to it in your oral submission—you referred to the increasing job numbers in accommodation and food services, and I have a short series of questions. First of all, had you researched how many of those were full-time or part-time jobs or casual jobs?

Ms Cooper: No. And I have to say also, as Mrs Truman did, that these are figures from the census. Because I do not have the resources—but I would certainly like to—I am not in a position to investigate how gendered these figures are, how many are full-time and how many are part-time. Certainly my anecdotal information would be that many people I know where I live at Point Lookout work as cleaners and in other capacities in the holiday home industry and in accommodation.

Mrs MADDERN: From your anecdotal evidence then, you would say that some of them had two or three part-time jobs as opposed to full-time jobs?

Ms Cooper: Well, some of them might work full time as cleaners, or in property maintenance or as gardeners or in relation to the accommodation industry.

Mrs MADDERN: I am not sure whether you are going to be able to answer the next question again, but basically I was interested to see if you had done any research in terms of what wages are now and what wages were two or three years ago relative to each other?

Ms Cooper: No. I think that is an interesting question, and again I would love to see the outcome and the answer to that. We are told that mining injects \$130 million into the district into not only the island, but into the area, but we would like to know where that money goes and we would like to know how much of it sticks to the island. I think the 2006 census data for North Stradbroke Island states that up to 18 per cent of non-Aboriginal households and up to 45 per cent of Aboriginal households on the island were living below the poverty line. I do not think that has changed.

Ms TRAD: Thank you, Ms Cooper, for your evidence today. Thank you also for tabling the draft economic transition strategy. I find it telling that none of the very many departmental representatives who came along to the public hearing two weeks ago could provide this information to the committee. Just to clarify that, were you a member of the economic transition committee?

Ms Cooper: Not directly, but I did take part in some of the workshops.

Ms TRAD: How did you find the workshops, Mrs Cooper?

Ms Cooper: I think it is a difficult task to marshal people who are experts in their own field perhaps and they are experts in the place that they live, but they do not necessarily have the professional expertise to have the financial oversight and the bigger picture. I think it is a process which also the mining company is doing of having island workshops where people talk about their vision, their ideas for the future. I would say that we are not being led so much, but a lot of what is being discussed is necessarily a retroactive view of the future, by which I mean that we can only imagine what we have been accustomed to. That certainly persists in the mining company's very aggressive, in my view, promulgation of its intentions for Stradbroke's future vision. I think you would find an entirely different view if you asked some of the younger Indigenous people who are involved in envisaging the island's future.

Ms TRAD: Thank you, Mrs Cooper. I did look through the document for any crayon marks, but I could not find any. I did want to ask you in relation to the third party campaign issue—which has been an issue that has been ongoing—are you concerned by the fact that it is not just about a third party campaign, but what appears to be almost exclusive access to government by the mining company in order to develop the legislative amendments that we see before us?

Ms Cooper: I am horrified. That is why I am here.

CHAIR: Thank you very much for your time, Mrs Cooper. I would like to call Dr Jan Aldenhoven.

ALDENHOVEN, Dr Jan, Private capacity

Dr Aldenhoven: My name is Dr Jan Aldenhoven. I am a resident of North Stradbroke Island, a wildlife filmmaker and I am passionate about the environment of Stradbroke.

CHAIR: If you would like to start with a brief statement.

Dr Aldenhoven: I would firstly like to acknowledge the Quandamooka people, the traditional owners of Stradbroke Island. I am going to table some documents, and please bear with me because there is going to be a little bit of paper shuffling, because I would really like to refer to some of the diagrams and pictures in my submission and these additional ones, which will be handed around.

Firstly, I would like to paint a picture of how Stradbroke came into being. It is actually a place that has been created over a long period of time, so the whole island consists of sand. That sand has come from the northern rivers of New South Wales up on the ocean currents and gradually over a very long period of time build up to form the island that we see today. Also in that long process there has been all sorts of things happening inside the dunes, which means they have a very layered structure. If you could look inside a dune it is not uniform; it has lots of layers. It has hard layers, and a key outcome of that is the distribution of water on the island. So when the rain falls onto the island, it then travels in different pathways through the dunes. So you might have it hit one hard layer, come out the side of a dune and it is a little spring, or it might rest in a little perching layer and you get a different type of vegetation there, or it might drain quickly and you have beautiful bonsai flowers, which is a special feature of Stradbroke. The thing I would like to draw attention to is what mining does to that. So if you could turn to the cover page of the—

CHAIR: Do you seek leave to table that information?

Dr Aldenhoven: May I seek leave to table the—

Ms TRAD: Do you seek leave to table all of your documents?

Dr Aldenhoven: I seek leave to table all my documents.

CHAIR: Leave is granted. Keep going. We are going to run out of time.

Dr Aldenhoven: How much time have I got left?

CHAIR: Keep going. Ten minutes.

Dr Aldenhoven: So you can see on the front page mining not only strips the vegetation off, but then totally homogenises the landscape to a depth of 100 metres. It is travelling through the landscape pushing all the landscape through the pipes that extract the mineral. This is just total devastation and you cannot restore that. The replanting of vegetation, yes, rehabilitation has improved and will continue to improve, I am sure, but it cannot restore the island to original. There is no science that supports that. So that is one of the costs of mining on the island. And if you look in the back of my submission there is a picture which shows how mining is scattered through the island, so after 60 years the island is really broken up with all the places that mining has occurred in the past. Thirty years on you can still see the scars from outer space.

I would really like to direct your attention to the third map in, the one that has just been passed around. I can hold this up. The bill will allow for mining in very close proximity to national park, and in fact Mount Corrie is completely surrounded by national park. So you do not get that perspective when you look at the map that is in the bill, because that just shows the mining leases. It does not show you where the national park is. That national park is also Aboriginal land, so the idea that mining is not going to impact on national park I do not think can be supported. Also the mining, as other speakers have mentioned, is in close proximity to Ramsar wetlands. In some places there is not even a boundary between allowed mining and national park or Ramsar. This centre area here at Mount Corrie has not had an environmental impact study done, and the bill, through the EA, allows for a very watered-down set of directions on how environmental studies should be conducted. I would also like to draw attention on this map to the location of Blue Lake in relation to where mining will occur. Maybe you can have a look at that more closely later. One of the things about the previous legislation is that it protected vegetation of concern.

My next map is number 4. The red outline shows where mining will be allowed. The yellow areas are of concern vegetation which will now no longer be protected. I would like to refer to the fact that the EA will become part of the legislation. At the moment the mining company operates under an environmental authority, but that will be replaced by another environmental authority in the legislation. A number of the conditions in the current EA have been removed, and the replacements are either absent or I believe will not give the same sort of protection. I have identified that in my

submission as a red alert for the committee because there is this provision that if there is an inconsistency between legislation and an act, it is the later act that applies. So I think by putting the EA now into this legislation that is what is going to apply. Some of the things that are missing are category A and B sensitive areas. They include the endangered heath lands, Ramsar and, most importantly, cultural sites. Now that has gone from the EA that is to replace the one that we have. Also there are some clauses to do with weeds; they are not in the new EA. There is a clause to do with environmental harm. At the moment in the EA no environmental harm is to occur off lease or within the lease but outside the area to be mined. That clause has gone. There is a replacement clause that I believe is not as strong. If you look at the past history of mining, there have been so many mistakes, accidents, disasters, oil spills, lakes drained. These things happen as part of the cost of mining so if we now do not have the strength of that clause, I am concerned. I am not a lawyer, but I am just putting it to the committee and I really ask you to have a close look at those things. The Mount Corrie area I have already mentioned. I would really like to understand what sort of mining is proposed for that site. We need to understand where the deep dredge mining is actually going to go. When it was stated today that Sibelco did not get all that they asked for, one of the reasons is because where they wanted to go with the dredge is actually national park. So they could not go into national park because not only is it national park, it is also Aboriginal land.

In closing, I think I speak for many Queenslanders in saying that I am troubled by the way in which the Quandamooka people have been treated by our government. 4 July 2011 was an historic day for Stradbroke. The island was handed back to the Quandamooka people. It was a proud and happy day. Eddie Mabo's wife was there. Now just over two years down the track the government is riding roughshod over the rights and interests of the Quandamooka people ILUA with the state. I am ashamed of this. Will you let that continue? I hope not. I urge the committee to reject this bill and ensure it does not pass into legislation.

Ms TRAD: Thank you, Jan, for your presentation. It is incredibly compelling. One of the issues that was raised by the EDO in relation to the inclusion of the EA into legislation is that particular conditions will not be subject to public consultation. Do you think that is taking away from the community a right to be consulted on the conditions in relation to mining on their island?

Dr Aldenhoven: Yes, of course. I know Jennie felt that a lot of years were wasted. I think I disagree with that. I think we are in a new era because the Quandamooka people have the island back and I think they should have a say. This is their land. So I think it is a very, very bad outcome.

