



# ***FINANCE AND ADMINISTRATION COMMITTEE***

**Members present:**

Mr PS Russo MP (Chair)  
Mr MJ Crandon MP  
Mr CD Crawford MP  
Mr DA Pegg MP  
Mr TA Perrett MP  
Mr PT Weir MP

**Member in attendance:**

Dr MA Robinson MP (Chair)

**Staff present:**

Ms A Honeyman (Research Director)

**PUBLIC HEARING—INQUIRY INTO THE STRADBROKE  
ISLAND PROTECTION AND SUSTAINABILITY AND OTHER  
ACTS AMENDMENT BILL 2015 AND THE NORTH  
STRADBROKE ISLAND PROTECTION AND SUSTAINABILITY  
(RENEWAL OF MINING LEASES) AMENDMENT BILL 2015**

**TRANSCRIPT OF PROCEEDINGS**

**TUESDAY, 8 MARCH 2016**

**North Stradbroke Island**

## TUESDAY, 8 MARCH 2016

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Committee met at 9.09 am

**ANDERSON, Mr Bob, Quandamooka Yoolooburrabee Aboriginal Corporation**

**BURNS, Mr Darren, Joint Management Coordinator/Land and Sea Manager,  
Quandamooka Yoolooburrabee Aboriginal Corporation**

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

**HENDRIKS, Ms Joan, Quandamooka Yoolooburrabee Aboriginal Corporation**

**CHAIR:** Good morning everybody. My name is Peter Russo and I am the chair of this committee. In starting this morning's proceedings, I ask Aunty Joan Hendriks to do the welcome to country please.

**Ms Hendriks:** Thank you very much and good morning. It is a bit different for me to sit here with my back to people in a welcome to country so I apologise for that.

Distinguished guests, elders and island residents, greetings one and all. Thank you for the opportunity to begin this meeting with the timeless custom of welcoming neighbouring groups and visitors to the homelands of the Quandamooka people. Welcome to country has been an age-old tradition since time immemorial in this place where we gather. Our three clan groups are the Noonuccal, Nughie and Goenpul and we are the people of the land, sand and waters of Moreton Bay, the Yoolooburrabee people. It is well recorded that the original inhabitants of Australia have the oldest living culture in the world—of more recent times, identified in the Kimberley region as close to 70,000 years. Throughout this life span, the spirit of whole environment has continued to be central to our lives. Our relationship with the land is of a holistic approach that ensures nature and nurture is our very lifeblood.

The essence of our traditions and our very being is embedded in the Dreaming tracks of the millions of footsteps imprinted in this land, from the days when our ancestors moved their humble homes according to the seasons of the year and in their conservational knowledge of caring for country. Hunting and gathering still today is governed by the seasons. The dawning of each day brings new life into our lives as we watch nature respond to creative spirits harvest. The life-giving strength of the sun and the waters of the rain provide physical and spiritual nourishment for those who take time out to experience this sense of belonging to country.

In a moment of silence, in the quiet, still awareness of this place where we gather, we come together to remember that we gather on the homelands of the Quandamooka people. We remember with deep respect the apical imprints on this land, footsteps that continue to nurture our way of life in the oral and visual stories, song and dance. Lest we forget that we gather here as one in the spirit of incarnating the differences that have been created in the world around us today. I ask you to join me as we have a moment of silence to remember in particular our apical ancestors, all our elders who have kept our traditions alive, and you here with us, your ancestors, what you come here with, their values of building community. We will have a moment of silence please.

*Whereupon all present sat in silence.*

**Ms Hendriks:** Thank you. I leave you with the words of our own, homegrown Kath Walker, Oodgeroo Noonuccal—

To our fathers' fathers

The pain, the sorrow;

To our children's children

The glad tomorrow.

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Yura—in our language, welcome to country. I have also been asked to share a prayer as part of this welcome and opening. This is a prayer that was written in the lead-up to the new millennium and I was part of seven people who were responsible for this. It is a prayer by Aboriginal people.

Great spirit of our dreaming

You created all things seen and unseen

Listen to my silent prayer as I stand here before you as my weary eyes look back over distant horizons back to those days where the people walked

The footprints of my grandfathers are imprinted on this earth and their images become real to me.

I see my grandfather standing tall and strong, warriors of long ago.

I hear them singing. I see them dancing and my spirit moves within me.

They talk of of the emus fighting and the kangaroos picking up the scent of our hunters.

The images fade away as I feel the hurt of my people.

I can hear the cries of my grandmothers as they cry for their children.

Grandfather, you can see me as I stand here today and you feel this hurt.

Father Creator, is this the purpose of my being here, or is it your plan to reshape my people to be once again the proud race it once was?

Let me walk with you and my grandfathers towards the dawning of a proud and new nation.

I thank you for my sacred being, Amen.

Thank you.

**CHAIR:** Good morning again to everyone. If I could just ask everybody to please turn their mobiles off or at least switch them to silent? Please note that no calls are to be taken inside the room while the proceedings are taking place. I thank Aunty Joan for the welcome. I am Peter Russo, the chair of the committee and the member for Sunnybank. The other members of the committee are Michael Crandon, the member for Coomera and deputy chair; Mr Craig Crawford, the member for Barron River; Mr Duncan Pegg, the member for Stretton; Mr Tony Perrett, the member for Gympie; and Mr Pat Weir, the member for Condamine. Dr Mark Robinson, the member for Cleveland, is participating in this inquiry.

The purpose of the public hearing this morning is to receive evidence on the committee's inquiry into the North Stradbroke Island Protection and Sustainability and Other Acts Amendment Bill 2015 and the North Stradbroke Island Protection and Sustainability (Renewal of Mining Leases) Amendment Bill 2015. The hearing is a formal proceeding of the parliament and is subject to the Legislative Assembly's standing rules and orders.

The committee will not require evidence to be given under oath, but I remind you that intentionally misleading the committee is a serious offence. Thank you for your attendance here today. Hansard will record the proceedings and witnesses will be provided with the proof of transcript, which will also be placed on the committee's website once it is available. I remind witnesses to speak clearly into the microphones and to state their name when they first address the committee. I remind members of the public observing the hearing today that, under standing orders, the public may be admitted to or excluded from the hearing at the discretion of the committee.

Thank you for your submissions and for appearing before the committee. I understand that you have previously received a copy of the instructions for witnesses appearing before the committee. I welcome you to make an opening speech or statement to the committee and then members of the committee will be invited to ask you questions. I am in your hands as to who goes first.

**Mr Costello:** Yura. Welcome. We have four parts to our opening statement. Firstly, Uncle Bob Anderson will address the committee then Aunty Joan Hendriks and Darren Burns. I will then speak as the CEO of the organisation. So if it pleases the committee, we will go in that order now.

**CHAIR:** Yes. Thank you.

**Mr Anderson:** Thank you very much. I join my colleagues and country men and women to welcome you to this land, Quandamooka land. Yura. I speak as a father, a grandfather, a great-grandfather and uncle to many. I am a senior Ngugi man, descended from my apical ancestor Winyeeaba, who was born on Moorgumpin, known as Moreton Island, in 1829. My traditional name is Gheebelum, which is a traditional language name that connects me spiritually to the Quandamooka estate.

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I recall when sandmining started some 60 years ago on the east coast by a company named Cudgen Rutile and then progressed to Quandamooka lands. At the time no permission was sought from the traditional owners to commence mining or to enter our traditional lands. Subsequently, there was no discussion of financial benefits to the community. This intrusion did not benefit Quandamooka people.

With the introduction of native title legislation after years of campaigning, our sovereign rights were recognised when the High Court of Australia met at a community hall at Goompi and affirmed the rights through our unbroken connection to an ancestral lands, seas and airways. I would expect that agreements made in 2011 between the state and Queensland and the Quandamooka people would be honoured according to the Commonwealth of Australia native title legislation. However, the 2013 legislation amendments broke this agreement.

I fully support the current Queensland government's North Stradbroke Island Protection and Sustainability and Other Acts Amendment Bill 2015, which restores the native title rights conferred on 4 July 2011. I do not support the Katter bill, as it continues to suppress our native title rights. Thank you.

**Ms Hendriks:** Once again, I am grateful for this opportunity. I omitted to acknowledge Uncle Bob Anderson here today. I apologise for that, Uncle Bob. I was a bit nervous at the beginning. Uncle Bob and I go back a long way, both being part of the council for Aboriginal reconciliation Queensland committee. Uncle Bob was the chair and when he stood down in 2000 I was in that chair for the next seven years.

I am here to talk about my intense connectedness to this land. I am a fourth-generation Minjerribah, one of the 12 apical ancestors. She was born on Moreton Island, on Moorgumpin. My great-grandmother, my grandmother and my mother were born on this island at Amity.

My mother moved off the island in the mid-1930s just before my birth. That was in circumstances of what was part of the mixed relations that had come up here. My mother returned to the island in the 1960s and both my mum and dad are buried on this island. In my childhood days of growing up, they were difficult times. I was born in the 1930s when they got married and I know the terrible life they had living in Brisbane. I can honestly say that by the time my mum came back here that was the first time I saw a mother who I did not know before back on her homelands.

I cannot speak more passionately than I am this morning about the need for us to really consider that 2011 handdown right here in this hall, the joy of this island, the thousands who gathered on the football field here. The momentum of that has gone down in history. My sadness at what happened in 2013: in my own words, I will be so bold as to say, the hole. The things that happened in 2011 have just been completely eroded and in all of this there have just been relationships fractured and fragmented. But the wrongdoing is that that act was put in place after 16 years of this community's struggle for justice and reconciliation.

If you go down into the history—from day one of settlement in Brisbane—people here welcomed people to this island, but at a great cost. Every aspect of that city of Brisbane has been built on this island here because they could not get the boats up the Brisbane River because of a sandbar there. The little sleepy town of Amity was then equivalent to the port of Brisbane. When you think of that and the relationships that have been built on this island with people who sit behind us, we are all in the same boat because we care for country. But for us, as the original inhabitants, it has been an absolute disaster. We are here trying to seek justice again.

My whole last 30 years has been about reconciliation with the wider community. I believe that there are good things in both worlds. If we go back to 2011, that was about partnership agreements. Right here, while we are sitting here, Reconciliation Australia is pushing reciprocal partnerships—reciprocity—and the 2011 native title agreement was about that: equal rights at the table. This is an opportunity for us to listen to one another, but in particular, as the Quandamooka people, please do not take away what we were so joyous about in 2011. I beg you to think seriously about what you are hearing today. This is my love for country here. I love this land. As I said in the welcome to country, it is our very lifeblood. We have maintained over 228 years—not quite that long here on Stradbroke Island—but what always was and always will be Aboriginal country. Thank you.

**Mr Burns:** Respectable members of the committee and Mark Robinson, I welcome you all here today. I pay my respects to my elders, past and present. I pay my respects to all of those good Australians past and the present who made Australia the best country in the world. I am here today to talk about my support for a mine closure of 2019, the original date.

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I want to start my conversation with the words 'Lies, lies, lies'. If anything jumps out of me throughout this whole process since we got our native title ILUA, it has been the lies. I hear our chair this morning tell us that we do not need to swear on oath, but that it is an offence to lie. In effect. I understand that the government swears by the Holy Bible before they commence business, yet we see lies, lies, lies.

As a part-native person, I look at that and I look at these processes and I say, 'Okay, are we expected to be naive and accept that lies are just part of this world and that we just live with lies and we go on with the business despite the lies?' My name is Darren Burns. That is a whitefella name. I do not have a tribal name for obvious reasons. Burns is an Irish name. I am related to five or six of the 12 families—Bulseys, the South Sea Islanders, but the tribal name is Toompani. Costello is an Irish-Scottish name, but the tribunal name is Endellie. Ruska is Russian-German. That is Endellie again. Martin is a South Sea Islander. Nuggin is Jendariba. I am not a full-blooded Aborigine. I have those white bloods inside me, too, the same as you white people. I have no problem saying it, because I am not a full-blood. But my people have been on this island for a 1,000 generations at least. We see you white people with great curiosity, because we have been here for 1,000 years and you have been here for 200 years and we look at what you have done.

For me, the respect and admiration I have for the white race is unbelievable. Your achievements are almost godlike. I know because my family enjoys the benefits of those achievements. Indeed, *Chariots of the Gods* was a bible to me when I was in my teens. I fully respect those benefits, but there is a critical failure here in that lies have just crept into the everyday life of us all. Where is the honour? On this island there are people who I will refer to as poison ivy who have the hide to say to the local paper, 'The Aboriginal cultural sites on North Stradbroke Island are not important.' That is the height of insults that our people have to put up with in the face of this pro-mining onslaught.

When the Quandamooka people got our ILUA, it was a deal; it was a contract. It was 17 years of negotiation and proving to the state that we had that connection and those customs and practices in place. How many elders have we lost along the way who died fighting for this belief? The emotion that was experienced in this room the day the judge came here and granted us native title was historic.

The Quandamooka people were not consulted by the Newman government when they cheek by jowl—jackboot politics—overrode our ILUA. It is nothing less than a Nazi mechanism which they used. This is an illusion of a fair and just process. You need to make it more than that because the self-interests of the island based ingrates on this island are overriding the true and just rights of the Quandamooka people. You need to put some honour and dignity back into this process, because it is disgusting the way it is, with the lies and deceit turning people, families and brothers on one another.

**Mr Costello:** I have three apical ancestor blood lines to this country—Ngiri, Endellie and Ruska. I want to thank you for the opportunity to speak—an opportunity that was not afforded before the legislation of 2013 by the Newman government.

Why are we here? We hear deadlines put forward about 2019, 2024 and 2035, but we need to go back to 2011 because without that context you will not understand where we are at today. In 2011 in this very hall Justice Dowsett from the Federal Court of Australia sat across from the Quandamooka people. If you do not have a copy of the native title determination, we can table one today. Justice Dowsett said—

18. I find that the Quandamooka People are descended from a society of aboriginal people who were in occupation of the land and waters of the determination area at the time of first assertion of British sovereignty. Those people formed a society, united in and by their acknowledgement and observance of traditional laws and customs. Through the observance of these traditional laws and customs, the Quandamooka People have maintained a connection with the Determination Area. The proposed orders recognise that the Quandamooka People, as holders of native title in the determination area, are entitled to the exclusive use and enjoyment of the lands and waters identified in Schedule 4 of the orders, and the non-exclusive use and enjoyment of the land and waters described in Schedule 5.

...

20. I make the orders set out in the drafts which I now initial and place with the papers. Those orders recognize the Quandamooka People's native title rights and interests within the Australian legal system and extend the protection of that system to those rights and interests.

21. I have not come here today to give anything to the Quandamooka people. These orders give them nothing. Rather, I come on behalf of all Australian people to recognize their existing rights and interests, which rights and interests have their roots in times before 1788, only some of which have survived European settlement. Those surviving rights and interests I now acknowledge. In so doing I bind all people for all time. This includes the Commonwealth of Australia, the State of Queensland, the Redlands City Council and the Brisbane City Council.

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It is with those words that I would like to lead into my statement, because it is from those words that we can firmly look at what was done on that day on 4 July 2011 in here. It was recognising our rights and interests of which an Indigenous land use agreement made between the state of Queensland and the Quandamooka people was forged. Inherent within that was that mining would be finishing in 2019. It was a day of jubilation and celebration for the majority of people. It was a consent determination. A number of parties consented: Redlands, Brisbane City Council, Sibelco. Everyone consented and knew that mining was going to end in 2019. The Bligh government implemented the legislation which put that into practice. There were no disillusion about the 2019 time frame.

What has become a disappointment is that prior to 2012 the Quandamooka people and the state government had worked together over a long period of time—16 years in good faith and with mutual respect to address the recognition of the Quandamooka people to their land and sea. This led to the consensual native title determination where it was hoped that we walked side by side together in partnership. We would deliver a bright future for the Quandamooka people and visitors to Minjerribah.

The unfortunate events leading to the 2013 Newman act have unfortunately destabilised this solid relationship. The integrity of the ILUA process and the relationship with the state government is tarnished but we hope not beyond repair. The Quandamooka people have endured colonisation—massacres. We have endured a whole range of things—dispossession of lands, missions, removals, stolen wages. When it came to the determination and the ILUA, it was about recognising that and compensating the Quandamooka people. There was no big cash payout. What there was was a return of lands. That was our compensation. That is what we are talking about today.

Do you allow the denial of Quandamooka people's compensation rights from 2019 or do you continue to allow mining? Mining has been going for 60 years. Mining equates to dispossession of Quandamooka people from their lands. That is what we are talking about. Mining has dispossessed us from our lands for 60 years. We could have done a whole range of things—cultural practice, economic development, lost economic opportunities for us from our lands. Any continuation of mining is a continuation of dispossession.

The Quandamooka people have acted in such good faith and grace throughout this whole process that, on balance, they allowed the continued dispossession of their lands for a further eight years from 2011 to 2019. We allowed that to happen. Can you imagine after our history that we sat back and said, 'There are some workers here. We will continue our suffering and our loss for another eight years for the benefit of all of the community.' Where was the respect for that? What was shown? Was honour and grace our reward? Unfortunately not. In 2013 it was as if it was terra nullius again. There was no consultation with us. We were seen as some little object over here while the mining company and the premier got together, had a tea party and said, 'We are going to extend sandmining. We do not have to do anything with the Aboriginal people. We do not even have to talk to them.' It is terra nullius all over again.

There needs to be a mind shift in how we deal with Aboriginal people, not only Quandamooka people but all Aboriginal people in Australia. In Queensland there are a number of native title agreements in place. You have to honour them. The Native Title Act process demands it. As a result, and in response to the Newman act, we implemented High Court proceedings. Currently there is a High Court proceeding taking place. Why are we doing that? Because we were briefed by one of the best native title and constitutional lawyers in Australia and it was not only a breach of our ILUA but also a breach of the Australian Constitution. The legislation attempted to override the Native Title Act. That is what we are talking about here. We have a number of Attorneys-General from other states who have joined that action such is the seriousness of the Newman government's actions.

'The Native Title Act is the code by which states and territories must abide,' Justice Dowsett said. We simply ask that you respect that. For native title to work nationally, it requires good faith and certainty. Quandamooka people negotiated in good faith and had a determination and an ILUA to deliver that certainty and protection of their native title rights and interests. Due to the actions of the Newman government, sadly it has delivered neither. The state government, by supporting the government legislation with minor amendments, needs to respect the Native Title Act 1993 and its procedures.

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Justice Dowsett recognised our native title and he said very clearly, as I have just explained our history—

We know that the years since first European settlement have not been kind to you and to those who have gone before you. There has been much sadness for which the belated recognition of ancient rights offers little compensation. Nonetheless we hope that with this step today, you will have a firm basis for a brighter future in which we hope to help rather than hinder, and in which we hope to share.

Without following the Native Title Act process, which the Newman government act did not do, any legislation cannot be passed validly if it impacts upon native title. To keep passing legislation without following the Native Title Act is to promote confusion and uncertainty and is an open declaration of an intention to undermine our native title rights and interests. Inherent in such a way is a declaration that native title rights do not matter or matter less than other interests which would either be negotiated or compensated if it was any other property right. Nowhere in the ILUA or the Native Title Act has the state government shown us how they can legislate to extend sandmining without going through the Native Title Act, which is amazing because we receive Native Title Act notifications simply if someone wants to run a tour cruise in our native title waters. If someone wants to do some research, we get notified by the state government because they have to follow the Native Title Act, but legislating to extend mining for another 16 years on a mining lease somehow does not attract the Native Title Act. We are yet to be shown by the state why.

The Quandamooka people look to their determination and their ILUA to say clearly to you as members of parliament and the world that the days of treating us like terra nullius are over. Our rights are recognised at law and they are enforceable in federal courts. We will see the state government in the High Court if the parliament does not act now to rectify the wrongs of the previous government.

I would also like to touch on our role as the prescribed body corporate. QYAC is the prescribed body corporate appointed by the Federal Court as the agent for the Quandamooka people's native title rights and interests. Justice Dowsett appointed us in the determination. Justice Dowsett said—

Proposed Order 12 provides that the Quandamooka Yoolooburrabee Aboriginal Corporation ... be the prescribed body corporate ... to perform the functions set out in the Act and the Native Title (Prescribed Bodies Corporate) Regulations 1999 ... and for the other objects and purposes set out in its rules. The corporation was registered on 1 June 2011.

What that means is that no other body can represent or does represent all of the native title holders; QYAC is that body. No other body has the positive duty to do it. We have consulted our community about the various options and it was the native title holders who authorised, following our traditional decision making process, to enter into the ILUA and to the consent determination. As the prescribed body corporate under the Native Title Act, we must protect the rights and interests of the native title holders in accordance with that act and we have followed those procedures faithfully. Our Indigenous land use agreements are registered and available on the public register, apart from those portions that are commercial in confidence. We have a legal obligation to maintain those portions in confidence.

We have heard much about balance in this process. The Quandamooka people would like to see balance addressed in legally permissible ways, rather than being achieved by continual contravention of our native title rights and interests. We would also like to understand why it is that other people's rights to economic, social and environmental outcomes is given much more credence than our native title rights. The treatment of the Quandamooka people since the 2013 Newman amendment act has been quite shocking. If ever there has been a case for recognition of Aboriginal people in the constitution, they need look no further than what has happened to the Quandamooka people.

Unless consulted in accordance with the procedures in the Native Title Act, any legislative act to advantage a private company—a wholly owned subsidiary of a foreign company that is paying no tax—puts their rights above ours, the rights of the traditional owners, the Yoolooburrabee people of the land and sea who have been here through all time, all seasons, all sea-level rises, through the formation of the sand they mine, through the formation of the RAMSAR swamps, through the layering of over 20,000 years of cultural artefacts. This is not balance. This is an expression of might is right; a harkening back to the days that Aboriginal people do not matter and their opinions do not matter. It is back to terra nullis. We do matter. We did compromise in agreeing to allow the dispossession through sandmining to continue to 2019. Balance was achieved in 2011. It was reflected in the determination in the ILUA. Do not disturb that balance. Restore the compromise by supporting the government bill with minor amendments.

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My closing statement is simply this: the intergenerational suffering and anguish of the Quandamooka people needs to be compared to the suffering and anxieties of mine workers. We have empathy for mine workers—some of them are our own—but we are talking about intergenerational suffering by the Quandamooka people. These are my simple phrases for you as politicians—you like slogans so I will give you some: end the disposition; restore the compensation; honour the deal; vote 1 for 2019. Thank you. I will be pleased to answer any questions that the committee may have.

**CHAIR:** Cameron, my first question goes to suggestions that you have made in your written submission, which speaks about the government bill being improved by the following amendments: no extension to the Yarraman lease for 12 months, clause 6.

**Mr Costello:** I am happy to talk to that. Thanks for the question. We do support the government bill to 2019, although we would like to see some minor amendments. One is that we believe there should be no extension of the Yarraman lease. It is totally not needed. A simple axis agreement between the Quandamooka people, the state government and Sibelco is all that is required. There is no need to extend it for a further 12 months, because that contravenes the ILUA, which was 2019. That is our point there. What page are you on, Chair?

**CHAIR:** Page 4 and it goes over to page 5. You say, require ministerial decisions to be evidence based, clause 91.

**Mr Costello:** Yes. The minister, when making a decision, will be given information potentially by the mining company. Our concern is that that needs to be independently reviewed before the minister makes any such decision. Can I touch on why we do not support the Katter party bill?

**CHAIR:** I will allow you to do that, but I go back one step. When you talk about having an independent person look at it, is there another way that that could be achieved, rather than through the independent person?

**Mr Costello:** We would be open to exploring those options with the parliament and the legislative drafters, if there are other options to explore. The main concern is that—

**CHAIR:** What I was going to say, without putting words in your mouth, so correct me, is that basically what you are trying to achieve here is that there is some input by the Quandamooka people in relation to that particular decision?

**Mr Costello:** Not necessarily. We would just like to see independent reviews of any decision on that information that will be before the minister. If there is information relating to status of leases in terms of environmental rehabilitation, et cetera, we would like to ensure that that is independently reviewed and is not just provided by the mining company.

**CHAIR:** Because of the Native Title Act—

**Mr Costello:** You would have to, yes. You would have to consult with us about that.

**CHAIR:** That is what I am saying: wouldn't that eliminate the need to have the decision reviewed, because you would be notified simply in accordance with the Native Title Act, so you would be aware and would then have input—

**Mr Costello:** Absolutely. Go through the native title process and follow that, and everything should be okay.

**CHAIR:** I cut you off earlier when you said you wanted to speak about the Katter bill.

**Mr Costello:** We do not support the Katter bill because the extension to 2024 has not been done with the native title process and through the act. It is essentially why we are in the High Court, because it will be just another breach of the ILUA 2019 time frame.

**CHAIR:** Thank you, Cameron.

**Mr CRANDON:** Thank you, Cameron. Thank you Aunty Joan, Uncle Bob and Darren for presenting today. We very much appreciate it. Cameron, thanks for rounding things out in your presentation. I want to take you to something that we have heard over time. You say that you have consulted with your people and that you represent all of them. I might be paraphrasing what you said and correct me if I am wrong. We have had numerous people tell us that they were not consulted. We have had numerous people tell us that QYAC does not represent their position. Would you like to make some comment on that?

**Mr Costello:** Sure. People are entitled to their opinions, but the reality is that a federal court process was undertaken and in that process you had to prove that consultation had taken place. There was 16 years of negotiation. There were a lot of community meetings held, too many to remember. There were meetings held with elders, too many to remember. If people were somehow



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not consulted, then they chose to stay out of the native title process. When people say that they are not consulted, they are not choosing to participate in the process that has been set down by our traditional decision-making process.

An Indigenous land use agreement cannot just happen because a group of Aboriginal people say they want it to. It has to be advertised nationally. You have to have it authorised by the Quandamooka people. It is not just a group of people; it is the Quandamooka people. We had to demonstrate to the court that we had advertised nationally. We gave plenty of notice. People came and we do that on a number of occasions. We have done it on several occasions that we get an authorisation from the Quandamooka people and it is signed off and resolutions are there and it is minuted and provided through lawyers. It is a bit hard to understand how people can say that they were not consulted. Maybe they felt like that. They definitely were not excluded from any process.

I myself have been part of this process since 2007 so can give testament that there have been many meetings of family groups. The way that our organisation is set up is that everyone that you talk to who is Quandamooka has a director on the board whom they elect. If this person over here wants to have input and wants to be involved or wants to ask a question, all they need to do is talk to the director of their family whom the family has elected. They get elected and if they do not do their job they get taken out.

At every annual general meeting we have, we have to report and we are accountable. We have to provide all of our reports and our accountability to the Office of the Registrar of Indigenous Corporations. Our accountability to our members, the native title holders, is there for the whole world to see. We do an annual report every year. In terms of consultation, we went on a year-long consultation process as far as Cairns. As far as Cairns, we held workshops for the Quandamooka people to say, what is our strategic plan going to be for the next four years? This is a document that I will table. This is the public version of that strategic plan, which was then endorsed by the Quandamooka people at an AGM. Everyone is invited to the AGM and everyone can vote.

I can tell you now that not at any AGM or any board meeting that I have been to has anyone said that we should keep mining going. In fact, it is the other direction. Authorisation meetings were held in this hall to advance more of our rights. You will know now that we have a claim lodged over Moreton Island. There are no queries about where our position is and who represents our people, because every family elects their director to us.

**Mr CRANDON:** Thanks, Cameron. As a follow-on and based on your response, we have also had people tell us that they fear speaking out publicly for fear of retribution. They have cited anecdotally some examples of retribution. Could you make some comment in relation to those allegations that have been made by people?

**Mr Costello:** I would say that I have seen no evidence that people cannot come up to me and talk to me as the CEO if they have an issue. I tend to think I am a pretty approachable guy and I think I keep things pretty confidential. I am quite stunned that people would think that they could not approach their native title body or someone from their own family. If they have a fear of retribution, they can go and talk to their family member. Why would they be scared of their own family member, whom their family has elected? If they are fearful of their retribution, do not elect that person; just elect someone else next time.

**Mr CRANDON:** Thank you.

**Mr Anderson:** It is true that there are differing opinions in relation to for and against sandmining. It is no secret that Aunty Margaret Iselin, the president of the Minjerribah Moorgumpin Elders-in-Council Aboriginal Corporation, is quite public in her support for sandmining on the basis that they gave us jobs and they put in roads and infrastructure. There is no secret about that at all. We will defend the right of our community people who support mining and support their right to be expressive without fear of retribution, because they are supporting mining while others do not. That has been the way of the Quandamooka people, to discuss. I go back to the days of my boyhood living here and listening to island people talk. In the old days, when there were any problems, they would sit down and collectively discuss them and resolve them. That has always been the way.

We know a fair bit about human behaviour on particular issues. That is the way it comes down. The principle that I grew up with was to always be polite and courteous to other people and to respect your elders. That is what I was brought up with. That is what I have pursued. I might make note too that my daughter is my family representative on the QYAC board. Every family who was mentioned in Justice Dowsett's decision on 4 July 2011 has the right to be on QYAC and discuss the matters and be open about what goes on. That is the way the Quandamooka people have always acted.

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**Ms Hendriks:** I am a great believer in story. We sit here today and talk about native title, but there is a whole history back there that is causing the problem that you have put on the table. I am really fair in saying that. I talked about the 1930s when I was born. I did not reiterate it and I will not, but my mother suffered because I was born at a time when it was law in the country, because of the assimilation policy, when it was an offence for a European man to have a relationship with an Aboriginal woman. That was my situation, being born into that. The pain that my mother went through because she moved with my father to Bulimba and what we grew up in—I was a square peg in a round hole. I was not the person I am today. You would not get me to say boo up until the 1980s. That is a whole story on its own.

I mentioned Uncle Bob being the chairperson of the state reconciliation committee. When that was set up, the Council for Aboriginal Reconciliation grew. They put the referendum through and then all of the things that happened such as self-determination and then the Royal Commission into Aboriginal Deaths in Custody in the 1980s that had as one of its recommendations—I think it might have been the last recommendation, 339—that there had to be reconciliation in this country. In the early nineties, the federal government unanimously voted for that. Uncle Bob, as I said, chaired that. I was invited to go on the committee. I refused when I saw the make-up of the committee. I am not taking away from Uncle Bob. They were calling it the ‘eminent people’s committee’ and I did not want to be an eminent person. I spoke about this and eventually I went on that committee.