Dr ROBINSON: Dr Aldenhoven, thank you for your contribution today. Again, as I have done with others who are local, I want to acknowledge the local contribution you have made on a number of fronts, and that is noted and appreciated. I do note with interest, as with others so far—Ms Truman, Ms Cooper, yourself and Mrs Martin to appear next—that nobody seems to want to acknowledge upfront—and I am just saying for the sake of transparency—that you all belong to radical green political groups that are small. Apart from the fact that I find it interesting that no-one wants to say that—your politics and my politics are very different, and that is understood; we are a democracy—my question is: why is it that FOSI as an organisation campaigned in the 2012 election in a political green campaign against the current Premier, against the current government, yet somehow want to appear as an apolitical environment group, yet they are very politically aligned? I just think that someone today should admit that that is the case.

Dr Aldenhoven: Mark, thanks for the opportunity to answer that question. I am actually a member of a lot of environmental groups. I am a member of SIMO and I am a member of FOSI and I am proud to be. When I first came to the island, I did a lot of bush walking and there were particular areas on the island that I absolutely fell in love with. One day someone said to me, 'You know that they are all mining leases, don't you?' And I said, 'No, I don't.' It was a defining moment for me and I naturally gravitated towards the groups that were standing up to that. So, when you say 'small groups', we are a small island. I do not find it unusual that I gravitated towards those groups to be involved with them. But I am also a member of the National Parks Association, the Wilderness Society and the ACF, and I am on the mailing list for the Queensland Conservation Council.

Dr ROBINSON: So you carry a lot of green cards.

Dr Aldenhoven: I am a wildlife film maker. I am a biologist. The environment is incredibly important to me, and I think it is rating lower and lower in the political landscape.

CHAIR: Thank you very much, Mrs Aldenhoven, for appearing today. Thank you for your time.

Dr Aldenhoven: Thank you.

MARTIN, Mrs Susan, Private capacity

CHAIR: Welcome, Mrs Martin. Would you like to give us a brief introduction?

Mrs Martin: Thank you for the opportunity to come today. I think I will just begin by saying that I find this parliamentary committee process difficult for many reasons, because before we meet with you there has not been the opportunity to be consulted, to talk things over with you. You ask us to put in submissions and we do it and we come to speak to you today for a little while. For those of us who have managed to put in submissions—whether pro or not pro this bill—we did so with haste, and I suspect your work on this committee has been carried out in a hasty way. I certainly gained this from Mr Hansen when he was on the island last week when he said that the process to consult was not one being carried out by this government. That to me is alarming. Whether we are speaking about the issue here today or somewhere else, something that is important in the public scheme to people—and particularly in this case to the Quandamooka people—should have public consultation, should have scrutiny, should have accountability, and certainly should have a process that is not hastily put together. I cannot believe the haste in which this parliamentary committee has been asked to do this. I know it is your task and I know it is a difficult one. But if there was more time perhaps the matters could be dealt with more fully.

The Newman government has rapidly progressed along a furtive road to bring us to this state of affairs here today—all the submissions before you, the reports, the letters, the expert opinions, the science, the hydrology, the native title claim by the Quandamooka people which took them years to reach and finally be granted; their land is all tied up in mining leases. The rehabilitation science is vital to your decisions. The economic reports I am going to give a miss to because I could not do better than Jackie Cooper anyway and also Jennie Truman. They have long been involved on the island and involved in every issue including transition of the economy to whatever it is going to be. I am sure there is a lot in place and there certainly has been in the last 10 years.

So I would say that this is a dreadful decision. People are appalled at the position the government has taken to extend mining for another 20-plus years. Premier Newman is breaking his election promise to restore the rights of the community and the company so that mining can ultimately progress to an orderly finish and shut down. When I heard him speaking prior to the election he was definitely not talking about extending mining. He said prior to the election he does not intend to do this. So this is an about-face. He does not have a mandate from the people who live on the island—I am sure of that—to carry forth these amendments and to change what everyone had settled down to, that mining was going to be phased out by 2019 and 2025 and, as has already been said, the Yarraman mine is finishing in the next year or so. The silica mine is in mothballs and people have lost their jobs there. No matter what number of Indigenous people still are involved in mining on the island—and of course there has always been a percentage; in the early years it was the only employment they had, not only the Indigenous people but lots of other people who lived on the island.

It is just very difficult to understand why there is this haste and why it has been more or less hidden behind the bikie laws going through and everything else. But the public is aware of what is going on, and I believe that Quandamooka, although it has not been consulted, should be consulted. I believe that before you make your final decisions to the government you should make every effort to let them not just speak today but to speak in consultation with you in meetings. As you have afforded this courtesy to Sibelco, would it not be appropriate to afford a similar courtesy to the Quandamooka people?

The evidence to not continue mining for another 20-odd years is immense. It has been put into books, publications, papers, reports and two symposiums on the island, contained here in this publication. The Royal Society of Queensland and SIMO were involved in the publication of *Focus on Stradbroke: New information on North Stradbroke Island and surrounding areas, 1974-1984*. These papers were prepared for the Royal Society of Queensland symposium held at Point Lookout in August 1984. You need only turn to the contents to see how involved these symposiums have been—Aboriginal history and archaeology, European history, geology, botany, zoology, education and planning. It is all here for you to look at—maybe you have already. There have been other publications. This particular publication from SIMO itself, in its second edition now, is full of information about the island—vital information. You have only to read it in depth to see what will be lost if mining continues indefinitely and what has already been lost. So I would direct you to this sort of archive which is available to you to familiarise yourself with what has gone on before.

Ten minutes for me is insufficient to tell you about my involvement on the island since 1972. But I have been involved with both FOSI and SIMO. I have worked as honorary secretary on both the management committees of these organisations. I find that a rather new description of us—

'radical green political groups'. However, I am just me. I would like to draw your attention to lots of things here today. A report was put together in 1986 by Dr Errol Stock and Mrs Ellie Durbidge, who herself has been involved in the island. I am sure she was born there but she has lived all her life and been completely and utterly devoted to protecting the environment on the island. That included everything—plants, flowers and animals such as frogs, reptiles, particularly birds and the koala, of course, and all her other little marsupials that she knows so well. This report was put together, as I said, in 1986—*Report on the Impacts of Sand Mining and Heritage Values, North Stradbroke Island, Queensland*. It is here. It is relevant today, and it was accompanied by the relevant maps and all its sources and references were attached.

CHAIR: Could I ask you to wrap up so we can ask you a couple of questions, Mrs Martin?

Mrs Martin: Yes, of course.

Ms TRAD: Sorry, Mrs Martin, are you finished now?

Mrs Martin: I have not actually, but do I have any time left?

Ms TRAD: I would like to hear you finish.

Mrs Martin: Thank you. In conclusion, I would say to you, the parliamentary committee looking at these amendments, that you should look at these submissions before you, listen to the people speaking to you here today, look at the publications, look at the science and particularly consider the future of North Stradbroke Island and its Quandamooka people. If sandmining is extended to 2035, my fervent request to this committee here today is: do not recommend that this bill and amendments go through. Withdraw it and make the democratic rights of every citizen in Queensland important once again. As things stand, they have certainly been bypassed. I do not know that I do have much time left, but if you are being indulgent I would just like to read you something to end with.

Sometime this year, one of the Sibelco people wrote about the freshwater lakes and lagoons and everything that was on the island. What the person failed to do was to point out that most of these water bodies are not available to anyone because they are all on mining leases and many of them already have been severely impacted on. Yes, we do have Blue Lake and we do have Brown Lake, which we can still access, and Myora. But in writing that article, the Sibelco employee carefully stood back from mentioning all the other water bodies which I myself are familiar with as are many other people who have lived on the island a long time. I concluded my article, which I wrote back in response to his, in the *Straddie Island News*. This is a newspaper that comes out every couple of months, everybody can write in it, present their articles, do what they want. When I replied to this article, I said in conclusion—

I often think of the American marine biologist Rachel Carson, whose writings are credited with advancing the global environment movement. In 1950 Carson wrote of the birth of an island, her conception of the long rhythms of an orderly evolution. She contrasted the slow emergence of an island, and its unique collection of flora and fauna and precarious existence, with humankind's rapacious destruction of island habitats. She wrote—

"The tragedy of the oceanic islands lies in the uniqueness, the irreplaceability of the species they have developed, by the slow process of the ages. In a reasonable world men would have treated these islands as precious possessions, as natural museums filled with beautiful and curious works of creation, valuable beyond price because nowhere in the world are they duplicated."

She wrote that in 1950. It led to a tremendously useful environmental movement in her own country, the United States of America, where a lot has been saved since that time. I think we can take a lesson from Rachel Carson.

CHAIR: Thank you very much, Mrs Martin. We are starting to be pushed for time. I will conclude your statements there.

Mrs Martin: Thank you.

CHAIR: We will break for a couple of minutes.