I am bringing you now to 2000—all those great walks, the Corroboree 2000, the document for reconciliation. There were four areas targeted there. When that process was put in place there were only a handful of reconciliation committees. That document was as a result of over 600 committees. It clearly states that it was going to take 30 years for reconciliation to happen in the year 2000. Over 300 people walked across the Sydney Harbour Bridge. Here we are halfway through and a great story is what you hear. This is all the aftermath of reconciliation in this country.

Unfortunately, there are two systems. You have your hierarchical, monarchical government system, and I am reluctant to say this but I am going to say it—and please I do not mean to be offensive to any of you—one of the biggest things we deal with is institutional racism in the systems. You have people with their feet on the ground. You have people here who care for country, not only the ones who have lived here all their life. That whole systematic process that went on for our people has caused our people to have different values of what it means to be Aboriginal. Sure there are people who are supporting the mining company because they are in that mode of just thinking about the economic side of things, not what we got native title for. Take away our connectedness to land—and that is what this is about—then what is it?

I want to finish with the fact that when we talk about mining—I have kept out of the mining issue because I am about building bridges—you hear very little that there are 80 of our midden heaps along the main beach there that have just been mined. You heard Cameron talk about that. They are really valuable landmarks that measured our time, our gathering places.

**Mr Burns:** When I heard those two questions asked I immediately became worried because over the course of the conduct of our native title claim and our business we have encountered a situation when we are dealing with the government and the question becomes too hard the first concerns raised are: ‘Are you sure that you really represent your community?’ We note that trend in the years that we have done business, that quick jump to that conclusion. As Cameron said, the authorisation process for our claim and the decisions that were made in the ILUA were so closely scrutinised and managed in a legal way. If you need to know the answer to your question, get one of your office people to look into that scrutiny of the authorisation process for native title procedures—without a doubt, hand on my heart, whatever it takes.

People say they were not consulted. On the news every night we hear nurses, we hear union workers, we hear construction workers saying that the government did not consult them. Just like in any family you cannot please everyone. It is the same here. I would be very disappointed if that same issue is manifested into a valid excuse to turn this position that we are seeking to achieve down because that would be to take the easy road, the most convenient road, and not the most truthful road because that is false. We have heard people say that they have consulted with us when that has been a lie. We now hear people saying that they were not consulted. Like Cameron said, there are a lot of people who did not participate in the process.

I liken it to this: we have two schools of thought in this community. One school of thought is that we catch fish with a hook, line and sinker only. Another school of thought is that we catch fish with a net. When the people with the net drag the fish up on the beach and the hook, line and sinker

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people have not caught any fish, they come over and they want the fish caught in the net because they say, 'Those fish are our fish too. We would have caught those fish if you did not catch them in your net. We say, 'Yes, but you sat there with your hook, line and sinker. We used our net. If you didn't catch any fish on your hook, line and sinker, that is not our problem. We caught them in the net.' While we are happy to share, there needs to be some rationale there. There has to be fairness and truth in this.

As for speaking out and retribution, I can tell you this for a fact. As Cameron said, the Quandamooka people have shown grace towards the miners. It is totally all right for a miner to advocate to mine because it is his job. I know lots and lots of miners. I have worked for the mines myself. You see them in the street and you say, 'G'day,' to them. That is how it is. It is no different. As soon as I speak up at a forum like this or put a billboard up or put a poster up I start to cop lateral violence. People on the street stop saying hello to me. People on the street start ignoring me in the shops, and that is a fact.

You asked the question. The retribution is not from us out there. The retribution actually comes to us when we advocate against mining. We have had banners vandalised. We have had billboards vandalised regularly like it is their duty. As you saw on Australia Day, we had a big Aboriginal flag painted over. That is lateral violence. We do not go out and deface a Sibelco truck or a boat or anything that they have, but we cop that back. That is a fact. You asked the question about retribution. It is us who cops that retribution.

We had directors of an Aboriginal company that works for Sibelco called Jubbin attend our annual general meeting and proceed to rebel rouse at our meeting to the height of calling a vote of no confidence in QYAC. When they were told, 'You are directors of a company that works for Sibelco. Don't you think you are making yourself a bit obvious coming here and rebel rousing against QYAC?' That is the true nature of things around here, not what you may hear.

In closing, I just want to draw your eyes to that honour roll up there. Our families are on that honour roll. We are invested in this country, not just as Aboriginals people being the traditional owners. We are invested in the real history of this country. You need to treat us from both angles—being Aboriginals but also being invested in this country through sacrifice.

**Mr Costello:** There was some pretty serious stuff there. I have not received any complaints about our organisation through our members. If anyone has a complaint, I would encourage them to come forward. In terms of our organisation, our membership continues to grow. We are now over 600 members. We are one of the largest PBCs in Australia. If we were some horrible organisation, why is our membership continuing to grow?

**Mr CRAWFORD:** Cameron, you can direct this question to whoever you like. I have heard the phrase 'rebirthing' a number of times when we were over here last time as some sort of a genuine Aboriginal term for the restoration of the land after the mine goes through. Is there any cultural history of the phrase 'rebirthing' as a phrase or a term or any sort of reference anywhere in Aboriginal culture either in Quandamooka or anywhere else? It is something that I had never heard of before until I came to Straddie.

**Mr Burns:** I would like to start to answer that, but I am sure both our elders here can take it a lot further than I can. I was very amused when we heard that that term had been generated. That was generated by one of the Jubbin company workers, one of the Jubbin directors, as some means of giving some cultural validity to allowing a mine to continue so that they could go and work some spiritual magic on that land and rebirth that land. That is the height of the craziness that we have got into in this whole process. The person in fact who coined that term was so anti-government back in the nineties that when I was a parks and wildlife employee I got called down for being a government worker. However, now that man works for the mining company and he proceeds to say, 'It is good to mine because I can rebirth the land.' I ask you, Craig, to see that for what it is. I will pass on to Auntie Joan, my elder.

**Ms Hendriks:** It is interesting to hear that very word 'rebirthing', because when you talk about birthing and you look at the Aboriginal culture and the intensity of the difference between men's business and women's business and the relationship of rebirthing to the land—I am not about to go into that story here today, but you need to hear how closely united birthing, if you use that word, is to the very land. I recall a very well-known elder from Hope Vale whom I have great respect for, Pastor George Rosendale—Mookai they call him; he is the most respected elder up there—talking to a state

meeting and saying that the place that is most important to him, the piece of land, is where his mother put him on down on that earth. That is what rebirthing and the continuation of our culture is. I am appalled at a statement being made like that.

**Mr Anderson:** I concur and say it is very sensitive stuff the matter of birthing—women's business and men's business. I know things that I have been informed of so that I know but I cannot speak about. It is quite distinctive and it is so sensitive. I can see it and imagine it now but I do not speak about it, but it is something profoundly special between the mother and the child and that piece of land where certain things happen between the mother and child. It is very, very sensitive, and that is what the culture is. Again, it reverts back to the very nature of the spirit of the land and the spirit of the land embraces us all. You can feel it when you walk country at different times. You can hear it when the seasons are changing because different birds appear. We know what is happening when the lorikeets are flying over in flocks to feed on the seeds from the eucalypt trees and fly back to the mainland and we know that certain fish are starting to run and around about November we say, 'Yes, Melbourne Cup as well.' But it is extremely sensitive and I am so pleased that I understand and I know that. There are particular places, and I am talking about women's business at Bummeria. There is a women's place out there where my mother would have been taken by her mother, my grandmother, who was born on Moongalba, to conduct women's business in an induction to women's business as the uncles would take the young lads out to different places to start to instruct them on what their responsibilities are growing up as youths. So it is not just something that belongs to the last century. It is there, it is current and it is consistent. As I have said to Aunty Joan at different times when we walk together, it does not matter what happens with technological change; it impacts on nations all over the world with the advancements since the invention of the wheel, to use that as an example, but it has not changed who we are as people. We still maintain our cultural identity and our cultural integrity. It makes us who we are. It makes everybody who we are with connections with the land. Thank you.

**Mr Costello:** Thanks, Uncle. I guess to summarise our words, the term 'rebirthing' or 'birthing' is a sacred women's business matter between a woman and a child and a particular area of land. It is not culturally appropriate to start talking about rebirthing a mining site. That would be our response.

**Mr Anderson:** Always talking about it here.

**CHAIR:** The plan is that this session will finish at 10.20, which is the allocated time. I just remind members of the committee that if there are questions they will be the last for this session.

**Mr WEIR:** I am just interested in the ILUA. If there are plans for this island to go ahead when sandmining does leave this island, and we know it is going to at some stage, there seems to be not a lot known about the ILUA. If I was coming to invest into this island, I would want to know what was in that document, how much land is available for development and is there a plan in place for development on the island within the ILUA? Why is it confidential? I do not understand any of that. Could you address that?

**Mr Costello:** Yes, thanks. The Native Title Act has been going since 1993 and Indigenous land use agreements have been made—hundreds of them. Like any agreement between two parties, there are confidential elements to it and they are commercial in confidence, Pat, because they are exactly that. There are lands to be developed and there is commercial value in lands that, if revealed, could negatively impact on the Quandamooka people's rights to the highest and best use for the lands. We have made no secret that there is a land use planning process going on as part of the ILUA, and essentially why that is is because when the Indigenous land use agreement was formalised and lands were handed back it had not been decided what the land would be used for. You have to look at it from social, cultural and economic development. So there is a land use planning process in place involving the state, involving local council and QYAC. Essentially that is to look at those lands and identify the best social, cultural and economic use for the lands so that we can present back to our people for them to endorse what they want to do. That process has been going for three years.

As part of that process, and we talk about consultation with the broader community or with our community, QYAC actually held a number of community workshops with the Quandamooka people—anyone who wanted to come from the Quandamooka people—and looked at every parcel of land available and identified what they wanted to do with it. That process was actually presented with an award by the Planning Institute of Australia. So for us there is a planning process. People can just look at the native title information sheets to see the determination map to see what lands have native title on them. People have been investing all over Australia on native title land since 1993. For those

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people who want to invest, all they need to do is pick up the phone and see if there is the potential to do it, and people are doing that, Pat. So people are approaching us for a whole range of opportunities that are there and we are more than willing to sit down and talk to people about what we want to do.

We have made no secret—it is in our public documents—that we want to have a global ecocultural tourism destination. With that, mining sites provide a great opportunity for us in terms of economic development and development sites for us. That is just common sense. For us, we are looking to take advantage of those economic opportunities. You just have to look at the other examples around Australia to see that development is occurring on all native title lands and developers are contacting us to see what we might want to do, but it is about matching the right person with the Quandamooka people. That is the other thing too, Pat. We have no qualms about what is going to happen. Our only qualm is that our major development opportunity site is the Enterprise mine site which is supposed to end in 2019. That is a major development opportunity site for the Quandamooka people that we want, so we are wanting the mine to get out so we can get on with the job of the economic transition.

**CHAIR:** This will be the last question.

**Mr PEGG:** It is probably a question that requires not a very long answer, and I am sure everyone might be happy with that. You spoke earlier about the consultation you had with the former Newman government in relation to the changes to the end date of mining and you said that was negligible. I was wondering what extent of consultation and dialogue you have with Sibelco on an ongoing basis in relation to their current operations.

**Mr Costello:** There are probably two levels to that. One would be an operational level at Darren's level. Sibelco was part of the negotiations back in 2011. They put an offer to the Quandamooka people, but it was being a bit of a political sandwich and we said, 'We're not going to take any part in that. You need to go and sort it out with the state.' After the ILUA there was really no relationship with Sibelco and, as you can imagine, there was no relationship leading up to 2013 when the Newman government act was put in place. Post 2013 after the Newman act there was certainly no relationship. I would say it is only really in the last month that Sibelco has engaged us, and that is around the agreement for the Yarraman mine lease. But there has not been a formal relationship. There is no MOU. There have been no meetings. I think when we met with Sibelco after the Newman legislation had been put in the bill had been introduced. We met with Sibelco and they essentially said they did not want to talk about it until after the legislation had passed. We have met with them once or twice about wanting to address cultural heritage issues. There is no part 6 cultural heritage survey on any of the mine sites. There is no cultural heritage monitor in front of the dredge, so I would say we do not have a relationship with Sibelco really. Darren, what about at an operational level? It is probably different.

**Mr Burns:** As you may know, the Quandamooka Yoolooburrabee Aboriginal Corporation is the registered cultural heritage body under native title. We have been talking to Sibelco for a number of years now about allowing QYAC to do the cultural heritage on their leases. They defy us despite it being a proven legal fact we are the registered cultural heritage body. We have had negotiation with Sibelco in the past. We have had packages that Sibelco have put to us and they have honestly been totally unacceptable to QYAC. As Cameron said earlier, we have conducted ourselves with grace and dignity. We considered those workers of Sibelco back in 2011 when we made our decision. The Enterprise lease at the time was actually extended through the consent determination to allow that. I hope that sort of answers your question.

With regard to the ILUA, I would like to just say something about that. Why is it confidential? I think the fact that it is confidential is either one or two things. One of those things is that it is a deal that Quandamooka have signed with the state. The ball is in our court and the ball is in the state's court. Under our determination, we have that right to have commercial-in-confidence documents. So it is not about locking anyone out or development or anything. It is just the nature of that business. I think the impetuous nature of a society that lives on the back of colonial gains finds it hard to say, 'Why have those Aborigines got something that we can't have access to? We created this society. We colonised this land. Why have Aborigines got something that we can't access?' I think that points to the heart of some of the angst that people are feeling about that ILUA. It is bordering on racism.

**CHAIR:** Thank you, Darren. I want to thank you for appearing before the committee today. The secretariat will be in touch with you regarding the transcript. In about the next week or so the transcript of this part of the hearing will be on the website. Cameron, could you provide us with the two documents you referred to? I think one was the public document for the plan for 2016 and then also Justice Dowsett's determination. If you could provide them to the secretariat, that would be great.

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**Mr Costello:** I referred to the planning document as well.

**CHAIR:** Yes; we would appreciate whatever documents you feel that we should be given. The ones that I remember you referring to were Dowsett's decision and the plan for 2016. If there are any I missed, Cameron, if you would be kind enough to provide them. Again I thank you for attending. It is an important process and we really thank you for your input, both written and oral. Thank you.

**Mr Costello:** Thank you.

**CURTIS, Ms Lee, Representative, Stradbroke Island Management Organisation**

**GONDWE, Ms Elizabeth, Representative, Stradbroke Island Management Organisation**

**HASELER, Mr Murray, Representative, Stradbroke Island Management Organisation**

**HENDRIKS, Ms Joan, Quandamooka Yoolooburrabee Aboriginal Corporation**

**CHAIR:** I welcome representatives of the Stradbroke Island Management Organisation. Thank you for appearing before the committee. I understand that you have previously been provided with instructions in relation to giving evidence to the committee. I invite you to make opening statements if you so desire and then the committee will ask some questions. I do not know how you wish to do your opening statements. You can either appoint a spokesperson or divide the time equally amongst yourselves—whatever format you feel more comfortable with.

**Mr Haseler:** I will make a short introductory statement which will cover all the main points. Then I will let the others fill any gaps and answer questions.

First of all, I acknowledge the traditional owners, the Quandamooka people and their elders, past and present. We are very pleased to have Aunty Joan remain on the panel today. I thank the committee for asking us to come along as an island conservation group. I am especially humbled to be here given the addresses we have just heard from the previous speakers—the most compelling summation I have heard so far. SIMO was born of people looking into both cultural and natural heritage. It was born out of the Stradbroke museum 30 years ago when the threat of a bridge was upon us. Broad, social, cultural and natural conservation has been central to what they have been motivated by over the years, even though most loudly they would be remembered for environmental issues. We understand, of course, the Quandamooka people in particular do not distinguish between cultural and natural heritage. It is clearly intrinsic to who they are.

The legislation to end mining in 2019 by the previous Labor government, the handover of parts of the economy to them, the ILUA and the comprehensive start made to a postextraction economy really was a landmark in Indigenous and ecological reconciliation. It is central to SIMO that the Indigenous people are part of the environmental agenda here. Our great sense of loss in 2013 was that Stradbroke Island was not just an essential breathing space for the people of Brisbane—a great and hopefully sensible tourism asset to the state—but it also showed that there was to be an end to persistent injustice and a limit to acceptable proportional loss of the ancient parts of the island. This was fully negotiated and studied, with numerous reports—ecological, cultural and otherwise. It is this whole package that SIMO is here to advocate for, and we hope that all Australians, all political parties, will embrace this legislation and not see it principally or solely as Labor Party legislation.

We do not think it is appropriate at this end of decades of studies and negotiations to pick out exceptions here, a questionable study there, to look in particular at whether or not the landscape, culturally or ecologically, can be restored after being run through a huge industrial pipe. You have all that stuff. You have seen the studies. Our principal message is to go back to 2011 and restore the whole package. We do not wish to sit here and to-and-fro on minutia, ecological or otherwise. We come here as an environment group wanting to see the environment issue intertwined with Indigenous issues.

There has been more than enough time since 2011 to instigate a transition. Clearly that spirit of transition was lost in 2013. The end of the mine should be based on the proportional impact of mining on the island, not whether or not economically the island may or may not be ready for a transition even though the compelling evidence is that we are losing assets that will help us post mining.

Long-term stable economy, ecology and culture require certainty of tenure. The manner in which the ILUA and the transition process were obliterated by the previous government suggests a culture of no compromise. I think it is a contemptuous process to say, 'It's just a few more years.' How about just a few more years after this long and after the centuries of treatment of people? It is as if there is still a cultural reluctance to accept limits to change. That is all I will say for the opening address. Lee, did you want to follow me?

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**Ms Curtis:** I will probably be repeating a few of the things that you said, but I think that might be necessary. First of all, I would like to pay my respects to the Quandamooka people and the land on which we meet and to its elders, past and present. I am an island resident who sits on the board of the Stradbroke Island Management Organisation. I am also an active member of Wildcare Straddie and the North Stradbroke Island feral animal control working group. I am also a member of the Straddie Chamber of Commerce, which does not represent my point of view by any means.

The question was posed at the very end of the meeting held at the Point Lookout pub of 10 February with representatives, some of you and a few others who are not here about whether or not extending mining until 2024 will really make that big a difference ecologically and environmentally. That question is missing a crucial point. The fact is that in 2011 after considerable consultation an agreement was made between the Quandamooka people and the Queensland government that mining would stop in 2019, and this agreement must be kept. It was part of the ILUA. If the agreement is not kept, Aboriginal people throughout Queensland will once again and with good reason have cause to mistrust the Queensland state government. It will mean that the Quandamooka people will have to resume the arduous, energy-sapping and cost-draining exercise of pursuing their case in the High Court. The cloud of uncertainty will once again hang over us.

Extending mining beyond 2019 will not only shatter their and my faith in our system of government but also put a damper on the feeling of optimism for the future that the majority of Quandamooka people and other island inhabitants are experiencing at the moment. After all, who can guarantee that the promise to stop mining in 2024 will not be reneged on again and mining extended until every last bit of mineral is wrested from this island? Ethically and morally we are bound to keep our promise to the Quandamooka people. It is high time we did. The 2019 end date must be restored and, as a representative of SIMO, I register my support for the government's bill. We cannot support mining until 2024 for the reasons given earlier, and therefore we strongly oppose the Katter party bill.

**CHAIR:** I should advise everybody that Mr Crandon has left. I open it up to questions.

**Mr WEIR:** Throughout this whole consultation period we are hearing a lot about legacy issues involving mining and the Quandamooka people. As far as Sibelco and their practices at the moment are concerned, are there any actions pending for breaches of the EA or are there any bad practices or failures in the rehabilitation area? Is there any action outstanding that you are aware of?

**Mr Haseler:** There are, but I will let Jan Aldenhoven speak to the detail on that. I suppose our main point today was to try not to nitpick. They are a mining company. They are out there mining at the moment. Whether or not they have breaches or are doing their job as said, I am not sure. You cannot pass a landscaper through that process and come out without a proportional loss of the island. It is about the proportion of island lost that concerns us.

We could talk about Sibelco's character, processes they might or might not have done, questionable or otherwise, but for us that is the sort of nitpicking we are trying to avoid. An agreement was made, studies were done, processes have been established and Sibelco has copped flack over the years. We do not consider it relevant. We just consider it busy work to come up with a giant document while the mining keeps proceeding. Enough compromises have been made. Let us go back to 2011. I certainly do not want us to get lost in such minutia.

**CHAIR:** The crux of your written submission and the crux of what you have said is that basically you are acknowledging that it is a native title issue on the island?

**Mr Haseler:** It is. It is overwhelming for someone who comes here with a personal and group environmental agenda. I acknowledge for many years the environment movement made less than they should have of Indigenous ownership of the land and from an ecological perspective its management. The loss of so many ecological values across Australia, especially in Tasmania and Victoria, is because of the dropping of Aboriginal management of fire.

**CHAIR:** We are talking about North Stradbroke. You spoke about going back to the agreement that was made in 2011. My take on what you are saying is that it is a native title issue. You are supporting the amendments that the government has put forward to restore the previous agreement that has been made? Is that the crux of your submission?

**Mr Haseler:** That is our principal point. It does not override, it does not negate the environmental reasons. Perhaps we could call it an overwhelming priority not necessarily a totally overriding one.



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**CHAIR:** I understand that your concerns in relation to North Stradbroke Island are a lot broader. I was just trying to clarify your principal submission which is to return to the 2011 agreement and acknowledge that agreement.

**Mr Haseler:** Yes.

**Mr PERRETT:** I want to get a feeling from you about a sustainable economy on this island. I assume that you all live on the island. Obviously we have to live and generate employment and economic opportunity, I assume. How do you perceive that is going to happen in the future post sandmining? We have received quite a number of submissions encouraging sandmining to continue for a longer transition period, including a submission from the local council, so there can be some meaningful economic change for this region.

From what I have read, there seems to be some significant cross-subsidisation from the mainland to sustain an economy here and the basic services that we all use or most of us use. I want to get a feeling from you whether it is tourism or what other industry that is going to sustain an economy on this island. Do you believe that is possible or is there another option? Do you have another view around that?

**Mr Haseler:** I certainly hope it is possible because the mine will finish at some stage. I do not subscribe to the idea that we will all die of starvation or that no-one will come up with anything new to live on. Most of the island, the beautiful subtropical Queensland coastline, has been locked up for the last 60 years by the mine. Most of the assets which would bring a tourist from overseas—that is to see the ancient landscapes and the true dune country—are being depleted. We are not talking about until 2039 that we will need to generate income off this island. It is very easy to say we will just keep digging and get money in our time. We will dig it up and sell it. It is really easy.

Given the success that the Quandamooka people have had so far in getting economic success here, there is probably a very good future in ecological tourism. There is also education. It is a bit arbitrary to draw a line around the island and say, 'Where is your sustainable ecology?' The restorative contribution this island makes to Brisbane and the hardworking people who live in the middle of Brisbane does not come back to tallying up what comes off Stradbroke Island. As a child I came here. My father and grandfather did the same and became better people and productive and good citizens because they had this escape. Now that has never been more critical for Brisbane.

A lot of islands do not have a mine and they seem to be doing fine. There will be opportunities. It is a fantastic place of faith. It could be a compelling example here—the mine finished and we are actually all doing fine; we have tourism, we have visitation or we just have restoration for the people of Brisbane who come here.

**Mr PERRETT:** I just asked that question because there have been a lot of submissions that have come in that suggest that the period of transition is far too short, including the submission from the local council. I know you are advocating in your submission that it finish in 2019. That is why I asked whether you are confident that that economic transition can take place in that three-year period and that it will sustain employment and the services that you have now that are supported by mining?

**Mr Haseler:** That transition really started in 2011. I guess many anticipated it might start flipping and flopping with governments. That has been very counterproductive since then. I do not think it is fair to say that has three more years and no-one has ever thought about transitioning before.

The process that was set up before made a lot of head way. So much of that was lost when people were sacked, removed and all those processes ceased. That work still sits there. There has been thought and people are adapting. They know the minerals are going to run out, regardless, at the sometime and they want a long future here.

That homework is done. I am very confident. We do not have the cash cow coming in. I think the claims of the mine have been exaggerated. You will have heard that toing and froing with the figures elsewhere.

There are 20 kilometres of coastal Queensland out there with beautiful natural assets, some of which will be available under Quandamooka's plan and some which will not. There is enough there surely for the next 300 years to make up for the 30 years of mining.

**Ms Curtis:** Can I add something?

**CHAIR:** Yes, of course.

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**Ms Curtis:** I would really like to point out the cultural aspects. Cultural tourism is a huge factor here. It is big worldwide. The Quandamooka people have an amazing culture and history. I do not know whether any of you participated in any of the Quandamooka festival events this year, but they were spectacular.

I would also like to point out that Phillip Island is a very huge tourist success and that does not even include much culturally, it is primarily wildlife. They have their penguins and the koala centre. They are doing very well. They have camping and tourism. We had a representative from Phillip Island come and speak with us a while back.

I am confident that we can make this work. I think a lot of work has been going on. It is not as if all of a sudden people have said, 'Of my God, we have to start doing something.' I am confident that enough has been done that by 2019 we will have some good income generating activities in place.

**Mr Haseler:** I think as an attraction to come to this island as a living example of cultural and ecological reconciliation will be attractive in its own right given how much of the very other is visible across Queensland. I envisage a place here where just that aspect—the very aspect of a long battle of cultural and ecological aspects, where we accept limits to change, where we work within the environment, where we fully acknowledge and contribute in tangible ways to Aboriginal connection to land—would attract people. It would attract me from a very long way away. Give me one example where we can actually see this working and not the sadness that covers most of Australia.

**Ms Hendriks:** I have been sitting here listening to this. I thank SIMO for being here and for the support they have given us not just in recent times but over many years. We have worked in partnership.

My mind is flicking back to pre-2011 and 2011 and the emphasis when the Bligh government was here and the change that was going to happen prior to the election where the government changed. There were four committees set up here. They were: social and community needs; economic transition; employment and training; and environment.

There are thick documents that the government has somewhere. The plan that was in place for when the mining company closed never got looked at. The following years there were petitions in the shops. I had a flick through those petitions and they had thousands of names on them. I can assure you that if you went back and looked they were the names of mostly tourists who came to island, not people who live here, not people who walked this land, not only our Aboriginal people. There are people in this room who love this land in their own right as much as we do. Those plans were in place. I was actually chairing the social and community needs committee. I finished up being on those four committees. I suppose it is because I am an elder.

There are things that we have not had in our struggle—you talk about an economic base—like money to run campaigns. There have been some shoddy campaigns on this island, without going into details. I know my name has been flung around as being part of the conversation. I have never been approached by any member of parliament to talk about this whole thing. I do not know who starts those rumours. Anything I have to say is said in public.

I am listening to this and think about the tourism that is opening up. A couple of years back they were calling Stradbroke Island the jewel in the crown of tourism. There is a new slogan out which is something about the hidden secret. I cannot remember exactly what it is.

Education is a big thing for this island due to the federal government's initiative to embed Aboriginal and Torres Strait Islander perspectives in the curriculum. There is not another place in Queensland that has the historical factors in terms of educating to make a difference for our young people who are our future leaders. In the future they are going to determine whether the Aboriginal people of Australia continue to be recognised as having the oldest culture in the world or it becomes a historical fact.

I have the greatest confidence in this community that was so watertight in its relationships prior to the whole thing in 2013 that actually conquered and split relationships. Others may be saying different things to what QYAC put on the table. If mining ceases I challenge whether they will hang around. They very often operate on self-interest.

Even some of our own people do not have their feet on the ground. I do not blame them for that. I keep taking it back to where this all started, 227 years, and looking at why our own community is so conquered and divided. Some of our people do not have their choice of lifestyle but lifestyles due to their forcible removal from their families. We can go on and on.

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My mother's sister had her seven children removed from her home in 1945 for her never to see those children again. The one that was three years old in '66, she had her children removed. I met those children in '99. I am using this as an example of what we are dealing with. Those people are coming back to help them get their feet on the ground, but we get the other side of it: the people that might come back that have the skills that others on the island haven't got, but they have got their own agenda too. So I hope this all makes sense. I am here to work as a community for our people, but I value the people who are in this room that work with us too. Thank you.

**Dr ROBINSON:** My question is to Murray and others who may want to contribute. Obviously SIMO's support for a 2019 end date to sandmining will create substantial job losses, both direct and indirect on the island. In that gap in the next three years and beyond can you give us some idea of opportunities and numbers and data in areas like ecotourism and, of course, we all agree and support that there should be some growth in the level of ecotourism, not everyone on the island wants mass tourism. Can you give us some idea of any job numbers or work research that you have done that is solid that shows us what those potentials are?

**Ms Gondwe:** Thank you for your question. I just want to reiterate our position, which is why we were here today, which is to say that our main submission to this committee is it is an ethical and moral imperative to support the Quandamooka people. There has been extensive economic data provided to the committee talking about details of ecotourism, cultural tourism and educational tourism so we will not take up the committee's time with those reports already written.

**Dr ROBINSON:** Can I jump in there, Elizabeth? That actually is my question: if you were able to give me those figures you have said I am happy to have them. If I have missed them, I am happy to have that analysis.

**CHAIR:** Before you go with that question, I would be suggesting that perhaps it is not a fair question to be asking of these people because either they can answer it or they cannot, but I do not believe that I saw—

**Dr ROBINSON:** Chair, she just said that there was extensive economic data and I am just asking for it, that is all.

**CHAIR:** Sorry, I missed that Elizabeth.

**Dr ROBINSON:** I am not badgering her, I am simply saying she made the comment. I just want the facts.

**Ms Gondwe:** Okay. The data or the information that has been put around about the economic benefits of mining have been greatly exaggerated over time for various reasons. The Redland City Council in particular have taken data generated by Rowland on the mining company and used that in their submissions. Independent analysis of economic things through the Australian Bureau of Statistics says that there is actually far less, about 30 to 40 local jobs will be lost at the cessation of mining, and whatever happens mining will provide no new jobs and the benefits of mining have mainly gone off the island. I would also like to draw the committee's attention to the fact I am a Dunwich resident and there are many people in our community, Aboriginal and non-Aboriginal, who suffer economic disadvantage. Mining has not provided our streets paved with gold.