Proceedings suspended from 11.47 am to 12.01 pm

BURNS, Auntie Jeannie, Director, Quandamooka Yoolooburrabee Aboriginal Corporation

BURNS, Mr Darren, Quandamooka Senior Elder

COSTELLO, Mr Cameron, Chief Executive Officer, Quandamooka Yoolooburrabee Aboriginal Corporation

COSTELLOE, Elder Uncle Gavin, Quandamooka Senior Elder

HENDRIKS, Auntie Joan, Chairperson, Quandamooka Yoolooburrabee Aboriginal Corporation

PARKIN, Auntie Evelyn, Quandamooka Senior Elder

CHAIR: Without any further ado, I call on Cameron, as CEO from the Quandamooka people, to make a small presentation, firstly.

Mr Costello: I will hand over to Auntie Evelyn.

Auntie Evelyn Parkin: I would like to acknowledge the traditional owners of this land on which we meet. Good afternoon to you. My name is Evelyn Parkin. I am an elder of the Quandamooka country. I do not come here with scientific evidence or any legal evidence. I come here from the spiritual side of things.

I was born on Stradbroke and brought into the world by my great aunt. In those days and long before I was born, our people walked upon Stradbroke. They had the place all to themselves. They nurtured Mother Earth and they nurtured their own children. We have many dreaming stories that take us back to those times; the dreaming stories that connect us to our country, to the beautiful lakes that we heard about. That is where the Rainbow Spirit lives. We have the bush, the wild bush, where our ancestors walk, and we believe that their spirits are still there. Their spirits are everywhere and they are with us here today. We do not speak on our own; we speak with them supporting us. When we walked in the bush, we listened to what was going on. The spirits spoke to us and told us to sit and be quiet. We lived that way for many, many years and then the time came when there was a new culture that came along. It took away a lot of this practice of ours. It took away our language, our ceremonies. Could you please put yourself in our position, how we were stripped of our cultural ways? But we were very generous people and forgiving people and we learnt to adapt to this new western way of thinking and living. Our children have been confused trying to live in both worlds, but we try to teach them how to do this.

The mining is part of Stradbroke and we have been very generous with that 60 years of mining. We have been very generous. Despite it giving our people work, it devastated, it destroyed our dreaming places—the physical side of things. Where are our dreaming places today? I would like to take you for a walk through our country if you come over there and let us look for these places. Let us look and see where the mining has been, what has it left for us. We are put in a position where we have to accept that some of our people are working there, yes, but at the same time we think about our land, our Mother Earth, that has been destroyed. The big holes that are left in it: it is like a big sore with pus running out of it, seeping down the hillsides into the lakes, onto the beach. Who cares about that side?

We want you to feel it. We want you to feel how we feel. Thousands of years of looking after our land and now today here we are in this Parliament House having to fight, still, for our human rights. It is not fair. We are living in two different cultures. You only have your own one culture, your western culture, but we live in two cultures and we have to adapt to that. Try to put yourself in our culture, our way of life, and help us. Understand where we are coming from as we sit here

I speak from the heart. I do not have all the evidence that you might want to hear and you might want to question me about. I cannot give you that. I can only give to you what is in our heart and our connection to our Mother Earth. I know my people here want to talk, too. Our story is a long story and I would like you to hear the whole lot of it one day if you come over and visit us and see what we are actually talking about before you make any decisions, please. Thank you for allowing me to speak here today.

Auntie Jeannie Burns: My name is Jeannie Burns and I am an elder of the Quandamooka people. We live in a new century, the year 2013. It is a new century. Our ancestors walked this land. We own Australia. We own this country. And here we are having to plead. How much more can they

sand mine? How much longer do they need? They are scrapping the land now. They have dug holes, holes, holes. It is a nightmare if you go driving through the country and see the destruction. All right, they can rehabilitate, but they cannot put back what Mother Nature put there all those millions of years ago.

People are proud of their heritage. We are proud of our culture; western society is proud of its heritage. What is the difference? It still means the same thing, doesn't it? Does heritage mean anything to you people sitting here today? Are you passionate about your culture? That is how we are: passionate about our culture. Is it why we want to preserve our land. Please, please, consider. They have had 60 years to mine. Please, please, consider what is happening to our country. Give us some grace. Allow us to live with dignity. We have had to sit back; we have really had no choice: sandmining just came and took over our country. But now it is the year 2013, we feel we have a right to speak up and say 'Enough is enough!' Thank you.

Mr Costello: Hello. I am Cameron Costello, the CEO of the Quandamooka Yoolooburrabee Aboriginal Corporation. I would like to acknowledge the traditional owners of this land that we are meeting on. My father was Roy Costello and my grandparents were Joan Close and Grandfather Colly Costello. They were from One Mile on North Straddie. From there, my ancestors are cross-family groups of Ngiri, Endellie and Ruska. I am here today because of the Quandamooka people and their rights to country. Our territory runs from the mouth of the Brisbane River, down past Cleveland, down to Southport, across into the bay islands, up North Stradbroke Island to Moorgumpin, which is Moreton Island. Our territory takes across four local government areas; it includes that.

We are here today because in 2011, on July 4, the federal court recognised the rights of the Quandamooka people as a society of laws and customs that had always existed. That was a joyous occasion for our people and there were members of both parties there to recognise and honour that. In the nation's history, this was a major step for us for reconciliation: off the coast of a capital city, native title was recognised and the federal court made orders. Our Uncle Ian Delaney was one of those applicants. He had endured, after our people have endured, what my aunties have been talking about: 60 years of mining, between 13 to 16 years of fighting for our native title and now we are being told that almost at the same time mining is being extended. We believe that contempt has been shown for our native title agreement. We believe that it is a breach of our ILUA. The legislation that is proposed has not been done with any consultation with QYAC.

We submit that the bill should be rejected by the parliament for the following reasons: it breaches the contractual rights of the Quandamooka people under their ILUA; it invalidly affects the Quandamooka people's native title rights and interests, and neither the state nor Sibelco has sought their prior informed consent; it impacts upon the human rights of the Quandamooka people, recognised by the UN Declaration on the Rights of Indigenous Peoples; it is racially discriminatory; it unreasonably favours a foreign owned private company over the rights of the traditional owners; it impacts upon sensitive environmental areas and areas proposed to become national parks, the national parks that we call Naree Budjong Djara, our Mother Earth; it significantly reduces environmental controls and increases the environmental impact of Enterprise Mine on the Moreton Bay Ramsar area; the justification for the legislation has no basis in respect to the economic employment, education or sovereign-risk arguments put forward by the government on Sibelco's behalf; we consider that there are real probity issues and corruption risks in the Premier and his government progressing the demands of Sibelco through this bill; finally, despite the representations, it is our submission that Sibelco has a poor track record in terms of obtaining appropriate approvals for their activity and off-lease impacts.

I want to go back to native title and our consent to termination, which we believe is the law of this country recognised by the federal court. I need to outline that from the very time that this government was elected, from the time when we sent congratulations letters to both the Premier and Minister Cripps, inviting them to come to Quandamooka country to talk about our vision for natural resources and mining, from that time our position has always been that our legal position was strong and that any changes to the ILUA need to have the consent of the Quandamooka people.

I would like to read out to the committee the position of our legal advisers. This was sent by email to Mr Cripps this morning.

Dear Minister—

I write to you regarding the North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013... ('the Bill').

Queensland South Native Title Services represents the Quandamooka People in relation to native title matters.

Public Inquiry—Examination of the North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013

As you are aware, the Quandamooka Yoolooburrabee Aboriginal Corporation is the registered native title body corporate holding the native title rights and interests as agent for the Quandamooka People over North Stradbroke Island and the relevant areas of Moreton Bay.

The effect of the Bill is to affect a breach of the registered Indigenous Land Use Agreement between the State of Queensland and the Quandamooka People and the orders of Dowsett J in the Federal Court of Australia in *Delaney v State of Queensland* [2011] ... (4 July 2011) ('the Orders').

The Federal Court Orders recognise the Quandamooka People's native title rights and interests subject to certain other interests. Those other interests include the mining leases the subject of the North Stradbroke Island Protection and Sustainability Act 2011 ... as they existed at 4 July 2011. That is, the Quandamooka People's native title rights and interests were and are subject only to mining leases that are non-renewable. The ILUA was entered into on the basis that the native title rights and interests were subject to mining leases that were non-renewable and subject to a restricted mining path.

It is our view that the passage of the Bill and the grant of any renewal of the mining leases based on the exercise of a power created by the Bill would breach the orders of Dowsett J and the ILUA.

In the circumstances, QYAC seeks from you an undertaking in writing that you will not issue a renewal of any mining lease identified as an 'other interest' in schedule 7 of the Orders without 28 days' notice in writing to QYAC and to Queensland South Native Title Services Ltd.

Should a written undertaking not be received within 7 days, the Quandamooka People reserve the right to seek such court orders as may be available to them to protect their rights and interests including their rights under the ILUA, and costs.