**Dr ROBINSON:** Elizabeth, sorry, that is not my question. You are not answering my question. My question was simply—it can be a yes or a no; through you, Mr Chair—is there information, data, that SIMO has to show the potentials of ecotourism? We all believe that there is some value in that going forward. I just would have thought you would have had some responsibility around that. You are calling for the cessation of something else. What is the replacement and what work has SIMO done to be responsible citizens in that space?

**CHAIR:** I just want to put on the record that I am just a bit concerned about where that question is going. SIMO, by their initial statement when they first sat down here, basically said that what should happen is that the agreement that was made in 2011 should be honoured. That is what the explanatory notes mainly speak about. I am a bit confused why you are going down this path when they have already made the statement.

**Dr ROBINSON:** I was just picking up on the point that they made. They made a statement. If there was data I am just simply asking for it to be presented.

**CHAIR:** Just give me one more minute. Do you have the data that has been spoken about?

**Mr Haseler:** The economic transition strategy details so much of this, but I am not sure what the question was. I am trying to think of an appropriate answer to the question. If I would powerpoint up a map of Stradbroke Island, where the resorts are, how many people—

**Dr ROBINSON:** Job numbers created. My question is what job numbers are created going forward. Do you have that information that you can offer to the committee—what is created?

**Mr Haseler:** I am trying to get where this question is going myself. We have got the Quandamooka people with an ILUA, which is confidential, in-house.

**Dr ROBINSON:** I did not ask about the Quandamooka people.

**Mr Haseler:** Well, you should be because it is the Quandamooka's agreement that determines which areas of the island will be open to tourism and what tourism is appropriate. I cannot sit here and draw a map of Stradbroke Island with resorts—

**Dr ROBINSON:** Just quantify it, Murray. If you have any facts, any data, about jobs that will be created going forward the committee would love to hear that. If not then we understand it is an ideological position that you hold.

**Mr Haseler:** The ideological position being that we believe a stretch of Queensland's coastline could have a viable tourism industry?

**Dr ROBINSON:** Yes, and do you have any facts around that?

**Mr Haseler:** Has that ever happened before? Is there any viable tourism on the Queensland Coast?

**Dr ROBINSON:** You have no science or facts?

**Mr Haseler:** We have nothing more than you have been presented with during the process.

**Ms Curtis:** I have to refer to what Cameron said earlier. Did you hear what Cameron said earlier?

**Dr ROBINSON:** Yes, he said a lot of things.

**Ms Curtis:** Including that there were business deals being discussed.

**Dr ROBINSON:** What data and numbers have been put forward by SIMO is my question.

**Ms Curtis:** He explained why that information was not available at the moment.

**Dr ROBINSON:** What are the numbers, Lee?

**CHAIR:** Sorry to interrupt. Can we just slow it down a second.

**Dr ROBINSON:** I am finished, Chair.

**CHAIR:** I think it might be time for us to adjourn for a cup of tea. I appreciate everything that you have done by coming along and speaking frankly about the position and I again thank Aunty Joan.

**Ms Curtis:** Could Aunty Joan have a finishing statement?

**CHAIR:** If she wishes.

**Ms Hendriks:** I am not going to take a lot of time but I think we are going over dead wood—well, not dead wood. I think Cameron made it quite clear when it was brought up before that there are plans. They have put intense time into the planning of the future. This is about native title and those plans are not for public viewing and you can understand why because of the play that is going on now. That is QYAC business and until a decision is made they are talking in the avenues where they are about the plans, whether it be economic transition, whether it be all those things that have been brought up. I think out of respect that needs to be left where it is.

**CHAIR:** Thank you, Aunty Joan, and thank you again for attending.

**Proceedings suspended from 11.09 am to 11.21 am.**

**COOPER, Ms Jackie, Private capacity**

**TRUMAN, Ms Jennie, Private capacity**

**CHAIR:** Thank you, ladies and gentlemen. I welcome Jennie Truman and Jackie Cooper. Thank you for coming along today and appearing before the committee. I understand you have been provided with running rules as to giving evidence before the committee. I invite you to make opening statements and then at the conclusion of the opening statements we will open it up for the committee to ask relevant questions.

**Ms Truman:** I made a submission that was not that long, but it is a bit longer than my statement here today. I was not sure if this is what we were doing today or if we just answered questions so I have just a little bit of a summary of what my submission was. Mainly I want to speak positively about living on this island. There is so much negativity out there in the media from the politicians and from Sibelco that I want to be a bit more upbeat about it because life is great on this island. It is a great place to live and it is a great place to work. I am very upbeat and confident about our economic future.

My husband and I run three successful businesses at Point Lookout. We are successful because we are constantly reinventing our businesses, looking for better services for our customers, we understand the fluctuations of visitor numbers over the year due to holidays and weather and we have staff who are friendly, have local knowledge and are very helpful. The negative, biased misinformation spouted out in the media and by politicians and Sibelco and also by my local chamber of commerce makes me angry and frustrated because it is threatening my livelihood. When I am on the mainland making business purchases, doing the banking, setting up new suppliers, et cetera, I am constantly having to reassure people that my business is doing fine, thank you very much, and it is not going to suddenly collapse if mining operations shut down as they are being led to believe.

Sibelco can close its mining operations at any time. This proposed amendment does not guarantee they will be an employer on the island for another two decades. They can pull up dredge and leave whenever they want, just like that, and they have no obligations to the island community. Sandmining is not sustainable on North Stradbroke Island and sandmining is not the backbone of the island economy. It is not the largest employer on the island. The island's economy is becoming very diverse and very resilient.

I want sandmining to close down by 2019 because I want the central and southern areas of the island to be accessible and the destruction of perched lakes, ancient forests and hidden valleys to stop and I want the ILUA to be upheld.

We have so much confidence in the island's economic future that we are opening another business this year. This will increase our employees up to 26 local people and using other island businesses for suppliers and services. Power blackouts, cyclones and shark attacks do affect my business but closing down sandmining will not. Thank you.

**CHAIR:** Thanks, Jennie. Jackie, would you like to make an opening statement, please?

**Ms Cooper:** Yes. Thank you for the opportunity to address the committee. I am Jackie Cooper. I live at Point Lookout. I acknowledge the traditional owners, the Quandamooka people, and elders past and present. My husband and I are self-employed. We are editors and writers and academics. We have lived on Stradbroke for 16 years. Stradbroke provides benefits and beauty like nowhere else. From my house I can walk to six beaches. I also walk to the lakes and wetlands and the high country taking in the wildflowers and the big remaining forests. We still cannot see any national park in the south because of mining leases. However, 50 per cent of the island is now national park and there will be more in the future. We live among koalas and kangaroos and other wildlife. Kids grow up here free range and barefoot. There is a beautiful old-time quality to islander life.

Since living here I have seen flourishing businesses grow from scratch and existing ones improve their game. The businesses that thrive employing local people are the ones that sell a premium product or service. There are drawbacks to living on an island, although I would be hard pressed to make a list. It takes longer to travel anywhere and the barge has increased the fares. Mining, meanwhile, has been in decline for a very long time because of the high dollar, contracting markets and, after more than 60 years, dwindling minerals. The population keeps dropping. In 1996 it was 2,340. In 2006 it was 2,032. In 2011 it was 1,909. Yarraman closed last August because the minerals ran out. Many were laid off. How many? Sibelco does not have to disclose any figures. It is a private, unlisted company. It gets away with all kinds of exaggerated and irresponsible claims. It gets away with bullying a frightened community. It has got away with gulling government.

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I have no doubt that you will hear a lot about mining being the centrepiece of Stradbroke's economy, but we are not reliant on mining and it is wrong and it is counterproductive to keep on destroying natural assets on which the island's future really does depend. Stradbroke does not stand or sink alone. It is fully integrated into the mainland economy. We are not about to collapse.

There is a small personal toll in speaking out against mining. It is a small community. Many are not prepared to talk. So a preponderance of those to address you will advocate more mining. They fear losing their job, they believe what they are told about a balance and I wonder how well they understand the significance of 2011 and the original act. In my experience, for many people comprehension of native title is patchy. Locals reckon only 40 to 50, or maybe only 30 to 50, residents still work in mining. Many are relatively low paid. In fact, mining has never made islanders rich.

After 2019, rehabilitation of the three mine sites will take at least 20 years, if the past is an indication. Thirty and 40 years on, old mine sites on Stradbroke still have not been relinquished. The rehab operations will require an estimated 50 workers, so there will not be a net difference in terms of numbers employed on the island from now through to 2040. Sibelco has known for years that mining will close in 2019. What has it done about its workers? Apparently, nothing. How did they treat the workers they recently put off from Yarraman? Were they retrained? I do not think so.

It is not the 2019 mine closure that will have a defining impact. The big transition for the island has already happened. It came in the early 2000s when the mining company sold off 40 workers houses at Dunwich, which was a colossal property dump onto the market with no warning and no transition policy. Many workers at the time left. Communities and businesses just coped. In 2011, the mining company issued a media release intended to scare the pants off the locals. It said that, when mining leaves, the \$6 million annual electricity transmission cost would have to be borne by islanders, but electricity prices throughout Australia are regulated. This is classic scaremongering propaganda. Sibelco is still making sure people stay afraid that prices will go up without mining.

Like Jennie, I am optimistic about the future of this place because I can see no good reason not to be. It is a subtropical island paradise, home to a living Aboriginal culture, on Brisbane's doorstep, possessing wonderful natural assets that attract Australian and international visitors. We have a healthy present and a viable future in tourism and a range of other industries already in place and new enterprises that can start when mining finally gets out of the way. By any measure, and by every measure, we have reasons to brim with optimism and confidence.

Finally, I want to say this: crucially, this is about native title rights. I must protest the appalling travesty visited on the Quandamooka people after 16 years battling for native title by the Newman government, which unilaterally extended mining until 2035 on the say-so of Sibelco, which paid a handsome amount into LNP election coffers. Buying political outcomes is contemptible. Many submissions that support continued mining do not mention native title. Perhaps people do not understand the gravity of the injury Newman inflicted on the ILUA, or were they told native title does not matter? The truth is that 2019 is already a compromise and the ILUA is a legal document signed by the state. Thank you.

**CHAIR:** I do not have any questions for either Jennie or Jackie. I pass over to the acting deputy chair. Do you have a question?

**Mr WEIR:** Yes. Jackie, are you the chair of the Stradbroke Island Management Organisation or are you involved in that organisation?

**Ms Cooper:** No, I am not the chair.

**Mr WEIR:** Are you a part of that organisation?

**Ms Cooper:** I am a member of SIMO.

**Mr WEIR:** I am curious about what the SIMO organisation is. I did not get a chance to ask before. Is it a progress association or something similar?

**Ms Cooper:** No, it is not a progress association and I am certainly not on the committee or in any position to speak for SIMO. I am simply a member.

**Mr WEIR:** We have had a lot of submissions that talk about how the uncertainty around the end date of sandmining is affecting property values. I understand property values were issued last week. Jennie, was there any alterations in the values, up or down?

**Ms Truman:** I have not received a property valuation, but I can say that in any coastal township, probably, on the east coast of Queensland, property valuations have been going down. I do not think we are any different.

**Ms Cooper:** I received a property valuation this week and it is unchanged.

**CHAIR:** Excuse me, Jackie and Jennie. Committee, I think it is inappropriate to be asking people about personal property valuations.

**Mr WEIR:** No, I was not meaning personal. I was meaning overall on the island did it go up. I know in my area it went up.

**Ms Cooper:** There is a report that was recently released that notes property prices on the island have borne no relation to either government policy or mining policy. It is a report of 2015 called *Sandstorm in a teacup*, by the Australian Institute.

**CHAIR:** I understand, Jackie, that you refer to that in your written submission?

**Ms Cooper:** I do, yes.

**Mr CRAWFORD:** I have a couple of question and the first one is for Jennie. What is your vision for the economic future for Straddie? What options or opportunities do you see for Straddie, if mining does cease in 2019?

**Ms Truman:** There are lots of opportunities. I think it has to be a natural progression. I do not think you can just throw things into a small community like ours and go, 'Hey, that looks like a good place to put something or other'. When opportunities arise and people have the vision, there is opportunity here. As Jackie pointed out, we are a very small population and a lot of our population are elderly or children, if you look at the census. People come into my shop all the time. They all want to live here or move here. I can throw five things them at them: 'Hey, these are good jobs that you can start right now'. You just have to look at any other small coastal town and see what they are doing and apply the same sorts of things here.

**Mr PEGG:** Jackie and Jennie, are either of you or your businesses members of the Straddie Chamber of Commerce?

**Ms Truman:** Am I member? Yes.

**Mr PEGG:** Perhaps you have read the Straddie Chamber of Commerce submission, which is publicly available?

**Ms Truman:** Yes, I have read it.

**Mr PEGG:** That submission differs quite substantially from what you have put forward to us today.

**Ms Truman:** Yes.

**Mr PEGG:** What consultation did you have in relation to the Straddie Chamber of Commerce submission, as a member?

**Ms Truman:** I filled out a survey and sent that in.

**Mr PEGG:** Was there any other consultation besides the survey?

**Ms Truman:** No, not that comes to mind now.

**Mr PEGG:** So a draft was not circulated to you as a member for comment or anything like that?

**Ms Truman:** No.

**Mr PERRETT:** Jackie, you have made some very strong statements against Sibelco and the treatment of their workers through various processes. We have received submissions and have heard testimony from Sibelco workers themselves directly to us that would counter what you are saying. I wonder why you have formed that view with respect to Sibelco and their treatment of workers when the evidence that has been presented to us, not only on the average weekly earnings but also their ongoing roll with their workers post any redundancy, seems to be contradictory to what you put forward. Can you expand on why Sibelco, in your view, is perhaps not the good corporate citizen that others are suggesting?

**Ms Cooper:** I certainly could not expand on why Sibelco does what it does. All I can say is that as somebody who lives here I hear things. I hear things first, second and third hand. This island is swirling with stories. When people are laid off, those who do not get any kind of compensation or package are naturally aggrieved. Just this morning, I simply raised the question—and I do not know, as I said: were the workers who were retrenched in August after Yarraman closed offered packages and training?

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**Mr PERRETT:** Could those first-, second- and third-hand stories that you are hearing be prejudiced by certain views within the community and not reflective of what the employees themselves have submitted to this committee?

**Ms Cooper:** Look, if you are suggesting that what the employer, the mining company, has submitted to the committee is in any way a sort of gold standard of truth and objectivity, I simply could not agree with that.

**Mr PERRETT:** I am not suggesting the company; these are employees of the company. You have made a very strong statement with respect of Sibelco and their treatment of employees. I wondered whether you had information that we are not privy to that would backup your very strong statements against the company.

**Ms Cooper:** When I say that Sibelco has bullied the community, I am not talking about Sibelco bullying its workers. It may or may not; I have no knowledge of that. But I have very direct knowledge of the bullying that has occurred in this community over many years, certainly since 2011. I have direct experience.