This is the letter that I seek leave to table to the committee about our legal position, which protects our native title rights that were given on 4 July.

Having addressed the native title rights issues, I would also like to talk about why we believe as a culture—the longest living culture in the world—and having the longest legal system in the world it is a bad law, anyway. Just to declare for Dr Robinson, who is not available, I am not a member of any political party. I am not even a member of Blockbuster.

We believe that the Quandamooka people were not consulted on the proposed changes to the mining leases and the associated environmental authorities by the Queensland government. Even despite our continued requests, even despite our concerns that there was favour and inequitable access given to the mining company about amendments to the legislation, the consultation was very little. So we were unable to put our views on the legislation to the government. It is a bad law because it takes away the rights of the Quandamooka people to challenge the permit, the application. It denies us our human rights as Indigenous people to seek to challenge the decision or appeal the decision. Saying that the minister must approve an application is quite unusual and we believe it is not appropriate for a whole range of reasons.

The restricted mining path removal is inadequate. It is not appropriate. I have heard representations that it is unusual for any mining company to have that imposed on them. I put to you this: there is a reason that is and it is the environmental significance and the cultural significance of that island. It deserves to have a restricted mining path.

I need to address also some of government's submissions around the economy. There was an economic transition that was taking place and it has been described by the chamber of commerce to be disparaging. It was disparaging. From our perspective, the lack of implementation since this government has come in has been disparaging. The implementation I would like to show you. We have two of those documents that the government officers could not show last week. We were part of this process. The community was part of this process to transition. The Straddie Chamber of Commerce, which we are a member of, has put in a submission. We were not consulted on that. They said there was no time. They had time to send out an email to say there was a photo opportunity at Sibelco's office with the local rag paper if you wanted to show your support for sandmining. We are also part-owners of Minjerribah Camping—a fantastic new camping business that has taken over the campgrounds from the Redland City Council. So we are now heading towards being the largest landholders on the island. We have the largest accommodation business on the island, but, for some reason, Straddie Chamber of Commerce could not involve us in their discussions. So it is my submission that the committee should seriously consider whether they accept that submission.

I would also like to state that the so-called independent economic analysis, which was commissioned by Sibelco, be dismissed. Nowhere in that analysis does it talk about what is the economic impact and flow-on to our Aboriginal people on the island, who the latest ABS statistics say we are still the most disadvantaged group. So all the hoo-ha about the flow-ons to the community, great jobs, I tell you what: it has been 60 years and we are still sitting where we were. Where is the social and cultural impact assessment on Aboriginal people of the extension of sandmining? Where is that? How will it impact on the traditional owners of the land who received their native title in 2011?

This all comes back to broken promises. We were assured by the Premier and by Minister Cripps that they would consult us on this legislation. It shows a lack of respect to my elders who sat in front of Minister Cripps who said, 'We're not here to extend sandmining. That's between you and the mining company. The mining company needs to bring their A game to you to convince you of sandmining.' That is what Minister Cripps told us. He had the prime opportunity to say, 'Oh, and by the way we're thinking of amending the legislation. What do you think of that? Do you have any views?' Instead, we find out a week later that he is going to amend it. So having Uncle Ian Delaney, one of the most respected elders, who is our equivalent to Eddie Mabo, sitting in front of him and to not even mention that to him is of such disrespect that I do not even know where to start.

We are not a community group; we are a first nation. We are the government agency for the Quandamooka people. We have a membership of over 500 of our nation and yet we have had no consultation. I submit to the committee that this bill should not be even considered to be passed until our consultation on the bill in its totality is considered.

The bill's explanatory notes talks about sovereign risk. It is our submission to the committee that the only sovereign risk applied here is the sovereign risk to a Federal Court order that the Quandamooka people have relied on. The whole economic transition strategy, we developed our own one out of that. We have moved on. Our community united to move to end sandmining in 2019. We have looked at investing, bringing \$11.2 million to invest in our tourism. Now, that is in jeopardy. Why would we want to invest in tourism when we are damaging our brand by extending sandmining? That is not a smart business idea for us. We have to reconsider that now.

So the only sovereign risk is to every native title group out there and that is what we are starting to realise. This is not just about the Quandamooka people. If the committee puts in the report to say, 'Pass this legislation' and the legislation is passed, then you will be setting a precedent for all states and territories to breach their Indigenous land use agreements. I can tell you now that native title organisations all over the country are watching this parliament. This would be a blatant breach of goodwill. It would be a stain on the relationships of this country—and I am a citizen of both—in terms of its relationship with Indigenous people. So I implore the committee to heavily consider the legal advice we have received and to consider the human rights and the implications of this legislation going through across the country.

Finally, I just want to talk about our concerns in terms of the inequity that has gone towards Sibelco and the government. It is unfair even in the smallest sense to allow Sibelco such access, to talk about sandmining on our country and then to just dismiss us. Our concerns are that there has been inequitable and inappropriate access to the Quandamooka people. We believe that this is just an ongoing incident in terms of the treatment of the Aboriginal people of North Stradbroke Island.

In terms of my final words before I pass on to my Uncle Darren, we put to the committee that there should a referral of the behaviour that has gone on between Sibelco and the Premier to the Crime and Misconduct Commission. We believe that there should be an inquiry into the treatment of Aboriginal people on North Stradbroke Island. We believe there should be an inquiry into sandmining on North Stradbroke Island, because the damage to our Mother Earth has been so disgusting over the time. We have our own list of environmental awards for diesel spills, for whole dunes collapsing. If you get on to Google Earth you will see a time lapse of where mining is eating away our Mother Earth like a disease. In this great parliament that we are in it struck me today coming here the importance of this occasion and the importance of what we are dealing with today. This is a great place where great laws are made. It is your job, respectfully, to make sure that good laws pass. Good laws will only pass if there is good consultation. I just want to add a last thing. The position that we are sitting in today where Aboriginal people, after fighting for their rights, have to now turn around to try to defend them is the prime reason that we as a nation need to address constitutional change to protect the rights of Aboriginal and Torres Strait Islander people in this country. I hope that everyone out there is listening. I hope that Minister for Aboriginal and Torres Strait Islanders, who had a meeting with Sibelco but who did not have a meeting with us and who has sat silent while the whole economic transition process has gone through, sitting silent to make the reality of having to sandmine sit there, I hope that they get in there and write to the federal government to end the Constitution to allow us to protect our rights. Thank you.

CHAIR: We are starting to run out of time. Would anyone else like to make a statement?
Darren?

Mr Burns: Thank you, Mr Chair. I pay my respects to the traditional owners of the land we are on, my elders here today and you the committee and also our honourable green groups, who were so unfairly denigrated today. I want to talk to you today as an Aboriginal: firstly, an Australian Aboriginal and as a Quandamooka Aboriginal. I want to put to you: whose island? We are the

traditional owners. We are the traditional custodians. Our birthright is there, but we share it with non-Aboriginal people. We are proud and we are glad to share it with non-Aboriginal people, but we do not want it overexploited like this bill proposes today. What I see from this bill is it will just grow the wealth and create a widening of the gap that is so out there these days.

We experience displacement as Quandamooka traditional owners due to those new people to the island who come, who grow their wealth, who build their big houses and who look down their noses at us. When I go to Point Lookout I have people say to me, 'What are you doing out here?' I say, 'Hey, this whole island wasn't mined, not just Dunwich.' That still goes on.

I want to address some of the untruths that Sibelco continually put out there. The untruth about the employment ratio of Aboriginal people on the island. That is untrue. The untruth about their day-to-day consultation with us about their operations. That is untrue. The untruth about the cultural heritage management on Stradbroke Island. The Quandamooka Yoolooburrabee Aboriginal Corporation is the registered cultural heritage body post native title, yet Sibelco continue to deny us the opportunity to review the current cultural heritage management plan that they had with the prior cultural representative body. Does that sound to you like the kind of cooperation that Campbell Jones put on the table this morning? That is the truth.

Another truth is the loss of the cultural resources that we endure daily. Another truth is the loss of our heritage. Another reality is that the majority of Aboriginal people on Stradbroke Island voted for the early termination of mining. That is the truth; not the spin that we have to put up with. Another truth is that we have a 20,000-year-old site on Stradbroke Island that was mined 30 years ago that I cannot take my mother or my children to. Is that fair?

Sibelco talk about their community fund. As a corporate citizen—a good person—if I were handing out money I would not make a big hoo-ha about it. I would not tell everyone, 'I gave them money. I gave them money.' How many Aboriginal people are on the gift fund committee? None.

This bill is racist. It is racist in that the government thinks it can just come in and squash us little black fellas like cockroaches. We hear the terms institutionalised racism and legalised crime. I know Australia is no longer a convict colony, but old habits, it seems, die hard. This government has to move on from those bad old ways.

I want to draw attention to Mr Laming's remarks this morning. He no sooner told us that he had been an MP for nine years and then he went on to make the derogatory remark that Stradbroke will fall somewhere between the much maligned Palm Island and Tasmania—one of the worst massacre sites in Australia. Is he telling us that he has been an MP for nine years so he can make derogatory remarks?

I was on the economic transition task force also. There was \$27 million allocated for that. I hear that there is about \$9 million left. Nothing has moved. I call for an inquiry also; this out of control. Thank you to the committee.

CHAIR: We probably have about three minutes left. Would anyone else like to say a few words?

Auntie Joan Hendriks: I would like to begin with paying my deep respects to the fact that I am walking on the land of our neighbouring groups, the first peoples who walked this land. I am just going to take a short time to try to summarise things because you have heard all the things that are deep within my heart from the team.

I would like to remind you that we, the Quandamooka people of Quandamooka country, have been here for 21,000 years. That is proof of the pudding. I also want you think in your deliberations about the fact that family and place of belonging to country are the two essential elements of our ongoing, deep-rooted connection to our 12 apical ancestors. Being the first traditional owners in South-East Queensland it was finally recognised in the High Court of Australia that we are the custodians of our land. When this happened on 24 February 2011 our community stood tall and proud in the opinion that an end to mining by 2019 and a transition towards a sustainable, healthy future for our island and our people fulfilled our ongoing dreaming of continuing in the footprints of our 12 apical ancestors.

At this point I would like to table, if that is allowed, the Quandamooka management plan. I will read a paragraph of that which has been developed with the full participation and consent of our Quandamooka community. There have been several meetings over a period of time where that was put together. I would like to read the vision contained in that plan. It states—

We, the legal and traditional owners of Quandamooka country, reaffirm and take responsibility for the planning and future well-being of our ancestor's land, sea and sky and our people. In partnership with the mainstream community, we will create a future where our spirit, cultural values and the beauty of our lands and seas are conserved and restored. We will create a rich and harmonious community life, a vibrant and sustainable economy and a wide range of opportunities for Quandamooka

Public Inquiry—Examination of the North Stradbroke Island Protection and Sustainability and
Another Act Amendment Bill 2013

people. We will respect and strengthen our relationships to each other, to the wider community and to our country. We will teach our young people and the wider community about Quandamooka culture.

We commit to strong community governance that enables our elders, families and young people to work together and manage our shared successes. We exercise self-determination and have meaningful input into decisions that affect our community and our country. Our sovereignty over our lands and waters is recognised and respected nationally and internationally.

All community members will enjoy equal opportunities and work together in a unified way to shape a healthy and happy future for the generations that follow. We honour all those who have worked, and continue, to achieve the dreams and objectives of our people and satisfy the aspirations of our ancestors.

I think today you have heard how we have people, not only our Quandamooka people, who work in unity with us. We are all in the same boat. If this bill goes through it will mean the destruction of the future dreaming that we have.

CHAIR: Can I ask you to table that for us, Auntie Joan.

Auntie Joan Hendriks: I would like to table our 2013 plan. I guess I would wonder what the government has done in planning a partnership with us officially. We are reiterating things. My final statement is that stories are important. We do not even begin to understand. We are not able to move forward and have reconciliation unless we have reciprocity of those stories. There has been no attempt at all to come to the Quandamooka community and speak with the elders to hear more than what we have put on the table today. Thank you.

CHAIR: Unfortunately, time is of the essence here. I would like to thank the Quandamooka people for coming and making a presentation.

Ms TRAD: I am sorry. I would like to move an extension of time here. I am formally moving an extension of time to allow for questions.

CHAIR: I do not think we actually have—

Mr KNUTH: I second that motion.

CHAIR: It is up to the committee.

Ms TRAD: It is a motion before the committee.

Mrs MADDERN: For how long, Jackie?

Ms TRAD: I am moving an extension in time to allow for questions.

Mrs MADDERN: For how long—five minutes, 10 minutes?

Ms TRAD: 10 minutes.

Mrs MADDERN: Okay.

CHAIR: We are going to be pushed. It will put a bit of pressure on some of the other presenters.

Ms TRAD: The department can always come back tomorrow.

Mrs MADDERN: We are not talking just about the department, Jackie; there are two other presenters.

Ms TRAD: The department has half an hour.

Elder Uncle Gavin Costelloe: If you are going to grant an extension, is it okay if I have a quick say?

CHAIR: Wait until we resolve this first please, Gavin. Are members happy to have an extension?

Mrs MADDERN: Only provided those people feel that they can live with that time frame.

CHAIR: We will still have to be very tight with the other two. Gavin, would you like to make a brief statement?

Elder Uncle Gavin Costelloe: I acknowledge the traditional owners of this area and acknowledge my elders. I acknowledge the bush care people and our supporters who are here today.

I remind the committee that it has been a long process. It was 16 years before we had a chance and we were successful in terms of a native title claim consent determination. Over those years it took a lot of people and a lot of work to negotiate. Mining and so on split the community down the middle. We represent 11 or 12 families there. We had family representatives who gave directions to the applicant to say, 'This is what we want at the end of the day.' We thought that all

our worries were over when it came to mining extensions and all the rest of it. We got our group together and it took a long time and a lot of fighting and infighting. We did it for the sake of coming to some sort of consensus to go forward with the mining companies. Here we are sitting here again today.

I am going to ask a question about that. I want to remind the committee that a lot of families went through a lot of heartache before we came to our decision. I am not going to keep you any longer because I am pretty sure the rest of my family have said what I am saying. I will leave it at that, thank you.

Ms TRAD: Thank you. Can I first acknowledge the elders from Quandamooka who are here. Can I pay my respects to you as elders, and elders passed. Can I firstly start by saying that I personally, and those from the Labor opposition, find it disgraceful and disgusting that you have to come here today and try to defend the rights that you have won through the Federal Court. I want to put that on the record. I find it personally offensive and disgusting.

Mr Costello, thank you for your statement. You made mention of the fact that you had invited both the Premier and the mines minister to the island to have a discussion and meet with elders before considering the extension to sandmining. Can you advise whether or not the minister or the Premier attended?

Mr Costello: No, they did not attend the island. There have been several requests. We always finish our letters with respectfully inviting anyone making those decisions to come and walk on country with our elders. There have been several exchanges of correspondence with us and the Premier and the minister. Any reference to the amendments in this bill has been, 'We will consult you.' We met with Minister Cripps in Cleveland, not on the island. There was no mention of the legislative amendments at that meeting.

Ms TRAD: So when the Premier said before the election, before he became the Premier, that he would consult with the native title owners, the Quandamooka people, he has not met that commitment?

Mr Costello: No, not on this bill. That is what has been so frustrating. We extended our hand of friendship to the Premier. We invited him to come to country and yet we are sitting back and watching things unfold and watching Sibelco get invitations to go. We are seeing it all on the news. We are sitting back with the restrained dignity that my elders show.

We have even started communicating saying, 'Come on now, there is an ILUA here. There are things to consider.' It was extraordinary that we received correspondence from crown law saying that there needed to be discussions around the extension of sandmining and that there needed to be changes to the ILUA. I do not understand why they are not saying that when I have seen crown law correspondence saying they need to change the ILUA. That was the first letter. The same day we received a letter from crown law that said, 'By the way, until that meeting occurs about the extension of sandmining, we are going to suspend the ILUA and suspend your capacity to grant funding which is already 16 months late. We are going to suspend national park joint management.'

We were shocked and taken aback. What has Sibelco told this man? He cannot have formed that impression from meeting with us because he had not met with us. The only people he had met with were Sibelco. What had they told Sibelco. We wrote back to the Premier and said, 'We understand that you made these representations before the election, but you have got in and you have seen that we have a binding ILUA. So the appropriate course of action would be to go back to Sibelco and say that there is a binding ILUA you need to go and talk with the Quandamooka people and work that out between you. If they can convince them to mine then that is when the government could step in because of the ILUA.'

At the meeting with Minister Cripps he said, 'Yes. I encourage you to meet with Sibelco. I have seen their tenure proposal.' So we met with Sibelco a month later, and the clear message from Campbell Jones was that he was not going to talk about legislative amendments until after the legislation was passed. So it was quite clear to us that Sibelco had no intention of discussing it. They were pushing it through the government and that, once again, the Quandamooka people, who have been locked out of the economic development historically since colonisation, are just going to be pushed to the side and thrown the crumbs after the fact, and I just do not think that is acceptable at all.

I am happy to table the list, titled *A comparison of consultation on North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013*, which compares the ongoing correspondence between QYAC and the Premier and the minister for mines and his department

and all the meetings that Sibelco have had. After not being told what was going on, we sought a right to information, but over 1,000 documents have been given a big rejection because Sibelco cannot be upfront and honest about what they actually discussed. That is just a further slap in the face. So here we are extending ourselves, wanting to meet, wanting to sit down and talk about what the government wanted, what we wanted, what everybody wanted—which is what we did with the first bill, where we actually allowed sandmining to be extended against all of our Aboriginal spirituality—and here we are being denied access to information, just being blocked out totally. Do we really believe this is happening now? Are we back to the old days? Come on! We expect better from this government. We want to work with this government.