**Mr PERRETT:** And you are able to document that?

**Ms Cooper:** Document? Yes, I am in fact, but that is not the issue. I have—

**Mr PERRETT:** No, it is the issue, because you are making a statement before the committee—

**CHAIR:** Excuse me.

**Ms Cooper:** I have lived experience.

**Mr PERRETT:**—and I would like you to document that. I would like you to document those issues.

**CHAIR:** Tony, one second please. A member cannot demand a document from an individual.

**Dr ROBINSON:** He can request it.

**Mr PERRETT:** I request that that information be made available to the committee.

**Dr ROBINSON:** If someone has made a strong statement, Peter—

**CHAIR:** I do not want to have to move into a closed session to debate this, but I will if I have to.

**Dr ROBINSON:** You do not have the numbers anyway, so what is the point?

**Mr PERRETT:** I am just responding to the testimony that was provided to the committee and just questioning the—

**Ms Cooper:** And I have given you my answer.

**CHAIR:** Excuse me, I am sorry. Can I ask you to withdraw that comment?

**Dr ROBINSON:** What is that?

**CHAIR:** The comment that you made. Do you want me to repeat it?

**Dr ROBINSON:** What is that?

**CHAIR:** Do you want me to repeat it?

**Dr ROBINSON:** Okay, I withdraw.

**CHAIR:** Let us take one step back. You can request the document; you cannot demand it.

**Mr PERRETT:** I have not demanded, Chair; I asked if it could be produced.

**Ms Cooper:** There is no document.

**Mr PERRETT:** You have answered my question.

**Ms Cooper:** I speak of lived experience.

**Mr PERRETT:** You have answered my question.

**CHAIR:** I just remind the committee that this session will finish at 11.45. Depending on the length of the next question or answer, it may be the last question. Does any member want to ask another question?

**Mr PERRETT:** I have no further questions.

**Dr ROBINSON:** I do, but I am happy to defer to others if they have.



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**CHAIR:** No. You can ask the next question, but it will be the last.

**Dr ROBINSON:** I will make it a quick one. Thank you, Jennie and Jackie, for coming to the committee and also for the work that you do on behalf of the environment. Jennie, my question is mainly to you. You made a statement about your business, around the lines that you do not think your business would be impacted by a downturn in mining, if the mine was to leave in 2019 as under the current legislation. Pretty well across-the-board, a majority—around 87 per cent or that sort of figure—of businesses are saying the opposite. Unlike them, do you not have Sibelco workers, contractors who are contracted to the company or family members who buy your products or are clients of your business? All the other businesses are saying that their numbers are partly impacted by Sibelco. Maybe you are siloed in some way or insulated. I would be interested in why it would not impact your business.

**Ms Truman:** No, I am not insulated in any way. I have been running businesses on the island for 30 years. I have a very good working relationship with the local community. I have workers who come and use my businesses and spend money in my businesses. Most of those workers tell me that they have already got contingency plans in place and are already working, some of them, two jobs and are already looking at leaving, knowing that they will be in the future. My statement is that no, I do not think closing down the mine in 2019 will make a difference to my business. There might be a little ripple, but I can jump over ripples pretty easily.

**CHAIR:** I understand that that is the last question. I thank Jackie and Jennie for coming along today and for your opening statements and answering the questions that have been put to you by the committee. The secretariat will be in touch with you regarding the transcript of your statements, which will also appear on the committee's website at some time within the next week. Again, I thank you for coming along.

**Ms Cooper:** Thank you.

**Ms Truman:** Thank you.

**BARKLAMB, Mr Scott, Executive Director, Policy and Public Affairs, Australian Mines and Metals Association**

**REID, Mr Tom, Manager, Media, Marketing, Communications, Australian Mines and Metals Association**

**SMITH, Mr Paul, Contractor, Australian Mines and Metals Association**

**CHAIR:** I now welcome officers from the Australian Mines and Metals Association. Paul, can you advise what your position is with the Australian Mines and Metals Association?

**Mr Smith:** Certainly. Sibelco, being a member of AMMA, have asked me to come along. I am a contractor. I have been working for myself for some time. I am here to provide context and history. I was a sandminer for 20 years.

**CHAIR:** Thank you for appearing before the committee. Each of you would be aware of your instructions in relation to giving evidence before a committee. You may make an opening statement on the points in your submission, and then members of the committee will ask some questions. It is up to you how you want to run it—either each one of you can make a statement or just one person. The longer your statement goes, the less time there is for questions. This session is due to finish at 12.15.

**Mr Barklamb:** Thank you, Chair. It will just be a single opening statement on behalf of AMMA. We thank the committee for the opportunity to appear today. The Australian Mines and Metals Association is the national employer body for the resource industry, representing not only mining but also oil and gas and services to the industry internationally, domestically and at the local level since 1918. Our core focus, our reason for being, is to ensure that the Australian resource industry is a positive and rewarding place to invest, to do business and to create jobs—not just in the interests of the industry or the interests of the companies that populate it, but in the wider interests of the Australian community and, most pertinently today, to local communities.

The two bills before this committee raise important considerations—not only for the future of Sibelco's 110 employees, their families and the wider island community or just for the island's future economic and social development, but also for the reputation of Queensland as a place to do business, to invest money. The one incontrovertible fact in all this is that jobs are going to be lost on this island, with real impacts on employees and the local community. The question is when and how we can transition away from sandmining, doing least harm to existing employees and to the island community, whilst also providing the best foundation for the island's future. It is a question of finding the right balance and, in this case, a question of finding the right timing for the end of sandmining.

Our key message today is that a 2019 closure date for sandmining would be abrupt and unavoidably damaging. A 2019 closure would not allow any reasonable prospect for an effective transition to new industries, new economies and new jobs for the island. Transition is going to be difficult. The creation of new jobs to take up those lost is far from assured, regardless of the closure timetable. However, trying to truncate the transition into just three years will make effective positive transition impossible. It will also make job losses and damage to the island community a certainty.

It is very welcome that the government is allocating funds to an economic transition strategy, but on the 2019 closure timetable these funds risk being wasted. Restructuring the economic composition of the island, evolved on the back of 60-plus years of sandmining, cannot sustainably be achieved in just three. The assumption that large-scale employment intensive tourism will be ramped up in just three years is, we say, unsustainable, and the prospect that many of the island's highest income earners can be denuded of income with no replacement is highly concerning. We understand the government commissioned a report from Deloitte Access Economics that shows a jobs deficit and new jobs will not be able to replace those lost in the short to medium term.

Tourism may be the answer, but a tourism growth strategy pursued concurrently with the more sustainable winding up of sandmining under a more realistic timetable would seem to be the way forward. It is also a little odd that we have a Labor government seeking to replace full-time jobs, many held by trade union members, with casual and seasonal jobs in the hospitality sector. We also caution against any assumption that people are simple, interchangeable units that can be unplugged out of one job and plugged simply into the next. The skills of established and experienced sandminers cannot be simply assumed to equip someone to work in marina construction, let alone in hospitality or tourism. A lot more thought and engagement with sandminers and the community of the island is needed to make these personal and employment transitions work.

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While we are briefly on the subject of industrial relations, the AWU in submission No. 63 before you seem every bit as concerned with the proposed premature closure of sandmining on the island as employers, and in fact they are even more direct in saying so than we were. We highlight in our submission shared areas of concern between employers and the union. A premature end to sandmining will also cost the state government in lost taxes and the local Indigenous community we understand through lost revenues from Indigenous Land Use Agreements.

There is a lot of discussion globally in the shift to a more environmentally sustainable world. There is a lot of discussion globally about the need to make just transitions when industries are changed on environmental grounds. There is nothing just in a rushed closure date that will displace employees and provide insufficient opportunity to build new replacement industries. A genuinely just transition would see no further North Stradbroke Island legislation and instead allow sufficient time for all the interests to roll their sleeves up and work together to deliver the drivers of future jobs and economic development the island needs and that will come after sandmining. This is not going to be easy. Tourism is a complex business and Queensland is a mature and well-served market. This is not the movie *Field of Dreams*. If you build it, you cannot guarantee they—the tourists—will come. If you allow just three years, you seriously risk jobs being lost with nothing built and no replacement industry on the island.

I want to talk briefly about sovereign risk. Queensland needs to be in the business of improving its reputation as a place to do business, particularly in the resources sector, not tarnishing it. Queensland has recently been rated 32nd of 109 resource economies globally in terms of how the government regulates the doing of business in this state's resource industry. By way of comparison, Western Australia ranks eighth, so there is nothing inherent in Australian regulation that means that these should be perceived as unfavourable places to invest and do business. The committee and the wider parliament should be very concerned about the signals an abrupt and premature closure of sandmining on North Stradbroke Island will send to resource investors. These are sovereign risk concerns. When governments move the goalposts and force premature and damaging closures, businesses and investors listen and they mark them down. There was lots of discussion I heard this morning about 2011 approaches, but that is not as I understand it the status quo that business can have regard to. As we understand it, it is 2013 legislation that business must legally be having regard to and operating under.

In conclusion, we thank the committee again for the opportunity to appear today. We are conscious that many people want to participate before you. These things are expanded upon in our written submission No. 216. In closing, we urge the committee to take pause and to consider the best approach for the island community. We say this means not forcing an unjust and damaging transition on the island when a better course of action is available. We say it means recommending against the passage of the government's North Stradbroke Island Protection and Sustainability and Other Acts Amendment Bill 2015 and indeed against any further legislation in this area in this time. Instead, we say an effective and just transition would provide the industry and the people of the island with a reasonable and realistic opportunity to pursue an effective and sustainable transition that is properly planned, adequately supported and involves all stakeholders. This means in our view accepting the transition timetable Sibelco proposes and the closure of operations in 2027. Most importantly, it means using the opportunity of the period between now and 2027 provides to talk, to plan and to work together to start to deliver new job-generating infrastructure and facilities and business opportunities for the next stage of the island's future. We thank you, Chair, for the opportunity to make that opening statement.

**CHAIR:** How does the association propose to deal with the federal native title legislation in all of this?

**Mr Barklamb:** We have not turned our mind directly to that in the detail that other submissions may have done. We understand that there are some native title claims afoot. Our view on that would be that the native title claimants should best work with Sibelco and be part of the transition away from sandmining on the island and discuss transitions to opportunities for greater control and operation by local Indigenous communities. Paul, is there anything I should be adding to that?

**Mr Smith:** No.

**CHAIR:** I just want to correct something. The native title was recognised back in 2011.

**Mr Barklamb:** I apologise. One of the submissions I read spoke extensively about current litigation in the High Court. I may have made a mistake.

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**CHAIR:** The reason there is current litigation in the High Court is that it is a direct challenge to the 2013 legislation that the previous government brought in—to the current act, challenging it as being unconstitutional.

**Mr Barklamb:** I would make this comment. You have a play down there in the lake in Canberra and the High Court and you have a discussion about native title in the court. That is one dimension and an important dimension for those who are running the case and potentially for the local Indigenous community. The other discussion has to be with Sibelco on the future of that land and how future access is going to be granted and facilitated. We would say a sensible transition and a period of engagement would allow native title claimants to best move through and secure the land use they may be seeking even prior to the 2027 full handover date.

**Mr WEIR:** You made a comment about sovereign risk. Could you expand on that? Do you think it has a significant bearing on that?

**Mr Barklamb:** Investors, particularly into the resource industry, are some of the most informed economic participants on the globe. They understand that access to exceptional sources of data, but also experiential and political and policy information on what a number of jurisdictions around the world are doing, so they compare their investment opportunities in the state of Queensland against the states of Canada, the states of Brazil, the US, et cetera. I will confine my comments just to our G20 colleague nations.

Investment capital globally is ridiculously mobile in the resource industry and decisions are made between Australia, between Queensland and competing jurisdictions overseas. The international investment community is already concerned about the state of Queensland. As I indicated in my opening, it ranks 32nd of 109 jurisdictions. The overall rating of Queensland is inflated by our—I am trying to remember my national anthem—bounteous riches to share. What we have in the ground is inflating our perceptions as a place to do business. When you turn to policy and how our governments are regulating the resource sector, the speed of approvals, the complexity of approvals, the number of approvals to start to do business, or in this case the uncertainty in the ending of doing business and a commercially sensible manageable exit from business, which has been accepted by the company, those things resonate. Australia as a country and each of our individual jurisdictions need to be doing all that they can to balance the purpose of regulation, be it environmental, be it based on Indigenous affairs, be it based on any number of areas where a government legitimately regulates an industry like ours. The regulation has to be intelligent, communicated, consistent, proportionate and able to be navigated. That is the signal that one needs to send investors.

**Mr CRAWFORD:** My question follows on from the question from the chair in relation to native land title. I am not going to ask you to speak on behalf of Sibelco, but certainly as a group. As the Australian Mines and Metals Association, obviously, you have a number of members across the country. I would understand that there would be mines everywhere that would have various stages of native land title applications and cases. But in this particular case we have a very clear decision that was made in 2011. Is the native land title decision in 2011 for North Stradbroke Island something that this committee should be seriously taking into consideration, or is it something that you feel is not an issue of state?

**Mr Smith:** From our point of view with the submission we are talking about a long transition time. We are talking about a just transition period. The issue of native title—and native title has been granted across the whole of the island—Sibelco was not party to the native title claim and did not fight it. I was with Sibelco at that time. They went along with the native title claim and, in fact, celebrated it down here in the hall with the rest of the native title claimants. The issue for Sibelco and the native title claimants is for them to speak about, but I could speak on behalf of my business on the island.

Certainly, from this point of view, native title has rights and obligations. Those rights and obligations should be considered in the passage of either of these bills or not the passage of either of these bills. These bills are about an end date to a mine that is on top of non-exclusive native title land. There is an ILUA between the state and the Quandamooka people regarding those lands. For the committee to make an interpretation on the end dates in this legislation, that is a separate issue to a degree. It is for consideration during the process. That is my take on it.

**Mr PERRETT:** Scott may be able to answer this. My question deals with the mineral extraction and the use of the minerals, particularly from an industry perspective and any knowledge that you may have that you can impart to the committee. Obviously, sandmining will finish on Stradbroke at some stage. The minerals that are sourced from here are used by us as consumers every day of the North Stradbroke Island

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week, be it rutile, be it ilmenite, for things as simple as paint in our homes, glasses that we may wear and various aspects of things that we use in daily life, even mobile phones. Obviously, that is no longer going to be sourced here. The demand from the consumer is going to remain and I cannot see those things changing. Where will those minerals come from in the future? It was suggested to this committee yesterday that, given the demand of consumers will continue, they may very well come from countries that have less rigorous environmental standards, less rigorous mining standards than what we have. Are you able to answer that from an industry perspective and the knowledge of the people whom you represent?

**Mr Barklamb:** Thank you very much for the question. I am going to refer the detail of the specific competing nations for the particular minerals extracted here to Paul but, before I do that, you point to a global issue of concern. Minerals will be sourced. The insatiable appetite of the modern world for mined goods in myriad activities that are much wider than your average person on the street recognises will remain. The industry globally has commitments and intentions and spends considerable resources to mine safely, firstly, for their employees, for the local communities in which they operate, and with excellence, rigour, transparency and honesty in their dealings with governments around the world.

Some places around the world are more challenging to operate in. I ran through the index of the difficulty of doing business in the resource industry in Australia. Where Australia meets and exceeds the world is in our courts—our rule of law, the enforceability of contracts and the like. Where we let ourselves down is in areas like labour regulation and approvals and the like. It is a very real concern that, when goods are not mined in Australia, they will be mined in other countries.