CHAIR: So you are tabling that? Is the committee happy for that to be tabled? All right.

Mr Costello: I table this document and I table this right to information. I would also like to table this—which is the Queensland government's *Engaging Queenslanders: Introduction to working with Aboriginal and Torres Strait Islander Communities*. I would like to table that for the benefit of the Minister for Aboriginal and Torres Strait Islander and Multicultural Affairs, who has sat silently through this whole ordeal.

CHAIR: All right. Sam, do you have a question?

Mr COX: Thank you. I appreciate everything you are saying. Just to clarify a couple of things, obviously you are going to table the transcripts of meetings. Obviously there were some meetings that maybe the minister asked for or you asked for that did not happen because people could not attend them or whatever. Was every meeting that was requested by either you or the minister attended?

Mr Costello: Yes.

Mr COX: So, if the minister requested to meet with you, you did meet with him?

Mr Costello: Yes.

Mr COX: Just out of interest, from the department's point of view, as the QYAC people, were you briefed at all by the department before this—

Mr Costello: No.

Mr COX: You have never been briefed by the department.

Mr Costello: I think I know where you are going with the question about was there any time there was a meeting not attended. The only consultation I had was a phone message on my phone the day the bill was introduced from the minister saying, 'This is a courtesy call to let you know we are putting the bill in parliament today.' Then the day after we met with the government officers. That is our consultation—after the bill was introduced. I think what you were referring to before about meetings was that—and we go back to those ones there—we received those two letters. The first one was on 16 November where they said, 'We want to meet with you about the extension of sandmining because it is going to impact your ILUA and we need to change it.' Okay, meet by 30 November. The next letter said, 'By the way, until we meet we are going to suspend your ILUA—blah, blah, blah.' No, you are not. We shoot back a letter to say, 'You will be in breach of our ILUA if you do that.' But we did not say anything about not meeting them at all.

Mr COX: We just needed to know for the transcript. Thank you.

CHAIR: Thank you very much for that. That 10 minutes is—

Ms TRAD: I just have one last point.

Mrs MADDERN: Jackie, your time is up.

CHAIR: The time limit is up.

Ms TRAD: Mr Costello, would you table that crown law letter?

Mr Costello: Yes, I can table the two crown law letters. I have them here today and I can table them.

CHAIR: All right. If you would like to forward them to Rob and the committee, that would be good.

Ms TRAD: I formally move that they be tabled.

CHAIR: Yes, it is moved that they be tabled. Thank you very much for your presence today and thank you very much for your insight into the issues.

RUSKA, Mr Dale, Private capacity

CHAIR: Morning, Dale. Would you like to make a brief statement?

Mr Ruska: My name is Dale Ruska. I am a Goenpul-Ngugi, sovereign first nation's original owner of North Stradbroke Island. I am not a member of any parliamentary electorate. I retain my sovereignty fully. My solicitor has made a submission on my behalf here today simply to point out the state government's failures to be responsible for their statutory obligations. I will not go too far into that because it is all spelled out in my submission. I have also heard that my submission will not be published due to contentious issues that I have raised in it. Like the people before me, I do not have all the scientific evidence and statistics to be able to put forward here today, but I can speak to you truthfully and from the heart as an original first nation's people.

I have been involved in a lot of efforts over my lifetime, in my adulthood, to deal with the many, many crimes that are being committed against our people. In the late 1980s we facilitated and I was responsible for coordinating protests against a sandmining company on Stradbroke island where there were conveyor belts proposed to increase the volumes of minerals that were planned to be extracted from the island. Back in those days we were successful in those first protests. I was then involved in further radical actions.

I was appointed to coordinate the Quandamooka claim and be the first applicant to lodge the Quandamooka claim on behalf of the Noonuccal, Goenpul and Ngugi people of Moreton Bay. After some time, due to my not having any faith in the native title process, I withdrew as the applicant of that claim. I have been involved in other radical actions such as protesting outside of parliament here when the Native Title Act was introduced, again, because of my discontent and having no faith in the native title process bringing a just outcome for the original first nation's people. I would also like to state that I am affiliated with some of the small radical green groups that have given presentations to this committee here today. Thankfully those green groups have been willing to step up and represent the truth in relation to North Stradbroke Island.

North Stradbroke Island is a place that holds great cultural heritage significance for me and my people. You have heard here that there have been sites found on Stradbroke island which have been carbon dated of being at least 22,500 years old. Our people say that our occupation goes back a lot longer than 22,500 years. It has just been as a result of Western academics' fortune in the discovery of that site that they have been able to determine that at least 22,500-year-old date. Parliament has played a role in our country now for around 200 years—probably less than one per cent of the time of our founding occupation. As I said earlier, I do not have any faith in parliament. I am not a member of any electorate. Many Aboriginal people are in the same boat as myself, and therefore the census or surveys that are put out are not representative of our views as the original peoples of land such as Stradbroke island.

Some of the other radical activities that I have been involved with are recently in the nineties we protested against new lease proposals on Stradbroke island—the Ibis Alpha lease. We protested against the mining company by setting up blockades. We had blockades on the roads that lasted for six days which again were supported by small radical green groups. The mining company then used its social manipulation and its propaganda to turn the community against us and to threaten us that if we did not remove our protest they would remove us off the island. They had the cheek to use our own people to threaten to remove us from our own place. So we decided at that time that we would not have the assertions of the company and we went back and we set up further protests which we kept in place at the entrance to the mining leases and that lasted for over six weeks. Since then there have been numerous attempts made to protest our views and to have our opinions heard. A lot of those attempts have gone unheard and ignored by parliaments and their systems.

I wished I was in the fortunate situation to have a third party campaign which could be resourced from the economic revenue generated from the exploitation of my island's natural resources but, unfortunately, the law is not favourable to myself—and the law I talk about is Australian common law, federal and state. I have seen these third party campaigns occur and I have seen the campaign of the mining company occur. Like I said, it was an outright propaganda campaign and it was fortunate for the mining company that they had unauthorised access—and I say 'unauthorised', meaning unauthorised from our first nationhood—to the exploitation of our natural resources to be able to economically finance these campaigns.

Our people have been totally disadvantaged throughout the whole of this process. We still sit at the very bottom of the socioeconomic scale. Our island is responsible for generating millions and millions of dollars each year for companies and industries. But, when it comes to the Aboriginal

people on Stradbroke island, many of us do not even own our own homes. I am self-employed. I have been self-employed for close to 30 years. I have been responsible for the coordination of a Community Development Employment Program, which employed up to 95 local Aboriginal people. The reason why those programs were run and were successful for a lot of us was that employment opportunity on the island is few and far between. I, like the previous speakers, my people, contest the propaganda that has been put out with regard to employment and the fact that it has been stated that there are at least 60 Aboriginal people employed in the company. I have three relations that are employed in the company, but I cannot see how there could be 60 and I have lived on that island for a long time.

With regard to the so-called economic investment of the company in the local community, I would question where this so-called \$130 million goes because, when I look around at Dunwich and when I around the island, I do not see any big magnificent or monumental establishments that have been resourced as a result of the contribution of the sandmining company.

For me, Stradbroke island is a very sacred place. The people before me mentioned the significance of it for us and our heritage. It is an ancient place and it has an ancient heritage. The land and the environment itself is what is of significance to us as the original people. We have a significant cultural heritage which relates to that place as well. But that is totally disregarded and ignored by Australian common law—the federal and state parliaments—and its political processes and industrial activities such as sandmining.

Sandmining is responsible for the plundering of an environment which is a unique environment by World Heritage standards. What I have seen occur just in my lifetime in relation to the outcomes of sandmining—and I will just state before I get to that that my great-grandfather was one of the very first men to be employed in the sandmining industry on Stradbroke island. My great-grandfather was the very first man that told me when I was a young man that something had to be done about this industry because it is out of control and it is getting out of hand and it is destroying our ancient place. Stradbroke island has been ravaged, it has been vandalised and it has been destroyed in many places as a result of sandmining activity.

Sandmining companies claim that they have all these magnificent abilities to be able to rehabilitate and revegetate. But, when you look at the actual geography of the island, they cannot rehabilitate that. All they can do is fix up the surface in their revegetation, and even the revegetation that is used is not in any way comparable to the natural vegetation of that island that has taken thousands and thousands of years to evolve to its state.

With regards to the biodiversity of that island, we are yet to see the long-term impacts and implications that are going to be caused as a result of the destructive devastation that has occurred from sandmining activities on the island. I was also instructed by one of my great-grand-aunts that I should put all efforts possible into trying to stop this industry from destroying the rest of our land. That great-grand-aunt was Kath Walker, or Oodgeroo Noonuccal, and she more or less said to me, 'Boy, we cannot just leave this be. We have got to stand up and we have got to fight this industry, and we even have to fight the governments if we have to and ensure that they do not continue to just disregard and devastate and destroy our ancient heritage, our place, our land, and desecrate our cultural heritage the way that's been occurring now for some time.'

Just before finishing, there are a couple of points I would like to further raise, and this one I will put into words so that it is not contentious. If for myself as an individual I was operating a company and I had leases over land so that I could facilitate that company's operations, but in my operations I was found to be acting unlawfully and facilitating unlawful actions that I was not permitted to do, and if the public resented that and provided evidence against my company which resulted in me and my company having to go to court to defend my position and prove my innocence, and if I all of a sudden found myself in a position where my company needed to have an extension granted to it to be allowed to continue on its way conducting the same operations as the company had always conducted, and if I had to approach the government for the government to grant me further permits and allow me time extensions for that company to operate, before my court processes had ended would the state government do the same thing for me if there was potential there for me to be found criminally liable? I know the state would not because I know the statistics in relation to criminal activities and Aboriginal involvement and crime and Aboriginal incarceration, and they would not do that for me as an individual if there were any aspects of unlawfully hanging over my head. I won't go into it any further, like I said, and I am sure youse can all understand the example that I am giving.

My final point that I would like to raise is throughout my lifetime I have experienced so much corruption being facilitated by the state government or state governments. I have seen state

governments influence my people in their efforts to achieve recognition of their first nationhood rights. I have seen the federal government after Mabo legislate native title to control the efforts of ourselves to have our rights recognised. When Mabo was in the High Court of Australia and the High Court decided, based on Mabo's application, that terra nullius was a lie and they overturned that doctrine of terra nullius, Australian law at that time hit limbo. Its basis and its whole foundation which had derived from Captain Cook's proclamation of terra nullius was all thrown out the door at the time of Mabo, and I maintain that our sovereign rights and entitlements as the original first nations people have never, ever been ceded. I would like to call upon this committee hearing and general public to support a call for a full independent inquiry into the role of state governments and sandmining on Stradbroke Island. Thank you for allowing me the time to put my presentation forward.

CHAIR: Thank you very much for your presentation, Dale.

Proof

CAREW, Ms Sue Ellen, President, Friends of Stradbroke Island Inc.

BARRAM, Ms Mary, Vice-President, Friends of Stradbroke Island Inc.

CHAIR: Thank you, Sue, for making the time to appear before the committee today. I see you have made an application as well too, but could you please be aware of the sub judice issues that you have raised about the law.

Ms Carew: Yes. Could I raise some issues about that?

CHAIR: We are not going to go too far into it because we have got limited time, so make sure you do not cut your time down.

Ms Carew: First of all, I would like to acknowledge the traditional owners and I would like to support QYAC's and Ruska's submissions to the committee. We consider what is going on now a great setback for reconciliation, considering that the Quandamooka had come to an arrangement to extend mining to 2019 through a long process in their community, and if that process is denied by the government in this bill, then it will be a great setback for reconciliation.

I would also like to support the inquiry that Dale Ruska has called for and Cameron Costello and the QYAC community into the whole process of decisions that have been made about leases, new leases and renewals of leases on Stradbroke Island over a number of years. I would support Cameron Costello's call for an inquiry by the CMC as well, because I think there are a lot of activities and decisions that have been made without proper consideration of the full legal and ethical implications. I think there are so many questions hanging over the decisions that have been made here that we need an inquiry like has recently been held in New South Wales about the granting of mining leases and the extension of mining leases. In this case, this company has obviously had the ear of the government. Everyone has been mentioning that in their submissions. It really does need to be looked into in a proper, public inquiry and not be swept under the carpet while this legislation is rushed through.

What I would like to say about the legal issue is that our Friends of Stradbroke Island submission was posted on the website of this committee last night briefly and then it was removed. When I had an email exchange with one of the staff of the committee, apparently it was removed because of sub judice provisions. There are about two or three paragraphs that could possibly be in question in this regard, and I can certainly accept the fact that the committee may want to delete those paragraphs and then repost our submission on to the website, because we feel that the public has been deprived of our arguments. I believe a similar thing may have happened with Dale Ruska's submission as well. So I would ask the committee to please repost our submission onto the website so that it can be looked at by the public.

I would also like to mention that the things that we raise that you say are sub judice are actually things that are on the public record. They are issues that have been taken up in the *Courier-Mail*. They are also issues that have been taken up on the ABC, and there is no jury involved in this case. It is a Magistrates Court trial and the magistrate, I am sure, is a sophisticated legal person who is well aware of the issues. I do not think he would be influenced by chatter that is going on down in parliament today. I would like to table advice from two barristers concerning the bringing of much stronger criminal charges against the company. We believe that has been dodged and it has been ignored.

CHAIR: Were they not part of your submission?

Ms Carew: No, they were not. And I would like to—

CHAIR: Were they part of Dale's submission?

Ms Carew: I am not sure, but I think they should be looked at by this committee so that this committee can be fully aware of the circumstances surrounding the hurried passing of this bill while criminal charges are going on in the court down the road in the Magistrates Court. There is a lot more to the story.

CHAIR: I am just a bit cautious with the sub judice rule. I would like those to be examined before we actually accept those as being tabled. If you would like to give them to the—

Ms Carew: Well, I think the business of this committee is really to consider all of the issues surrounding this bill.

CHAIR: That is what I have asked.

Ms Carew: It is an important matter of public interest, I believe.

CHAIR: Yes, that is right. Let us not start to step on the toes of justice.

Ms Carew: I do not think we are stepping on Mr Lee's toes at all. I think Mr Lee is perfectly knowledgeable in such issues.

Just getting back to the business of why I am here, which has been delayed by all this complication, Friends of Stradbroke Island is a long-term environment group on Stradbroke Island. We have been running for 25 years now and we have around 200 members who are residents, ratepayers, business people—people with long connections with the island and people who love the island's environment and make the most of them: people who go bushwalking, birdwatching, nature lovers, naturalists, scientists, all sorts of people who appreciate the island for its natural beauty and natural characteristics. Our organisation has pursued the essential facts about sandmining's destruction of the environment. We have provided the arguments that have fuelled the debate about sandmining and we continue to do so, and we will continue to do so into the future. We base our arguments on scientific and legal arguments. We stand up for our rights and the rights of the environment. We support the rights of the Aboriginal people as well. But we also draw attention to the destruction that has been caused by mining, and recently we have looked at the specific damage that has been caused at Enterprise Mine by water that has leaked out from the mine and damaged the area.

We have commissioned a report from Errol Stock, a geologist and hydrologist, which shows quite clearly that there are significant hydrological impacts on 18 Mile Swamp, which is adjacent to the mine. In our submission we have included a map which shows that the Enterprise Mine is actually almost surrounded, certainly to the east and west, by Ramsar international treaty areas that are precious wetlands, complex and tied to the aquifer that underlies the island. So we are looking at a hydrological system of great significance, and what Dr Errol Stock is saying is that there are significant hydrological impacts on the 18 Mile Swamp which is Ramsar and also national park. We have also done some investigations to discover reasonably that there has been severe vegetation loss in Ramsar area wetlands to the west of the mine, so we are particularly concerned that this is going to lead to a lot more environmental damage as other people have spoken about in the future. This has been investigated by the federal environment department and the investigations are continuing at this moment.

The reason they are looking into it is that Enterprise Mine may very well be unlawful under Commonwealth law. The mine was never referred, when it started in 2004, for scrutiny under the federal EPBC Act even though it abutted Ramsar internationally protected wetlands, which is a trigger for the EPBC Act. So the federal environment department are continuing their investigation into whether the mine is illegal or not. If this bill goes ahead, what will happen if the mine is found by the federal authorities in the environment department to be illegal, to have never had approval under federal law? I think that that is an issue that this committee should consider very seriously.

The other thing I want to do is compare what has happened to Stradbroke Island, which is the second largest sand island in the world, as some people have mentioned, to Fraser Island, the largest sand island in the world. Fraser was rescued from sandmining by Malcolm Fraser in 1976 who declared that it was causing major, permanent and irreversible harm. That is the nature of sandmining, and this is continuing on Stradbroke Island and has been for 50 or 60 years. Our current Premier's, Campbell Newman, father, the late Kevin Newman, shut down the mining in a few weeks on Fraser Island. He was the environment minister in the Fraser government. He shut it down because it was in the national interest, not because he was overly concerned about employment on that island. He saw the natural interest as much more important. On Stradbroke Island there is already a tourism economy. It is already close to a large city. Fraser was much more isolated. It is a completely different case and yet it was not something that concerned the Liberal Party government of that era. They were much more concerned about saving the environmental values of that island, and the economic outcome is there for all to see. On Fraser Island there is a lot more money generated for the Australian economy, jobs, people and the people of Queensland than is generated by, as people have said, a foreign mining company that exports its profits overseas.

CHAIR: Sue, you are starting to run out of time so I will have to—

Ms Carew: The other issue I want to raise is Campbell Newman's promise before the last election. We have a tape recording of what he said on the radio.