I will hand this over to Paul, but if I might digress just for a second? There is both the issue of the rigour, the environmental sustainability and the like in competing economies, particularly in the new world mining economies, but there is also just sheer job losses. Jobs that are being done by Australians in Australian communities, supporting them and facilitating their growth for decades are lost overseas. This is a unique example. It is a unique micro environment here where there is a particular niche form of mining, but this is as true of coal, of iron ore. There are any number of things where Australia's economy is significantly reliant on what our industry produces where we have competitors. When we are at a certain point of price and difficulty in doing business, those competitors will exceed us. Already, we have seen a number of traditionally Australian operations diversifying into global companies, which in some ways is very positive for our economy, but it also shows that they have choices as to where they invest and produce. I will hand the direct question over to Paul.

**Mr Smith:** In my previous role, not just with Sibelco but with the company, Consolidated Rutile, as part of the management team there I got very familiar with the world market and the product that comes from Stradbroke. The Stradbroke assemblage is three minerals, which is unusual in the world. They are also three minerals of extremely good quality. That is what keeps the operation here in the market internationally. The market and the products that come out of Stradbroke are for high-end users, for example, aerospace, welding and those sorts of things. The nearest comparable resource in Australia, I cannot say that there is one. There are the Western Australian and South Australian desert mines, which are a lower grade going for pigment and also for lower grade titanium metal. The nearest comparable resource outside of Australia from my experience—and I know because I have seen the place myself—is probably Mozambique and Senegal, but even then they have their own geopolitical issues and are very difficult operations to mine.

**Mr PERRETT:** Just as a supplementary to that, given the importance of these minerals to us in our daily lives—and I think as was mentioned before a lot of people are not aware of how they affect our daily lives and, I would suggest, many people sitting in this room have probably benefited from those minerals and continue to do that—is there an awareness process that can take place that demonstrates how these minerals in the broader sense form part of our daily lives?

**Mrs SMITH:** I am a member of the Queensland Resources Council as well. The Queensland Resources Council has an extensive campaign of bringing an awareness that metals make everything. They had a campaign during the 1990s that was quite effective in that way. Sibelco does quite a lot of promotion within the business, but I guess it is the diversity of uses that is quite a surprise to most people. It is not just metals; it is also end products. For instance, the zircon is the replacement for lead in paints and helps hold the pigment together on high-gloss items, including Smarties, of all strange things. And then the ilmenite is welding, flux-core welding wire.

**Mr PEGG:** Scott, you talked in your opening statement about industrial relations and also risk. Yesterday, we had the benefit of hearing from Mr Paton, who is the operations manager at Sibelco, and we talked about the redundancies that happened when the Yarraman Mine closed. He said that

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the workers had about eight to nine months notice of a firm date for when the Yarraman Mine was closing. I asked him what the legal obligations were from the company in relation to how much notice they have to give. He told me that it was one month. We did not drill down into the source of that obligation, but I am assuming that it is the relevant enterprise agreement. Notwithstanding whatever end date the parliament or the government may set down for sandmining on Stradbroke Island, due to resource fluctuations and a whole range of factors, Sibelco, notwithstanding any end date, could not make a decision to cease mining operations with one month's notice. How do you reconcile that and the time frames for the closure of the Yarraman Mine with your submission that three years is not long enough notice to cease mining operations?

**Mr Barklamb:** With respect, they are two very separate questions. A commercial and operational notification that you are going to change an operation or close it—and I know Sibelco is not a listed company—includes for a lot of my members telling the market that they are going to close something and providing due notice to the community, the employees. That is a different matter from the technical legal notice that you are going to terminate contracts of employment.

Let us look at the scenario that we commend to you—that a 2027 agreed date is agreed upon broadly for the closure of the mine, notified to the market, well understood, well promoted, and well recognised. Technical dates for termination of employment would come up through the gradual closure and decommissioning of the various facilities that Sibelco has. So a particular individual's notice might be different.

With the reference to a month, I want to be very clear about that. There are a couple of different things that go on here. A month is a very shorthand way of giving you the notice periods that are in the national employment standards, which vary between a week to five weeks based on years of service. That has been in our laws since 1984. Those amounts were put in at the behest of the ACTU with the then Labor government's support. That amount, plus a period of redundancy pay—technically redundancy pay is in itself an additional form of notice. I cannot comment on the Sibelco agreement or the quantum of redundancy pay they would intend to provide on closing operations on this island, but I would suspect that it would be a quantum larger than a month's payment or a month's notice.

The short answer is that, in an industrial relations sense, I am sure that the company will endeavour to give each employee the greatest clarity and information on their specific ending date as is possible. I would assume that it would be far longer than a month. It would be very clear to people whatever the closure date would be.

**Mr PEGG:** But is it not the case, you would agree, that legally Sibelco could give notice to close tomorrow and only have to give a month's notice to cease all of its operations?

**Mr Barklamb:** Technically, Sibelco could shut tomorrow and pay everybody out in lieu. They could decide that, but that is the right of every Australian company.

**Mr PEGG:** That is correct.

**Mr Barklamb:** I want to point to a transition, though, that might be useful for the committee to think about. It is a contrast that occurred to me in writing our submission. John Button, as industry minister in the 1980s, had the Button car plan and he had the textile plan and a number of things that gave a lot of notice and a lot of predictability that industries were going to transform and jobs were going to be lost and unions and employers were able to plan for those closures over time.

Contrast that with the uncertainty that we have had with the car industry. Queensland is probably a net beneficiary of the closure of the car industry in some ways, but contrast that with the ongoing uncertainty and finally the 'Will you give us more money? Will you not give us more money?' from Mitsubishi, Holden et cetera. What you ended up with was a pretty comparable closure date to the one that we are talking about in the 2019 legislation. For those employees, effectively, that has been an abrupt closure and they are facing the challenge of trying to find re-employment in very difficult labour markets in South Australia and Victoria. I think that it is worth looking at other industrial relations examples and what they tell you should be that a planned transition, with a lot of notice of the operational closure, is the best way to manage the personal transitions that employees need to make.

**Mr Reid:** Can I just make an additional point on your question? I have a fair bit of knowledge around the community relations and the sustainability activities of many of our members. As the committee has pointed out, we have members right across the nation—in fact, hundreds of them.

Sibelco is widely recognised and widely known as being one of the best practice employers in terms of their engagement with the community, their employment and their general way of going about their business. So it does not surprise me at all to hear of particular anecdotes from former employees that they were given eight months notice of these sorts of things.

**Mr PEGG:** I happen to believe that it was the current operations manager, actually.

**Mr Reid:** It does speak volumes for the way that Sibelco goes about their business and I would suggest to the committee that this is something that the company, I am sure, would like to expand on when they appear later today. The hypothetical scenario that you raise is obviously something that, after 65 years of being a sustainable and responsible member of this community, the company would not want to go down that track at all.

**Mr WEIR:** On the back of that, we hear conflicting opinions of what the cost—

**CHAIR:** Before you start this, this will be the last question.

**Mr WEIR:** Okay. There are conflicting opinions on the cost to the community with the closure of the Sibelco mine. We heard not long ago that there was an estimate of about 40 jobs that would be lost. Do you have any figures on jobs? I suppose you have subcontractors which blurs that, but what is the cost to the island's economy?

**Mr Barklamb:** As a framework question—and I will allow Paul to answer it in express detail—you lose the jobs of the individuals concerned, the incomes that they inject into the local community, the expenditure of the employer in the local community, the injection into local contractors and businesses and facilities. I am told—and I will ask Paul to expand on this—you also lose some soft and hidden subsidies. We have had mention this morning of fuel and electricity. They are areas of life. Paul, would you like to put some numbers to Mr Weir's question?

**Mr Smith:** Yes, certainly. I think Sibelco will probably speak for themselves on this—and I am pretty sure they will. From my estimates—and I left the company in December, so it is current up to December—there are 110 employees based on the Stradbroke Island operations. I think up to about 80-odd are resident full-time equivalents on the island. There are a number of contracting businesses as well and you will hear from the chamber of commerce later on—contracting businesses like myself that will lose a percentage of our income. Like Scott was saying, there is then fuel, for instance. About 80 per cent of the fuel usage on the island from the depot here is from Sibelco. So you need to question, 'Is there a requirement for a fuel depot here?' Is Puma Energy going to say, 'We don't need it anymore. We'll go on a tanker-by-tanker basis.' That directly affects the retailers that exist here and the price. In particular, if they have to pay for their own tanker to come across, that is going to be quite an expensive item for them. There are those sorts of flow-on things. I think you will hear from Stradbroke Ferries as well today about their concerns.

It is an integrated economy. It is an economy that is diverse. I agree with some of the people who spoke this morning that it is a diverse island economy. It is one of the few around Australia that is diverse. When the plan is to remove part of that, it needs to be done in a properly planned and executed way so that whatever is there to replace it is functional and happening before it disappears.

**CHAIR:** Thank you for coming along today and for the assistance that you have provided to the committee. I now close this session. I believe that we are having lunch. This session will resume again at 1 pm.

**Proceedings suspended from 12.19 pm to 1.01 pm**

**COSTIGAN, Mr John, Group Operations Manager, Mineral Sands, Sibelco**

**CUTBUSH, Mr Tom, Chief Executive Officer, Sibelco**

**McCAFFERY, Ms Emily, Vice President, Safety Health and Sustainability, Sibelco**

**STEELE, Ms Katy, Environment Adviser, Sibelco**

**CHAIR:** I welcome officers from Sibelco: Tom Cutbush, Katy Steele, Emily McCaffery and John Costigan. Thank you for appearing before the committee. I understand that you would be aware of your instructions in relation to speaking before the committee. I invite either all of you or a spokesperson to make an opening statement. Bear in mind that the longer the opening statement goes for, the less time there will be for questions. The ball is in your court as to what you would like to happen. I understand that this session is scheduled to finish at 2 pm. It is over to you.

**Mr Cutbush:** I will give an opening address. I have brought along Emily McCaffery, who is responsible for our environment and sustainability. She is responsible here in Australia but now she is responsible globally for that strategy across the Sibelco group. Katy Steele is our environment adviser here on North Stradbroke Island, so we can get into mining and environmental matters. John Costigan is also here on the island. He is our operations manager. They will answer questions when it comes time for questions. Before I start, I would like to acknowledge the traditional owners of the land on which we meet, the Quandamooka. I would like to pay respect to their elders—the past, the present and the future. Thank you for this opportunity to present before you today.

Sibelco Australia is the operator of the mineral and silica sandmines on North Stradbroke Island and mining has been an integral part of the economy and culture of Straddie for 60 years. We currently employ 116 people on Stradbroke—60 per cent of them are island residents. We agree that mining on North Stradbroke is a temporary land use, that mining will end and it will end soon, and that the island economy needs to transition to non-mining related businesses. I will repeat the word ‘transition’ many times and the transition we are talking about is the transition of this economy. The company will learn to transition. The company will transition its operations as required by the legislation and the regulation. We are not here to complain or correct or adjust that. We are talking about the transition of the island economy.

We submit to the committee the following points which reflect our formal submission that you have all received. The development of alternative industries and business is not mutually exclusive to the continuation of mining. Mining and the environment can cohabitate. Ending mining in 2019, under four years away, is too soon for a successful transition of the island. The legislation as drafted contains a number of legal, environmental and policy issues which if enacted would work against the bill’s primary policy objectives. As you know, we are here today to talk about the two bills. We will loosely call the government bill the 2019 bill and we call the 2024 bill the Katter bill. I may refer to them loosely in the following discussions.

It is our belief that just over three years is not enough time to transition North Stradbroke Island to a sustainable economy that is not based on mining and to embed and replace the employment independent of what is today the largest employer. To maximise the amount that Sibelco can contribute directly towards this transition, the direct economic contribution, as well as the sustained employment and spending in the economy, an end past 2024 is really needed. We recognise that Sibelco Australia will be the last sandminer on the island. It is with this in mind that in July 2015 we put forward a proposal to end mining in 2027 as the date to achieve a careful and successful transition. Of the two bills being considered, we believe 2019 is just too soon. The year 2024 is better than 2019 but 2027 provides the best outcome, allows us to maximise our economic contribution and allows the transition projects that the government has proposed, such as the Toondah Harbour development, to be established and to create the jobs so that 2,000-plus residents can continue to successfully live here.

We were pleased to show the committee around our operations on Stradbroke on 8 February and have a big question time. I repeat the messages of that day, and these were also included in our submission. A 2019 closure will cause the loss of approximately 300 direct and indirect jobs on the island and cost the local North Stradbroke Island community and the broader economy \$70 million in economic and social benefits. The year 2019 is tomorrow for us, so planning for the closure would need to commence immediately. If it remains 2019, it will commence immediately because we will need to adjust investment, adjust the mine plan, adjust the staffing and adjust the costs. It is very immediate. Certainty is incredibly important in such a large capital intensive business. The proposed



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legislative changes in the government bill, the 2019 bill, are unusual and they are expensive in their impact on our mine planning. They will not achieve the outcome the government is seeking and they reduce the amount of land we can immediately pass back to the state.

Today there is no alternative economic activity that would be capable of generating a similar monetary economic contribution to replace Sibelco's operations. A date earlier than 2027 restricts our ability to contribute \$20 million to the transition because we contribute by bringing forward what we would contribute in further out years.

The government bill also gives rise to significant legal, environmental and policy issues. The proposed bill prevents Sibelco from quickly and efficiently carrying out our decommissioning and our rehabilitation obligations. Under the proposed legislation, there is uncertainty as to how decommissioning and rehabilitation works will be carried out by cancelling the mining leases that currently give us the authorisation to do that activity. The government bill provides a restricted mine path which does not allow flexibility around areas of cultural sensitivity. The proposed path in the 2019 bill goes closer to the escarpment and disturbs more previously pristine and undisturbed land.

The government have already announced they are contributing over \$20 million to support the transition. With this additional time, Sibelco has pledged also \$20 million in spending on transition projects to help support the economy and ensure a positive legacy when Sibelco leaves North Stradbroke Island.

Sibelco has always had a close working relationship with the Indigenous community on North Stradbroke Island, specifically with the Minjerrabah Moorgumpin Elders-in-Council as part of our cultural heritage management plan. The elders and our technical people have developed the plan by which we reconstitute and rehabilitate the land via the MMEIC. Together we have been involved in projects such as the creation of the NSI flora and fauna book in 2009 and the Jandai Indigenous language dictionary in 2011, and more recently we have helped start up the Jubbin business hub to look more at transition and training and business opportunities. Since 2011, when QYAC was appointed as the prescribed body corporate, we have maintained a good local working relationship which has led more recently to greater collaboration through projects such as our joint involvement in the feral animal management program—that was the whole community, not just us and QYAC—but it has already seen positive results towards a feral animal free environment.

QYAC and Sibelco did not consult on our submissions to the committee and I think sadly we did not consult. It is fair to say that we have operated very well on the ground, but at a more strategic level we appreciate that QYAC have a different imperative and a different priority than working immediately with us.