CHAIR: Yes, and we actually have that transcript in the paperwork that we have here.

Ms Carew: Am I allowed to play that audio?

CHAIR: I do not think we have enough time. Like I say, we can all read.

Ms Carew: All right; you can read it. You can read that he refuses to say that he will extend the mining but says he will restore rights. We had a pre-existing right under the Mineral Resources Act before 2011 before this Stradbroke legislation was passed. We lost that right when the legislation was passed. The mining company had applied for an extension to the mine under the Mineral Resources Act. That application was never seen through to the end. If it had been and the minister had approved, according to a number of conditions that are laid down, the mine, then we would have had a right to go to the Supreme Court to challenge that. We lost that right—not just Friends of Stradbroke Island but other environment groups and the Indigenous people. We lost the right to challenge that decision. That removes the level playing field with the rest of the people of Queensland. Everyone else in Queensland and every other mine in Queensland is subjected to the Mineral Resources Act. Everyone in Queensland who objects to a mine, say, in Roma or Chinchilla or wherever or Ipswich—there is a court case about that—has a right to object to a mine and, if it is approved, take it to the Supreme Court. For Stradbroke Island, the people who care about Stradbroke Island's environment have had that right removed.

CHAIR: I will have to ask you to wind-up now.

Ms Carew: This bill aggravates the original Stradbroke legislation in that regard. I also want to table a copy of Tim Carmody's advice about how our rights were removed by the 2011 legislation. I also want to table the conversation from the radio station interview between Steve Austin and Campbell Newman before the last election. Can I table those please?

CHAIR: We already have that in submissions, but yes. Thank you.

Ms Carew: I do not know if you have Tim Carmody's. I also want to table the application of renewal of the mining lease that was made by mining company CRL in 2007 to show that the process had indeed started and that we were deprived of our rights because it was not completed but the Stradbroke Island legislation intervened.

CHAIR: All right. Thank you very much for your time, Sue.

Ms Carew: I want to reiterate our call for an inquiry into the circumstances of these decisions.

CHAIR: With regard to that CMC issue, you are quite welcome to call for that inquiry. You can make that application to the CMC yourself. That is quite within your powers. Thank you.

Ms Carew: Thank you.

**BRAY, Mr Neil, Acting Deputy Director-General, Policy and Program Support,
Department of Natural Resources and Mines**

**DITCHFIELD, Ms Bernadette, Executive Director, Lands and Mines Policy,
Department of Natural Resources and Mines**

**KELLY, Mr Mark, Regional Director, Southern Region, Department of Natural
Resources and Mines**

**MEADOWCROFT, Mr Rex, Director, Legislative Support, Department of Natural
Resources and Mines**

**WATSON, Mr Craig, Mining Registrar, Southern Region, Department of Natural
Resources and Mines**

**CHEYNE, Mr Damon, Principal Environmental Officer, Environmental Services and
Regulation Division, Department of Environment and Heritage Protection**

**HERTSLET, Mr Bryce, Regional Manager, Southern Region (East), Environmental
Services and Regulation Division, Department of Environment and Heritage
Protection**

CHAIR: We only have 10 minutes, so we might have to come back at a later date to finish off. We have to be out of the chamber by 1.30. Sorry for making you late, but I think there have been important issues raised here this morning and I am sure that you have listened with intent and taken notice of the submissions that have been made.

Mr Bray: Yes. Those submissions have been considered by the department. Our detailed response will be provided by next Monday. I do have a statement in response, if I could present that in the time that is available. I want to acknowledge the traditional owners of the land, both past and present, on which we are meeting today. We acknowledge the chair of the committee, the honourable member for Lockyer, and the committee members and also thank those people who have made public submissions on the North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013. In response to those submissions, our more detailed responses to the issues, as I stated, will be made and forwarded to the committee by Monday, 4 November.

I will turn to the issues that have been raised today and in those submissions. Firstly in relation to consultation, the department acknowledges that there was no public consultation occurring on the bill. The department further understands the government decided that consultation occurred at the time of the election. The government made it an election commitment and the department is implementing that commitment by this bill. In relation to the lack of appeal rights with regard to the minister's decision to renew leases in 2019, some submissions raised concern regarding the new section 11F of the North Stradbroke Island protection and sustainability bill which is being inserted by clause 9 of that bill. The new section provides that no appeal can be made against the minister's decision to renew mining leases in 2019. The clause is considered necessary because the stated government policy is to continue sandmining on the island until 2035. That will only occur if the sandmining company on the island has confidence and sufficient legislative certainty to make long-term commercial and investment decisions.

In relation to native title, as stated at last week's departmental briefing by Director-General Dr Brett Heyward, the department received advice in relation to whether the proposed amendments are in breach of native title. The department is confident that the bill does not breach the Commonwealth Native Title Act 1993. The acts done under the bill are valid under the Native Title Act. Further, where acts done under the bill fall under the Native Title Act, for example, by falling within the definition of a future act, the rights under that act, such as rights to compensation, apply and are completely unaffected by the bill. In relation to the breach of the ILUA, the Indigenous land use agreement, again the department is confident that the provisions of the bill do not breach the state's Indigenous land use agreement with the Quandamooka Yoolooburrabee Aboriginal Corporation or QYAC. The areas covered by the bill fall outside the protected areas or Indigenous joint management areas on North Stradbroke Island. The government is committed to fulfilling its obligations and responsibilities under the ILUA. In addition, the department is confident that there is nothing in the ILUA which would prevent the extension of the mining leases taking place.

In relation to cultural heritage, a point was made by QYAC that the bill is silent on cultural heritage. The department considers that the bill is appropriate because cultural heritage issues are dealt with under the Aboriginal Cultural Heritage Act 1993. The bill does not impact on the operation of that act in relation to sandmining activities on North Stradbroke Island. I understand there is an existing cultural heritage management plan in place—an agreement between Sibelco and the cultural heritage body. The department is not aware of the contents of that agreement. If the agreement does require amendment, then that is a matter that should be properly pursued under the Aboriginal Cultural Heritage Act 1993.

In relation to national parks, it has been suggested by some submitters that the extension of sandmining provided for in the bill will damage future national park areas. The sandmining that will continue is being carried out on land that has already been subject to mining. As I have already stated, the environmental authority attached to the bill will ensure that damage to national park does not occur, and that was stated in the submission previously. In relation to areas of the environment, it is important to note that, whilst the proposed environmental authority does expand the approved area available for mining from the current restricted mine path, it is substantially less than the area available on the mine prior to the introduction of the North Stradbroke Island Protection and Sustainability Act 2011. The proposed environmental authority restricts operations to three mining leases at Enterprise. However, Sibelco was able to conduct mining operations on 11 mining leases prior to the North Stradbroke Island Protection and Sustainability Act. Additionally, having regard to pre act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with suitable safeguards. These safeguards include exclusions from operating within the Ramsar wetland, environmental monitoring and reporting requirements, management intervention where there are trigger level exceedances, and rehabilitation conditions requiring the disturbed land to be returned to natural conditions.

In developing the proposed environmental authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. However, a number of site specific conditions were applied in recognition of particular environmental values that exist on North Stradbroke Island. Some concern was expressed about investigations by the federal government or prosecutions currently being conducted by the state. The state has been advised an alleged offence against the Environment Protection and Biodiversity Conservation Act, EPBC, has been referred to the Commonwealth Department of the Environment. I have been advised that the Department of Environment and Heritage Protection is not aware of the status of that investigation. Additionally, the mine operator is subject of a state prosecution relating to the alleged unlawful extraction and sale of non-mineral sand. It is not appropriate to comment further on a matter which is still before the court. I can also advise that the mine operator is required to comply with the federal legislation under the EPBC Act. The responsibility for compliance and referral to the Commonwealth Department of the Environment currently rests with an applicant—in this case, Sibelco. Concern has also been expressed about the environmental authority permitting operations in environmentally sensitive areas, particular category A and B areas. This is not the case. The proposed project area as defined by the map included as annexure A of the bill expressly excludes the operations from occurring in category A and B environmentally sensitive areas.

I wish to reinforce the statement that the proposed environmental authority does not permit environmental harm to occur outside of the prescribed mining lease areas. This means that important environmental features such as Blue Lake and Eighteen Mile Swamp will continue to be protected. In conclusion, I welcome any questions the committee may have about the bill.

CHAIR: Thank you very much for that. Neil, unfortunately time is upon us. Could I request that we have a meeting tomorrow at lunchtime? I request that you come at, say, quarter past one tomorrow and bring your staff to give us a briefing.

Mr Bray: We will make ourselves available for that meeting.

CHAIR: Rob will organise a room for that, so we will meet again tomorrow just to ask you some questions and flesh out some of the issues that we have some questions about.

Mr Bray: Thank you.

CHAIR: Thank you very much. Thank you for your time today. I thank everybody who has attended today.

Committee adjourned at 1.30 pm