Although the government's offering presents a range of much needed opportunities for Stradbroke, the projects put forward will not be up and running in time to manage the shortfall that will come from the 2019 cessation of mining. With an end of 2027, Sibelco, the government, the traditional owners and the local community could start working now on the transition plan. A thorough review of the government's proposal has also identified that every project outlined in their economic transition plan could begin immediately. Mining does not need to cease in order for the transition projects to commence.

We believe the solution is to combine the government's strategy and Sibelco's proposed financial contribution with an end date to mining in 2027. This combination allows the time for Stradbroke businesses and industries to establish an independent foundation. This solution will provide an avenue for Sibelco, the Queensland government, the traditional owners and community to work together for a successful transition.

Our commitment is to bring forward the spending to help start the non-mining economy now. Bringing forward this spending is a risk to us in that we are in the real market world of mineral sands, but we are prepared to do that and commit to do that. Three years is not enough time. After 60 years of mining, three years to finish up is not enough. We have been in this mineral sands business here on the island for six years, and three years is not enough time to exit. Ten years is a realistic time frame to see the emergence of a sustainable alternative economy and to assure a successful sustainable transition.

We are pleased that we can be the last sandminers on Stradbroke because we feel we really try to do a good job, and we can stay and we can do a good job in rehabilitating and bringing back this country. It is perhaps better that it ends with us than many of our predecessors in this industry. We would be proud to take on that challenge. That is all I had in the way of a statement. We are happy to take all and any questions.

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**CHAIR:** I am interested in historically tracing what has gone on since 2011. In 2011 the former Bligh government introduced the original framework under the North Stradbroke Island Protection and Sustainability Bill which intended to substantially end mining on Stradbroke by 2019. That was back in 2011. What has Sibelco done since 2011 to transition to ending mining in 2019 before the amendments were passed? Before the amendments were made by the previous government, my understanding was that you would have been proceeding under the 2011 legislation. What did Sibelco do between 2011 and 2013 to comply with the legislation as it stood then?

**Mr Cutbush:** Emily and John, you were here.

**Ms McCaffery:** I will start off from a community point of view and John can talk operationally. As early as 2011 we did recognise that the time would come for us to leave the island sooner than we had originally anticipated. What we wanted to do is play a role in the transition and to contribute to the local community. We established the Straddie Sandmining Community Fund with an initial seed funding of \$1 million which has been subsequently topped up by another \$1 million. What we did was we pulled together representatives on the island and we empowered them to play a role in assisting the island and assisting people with applications that they put forward for funding to try to develop an alternative economy and to support the community in that transition process. We also contributed to the government's economic transition work task force. However, it did not really continue as originally planned. We wanted to make the direct investment through the Straddie Sandmining Community Fund. John, did you want to talk operationally?

**Mr Costigan:** To elaborate a little on the sandmining fund, the strategy of the sandmining fund was very considered over the period that it has been running—the last four years. There is \$2 million that has either already been spent or has been committed to date with that fund. The initial objective of the fund was to support infrastructure projects—that is, building things on the island—to make sure that was the foundation of transition going forward. Transition needs to be built on infrastructure first. More recently the focus of the fund has been to look at supporting capacity building in businesses. That is looking at ways in which businesses can develop themselves, providing training and those sorts of things. We have had a couple of really good examples of that. One in particular is the North Stradbroke Island Golf Club. Firstly, the fund provided money to update the facilities and, more recently, provided money to train the people who manage the golf club in marketing techniques so they can build their business and bring more into the club. That has been a real success story.

That is the key foundation way that Sibelco has started and supported the transition from early on in 2011. Operationally, we were given a fixed mine path from the 2011 legislation. At the time we changed our mining operations to meet that path. We are still on that path and we have not deviated from it because of the uncertainty about changing the legislation over the last five years. Our mining is a long-term business. We cannot change it every year or every two years. Mine planning requires five years to 10 years planning time. To mitigate the risk of having legislation changed and mine paths changed again, we stuck initially to the original mine path. I must add that it is not the optimum mine path that we would choose had we not had that restriction applied to us in 2011, so that is what we have done.

**Mr WEIR:** Tom, you said that 300 jobs would be retrenched and you also quoted a figure of \$70 million. Could you expand on that \$70 million? How did you arrive at that \$70 million figure?

**Mr Cutbush:** The \$70 million is the net present value of our contribution calculated economically between now and 2027. It is the period of extension as we would choose. Perhaps rather than go line by line, I can break down—as we presented to you previously—where there is employment contribution, where there is community sponsorship et cetera. The scale of some of the numbers help understand how quickly you get to the \$70 million. For example, the salaries on the island are to the tune of \$13 million with another \$5 million off the island. Annual royalties—the contribution to the Queensland government—are another \$9 million every year. That comes to \$44 million over the long period. There is another \$1 million contribution to the Quandamooka in terms of their entitlement under the common law, and then there is our spend on the ferry service and our spend on energy. The \$70 million is not an annualised number. That is an economist saying that, when you purchase a ferry service or an energy service, some element of that trickles down into the community and that is what they record to give a net present value contribution of \$70 million.

Our annual spend in the community are these sorts of numbers where you are getting up to \$50 million to \$70 million every single year that we are spending here, but economically that becomes the present value of \$70 million. I can take you through the actual \$70 million if you like, but I think that is—

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**Mr WEIR:** No.

**Mr CRAWFORD:** Tom, I am picking up on words you mentioned during your opening remarks. I will not try to paraphrase you, but it was in relation to QYAC and comments around consultation. I think you said something like Sibelco and QYAC have a different view. What is Sibelco's position on the native title decision from 2011?

**Mr Cutbush:** I will let Emily speak to that because this is her area of expertise.

**Ms McCaffery:** I think there were a few questions. I will try to answer the last question, which was Sibelco's position. Sibelco was a party to the native title hearing and Sibelco was pleased to provide consent in that hearing to enable native title to be determined. We support it. We did support it legally and we continue to support it.

**Mr PERRETT:** Thank you for coming along today to present to us. My question which anyone can answer regards the process for decommissioning but also the rehabilitation work that needs to take place. I think some of the concern that has been put forward by some of the community groups is the legacy post the end of sandmining and the processes you will adopt through that decommissioning and that rehabilitation work to leave the island in the best possible state that it can be. That is the feeling I am getting from some of the community groups. Some of them want it to stop immediately, but I would imagine there would be an economic process that you would need to go through as well to expend the funds required to rehabilitate the island and leave it in the best possible state. I note that we also have department of environment people here today and obviously there will be minimum requirements that they have, but assuming you have been a good corporate citizen through the whole process you want to depart knowing you have left the island in the best possible state. I just want to know about the decommissioning and the rehabilitation.

**Mr Cutbush:** Katy, would you like to start and maybe what you miss John will pick up.

**Ms Steele:** Sure. We have quite detailed rehabilitation conditions through our environmental authority. We want to be able to meet those conditions in order to complete the rehab and have a positive legacy that we can leave. Legally we would have to demonstrate that we do comply with those conditions before we are able to surrender that licence.

**Mr PERRETT:** I assume it will take years and years. Is that something that will remain an obligation of yours until the department of environment is satisfied you have met those minimum requirements?

**Ms Steele:** Yes, that is correct.

**Mr Costigan:** Our rehabilitation has been going on and is on ongoing process which follows mining, and it has done since mining began. We rehabilitate as close to the back of the mine as we can as we move through the landscape. Over the years we have developed and improved those rehabilitation processes and we are always thinking about ways to do it better. Rather than meeting the minimum requirements we always attempt to make sure that we exceed them to a point where I think in 2008 the previous mining company, CRL, was awarded an award from the Queensland government for its rehabilitation planning. Katy might be able to clarify exactly what that award was, but it is evidence that we are recognised as leaders in the industry in our rehabilitation techniques. As I said, we try to improve those all the time. We are certainly not just trying to meet our minimum requirements.

**Ms McCaffery:** John has described our company philosophy that we want to provide a positive legacy. Yes, we have legal obligations but we have a long-term approach. We are a company that wants to do the right thing and to do rehabilitation to a good standard. That is something that we will be wanting to do. The current draft of the legislation is problematic in terms of the legal mechanisms that it has put in place. We are looking at the legislation and we are getting legal advice, and we are concerned because we want to be able to do rehabilitation to good standards and we want to be able to do that and hand the land back.

We recognise that there is going to be alternative land use after we have gone, and we would like to consult with all interested parties. If there are things we can do to help facilitate the earlier relinquishment of land or to help rehabilitate it to a state that is more in line with the ultimate land use and one that is respectful to cultural and heritage aspects as well, then we would like to do that. In looking at the current draft of the 2019 bill, there are some problematic legal mechanisms in there that make it difficult, but that is what we would want to do and that is what we would like. Regardless of the end date, we want to be able to rehabilitate to a good standard and to get a good outcome for all.

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**Mr Cutbush:** I will add to one point that Emily made about trying to do a great job rather than just doing a good job. An example there would be that our commitments under the act, under our legislation and our lease, that Katy described, are very much what the traditional owners would call archeological. Just one piece of our commitment would be archeological—sticks and bones and looking after things.

As you would know from your discussions here and elsewhere, the traditional owners would see a lot more at stake than what you might call archeological. What we have done is merge our more technical aspect, in terms of redirecting the mine and relocating artefacts, with a more, you could call it, holistic or emotional and legacy aspect. We have traditional owners and elders advising us on how the land should be not just the prescription of where the shells and where the midden should be moved to.

That is an example of how we feel we are doing more than is expected. When we leave it, we are not just leaving it for the department, the environmental authority, we are leaving it for a community. That is why we have included them and they have included us in that.

**Mr PEGG:** We have been talking a lot about the beneficial economic impact of sandmining to the island and also the impact sandmining ceasing will have on the island. How much tax does Sibelco pay on its income earned in Australia?

**Mr Cutbush:** I can easily answer that question. Your question is about Australia, but let me answer about Queensland. In Queensland we are contributing the amounts that I have previously referred to and that were in our submission. It is to the scale of \$9 million a year in royalties, payroll tax, land tax, leases and another million in annual royalties to the Quandamooka people. We meet our local tax commitments.

**CHAIR:** Tom, could you just pause for a minute. We are having a technical problem. Could you please start again.

**Mr Cutbush:** The tax is in two components. You asked about what we might call the Australian corporate income tax—and I will come to that.

**Mr PEGG:** And that was my question as well.

**Mr Cutbush:** I know it is. But you can imagine that I want to explain that we meet our commitments. For example, in Queensland we pay \$9 million in royalties, payroll tax, land tax et cetera. As a corporation we pay whatever tax is due in that year. We do have years—and we have had years since we bought this business and especially since we bought our larger business in Rockhampton, the magnesia business—where we have not needed to pay tax.

That happens to us all over the world, usually when we are in the depreciation phase of projects. For better or worse, it is quite a common debate in Australia. Basically, it is negative gearing and we both gear and depreciate. In recent years in Australia there have been years where we have paid little or no tax and there have been years when we have paid significant amounts.

**Mr PEGG:** So it is not incorrect that for the most recently published year, the 2014 financial year, that Sibelco paid no tax on its income—

**Mr Cutbush:** That is correct.

**Mr PEGG:** There has been a bit of discussion about—and I guess it has been a central focus of this bill—what the end date is going to be for mining. We have two bills on the table. We have a current act that has an end date. The company's position is quite clear that 2027 is the preferred end date from Sibelco's perspective. I know you were here—

**CHAIR:** We have a technical issue. We will adjourn for five minutes to sort out the microphone issue otherwise none of this will be properly recorded. It is important that is recorded properly.

**Proceedings suspended from 1.35 pm to 1.42 pm**

**CHAIR:** I thank everybody for their indulgence in allowing to us rectify the technical difficulty. To allow for the loss of time we will finish at 2.10 pm rather than 2 pm. Do we need the question again?

**Mr Cutbush:** No, we are up to Duncan's next question.

**Mr PEGG:** Obviously critical to the bills are the end dates, as I mentioned earlier. The different bills have different end dates. In its submission Sibelco put 2027 as its preferred end date. The company is within its rights to cease operations earlier than any end date. We have questioned previous people appearing before us. The consensus seems to be that legally the company has to

give either four or five weeks notice of ceasing operations. If you get the cessation date that you are seeking—which is 2027—what kind of guarantee can you give that you will continue to operate until that date?

**Mr Cutbush:** I cannot give any guarantee that we can operate until 2027. I can show our confidence. We have offered today to start spending \$20 million at least in building the community in the transition period. That \$20 million is what we worked out. We worked out what we could spend if we were here until 2027 and said, 'Let's start spending that today.' It is only a show of good faith. If we were going out of business and planning to close we would not spend \$20 million.

**Mr PEGG:** And you have no obligation to keep going. You are saying that two to three years is not enough notice, but is it not the case that if you made a decision on economic grounds to effectively shut earlier practically speaking you are not going to give two to three years notice, are you?

**Mr Cutbush:** Perhaps you are confusing the transition period that the community needs with what we need. When we change plans—like when we needed to close Yarraman because we were finished; there was no more opportunity to mine there—we started planning that five or six years ahead, we started working with our workforce more than two years ahead, we detail scheduled their departures a year ahead, and then eventually a date came and we had a barbecue and different people left. Technically, you could close operations like this very quickly. That would be very expensive but what we would always do—as we do all over the world—is we would have a plan and we would communicate that plan.

The transition plan that we speak of here and repeatedly is not for our sake. Our transition will be whatever the legislation tells us. If we need to stop in 2019, 2024 or 2027, these people will make a mine plan to get us into the right position so that we are at the right levels and we can stop. That is technical and we can do it. The transition that we are talking about that we think takes more than three years is to transition a community from perhaps being overly dependent on a single major employer to being a diverse, tourist based, more dynamic economy. That is the transition we are referring to.

**Mr PEGG:** I understand that. I am just trying to understand what the company's obligations are. No matter what date the department may set, Sibelco independently could cease operations at a date of their choosing if the mines become uneconomic, a whole range of factors, et cetera. What are your obligations to give notice and provide a transition?

**Mr Cutbush:** There are legal obligations. We always exceed those because in our sort of business you have to have people working until the day you are not working. If you gave people four weeks notice, you know what would happen—they would not be there—so you work together. That is how we would always do it. It is a very long-term business and the people who work with us understand that. We give plenty of notice. Technically, the legalities are all different numbers as you said. Some would be four weeks, some people would be half a year, some might be three months. There would be a whole range of legacy arrangements that people brought as they joined the company over these many years.

**Mr PEGG:** But they are less than three years, aren't they, in those obligations?

**Mr Cutbush:** Of course, yes. There is a mixture of things in your question. There are legal obligations, which of course you meet. There is a company way of operating a mining company which is you do not just close down; that would be very expensive and would leave no reputation. Then there is the transition. You hinted, so I will answer it, that we could close down. Of course and the reason would be the economy. The facts are we hope we have hit the bottom of this mineral sands economy. We had a really very, very bad year last year. This year has not got any better, but we are still contributing to the community and we still have a viable business in this very poor market. The way we live is that on the ferry this morning I was reading all about the significant increase in the iron ore price and talking to our operators on the ferry saying, 'This could be it. Maybe we'll make some more money.' That is the way it is, but if I read that the price was going down another \$100, it would get depressing and we would be talking about standing people down temporarily, we would stand people down long term. We will do what is needed to run a successful company and maintain the employment.

**Dr ROBINSON:** My question to Tom and anyone else goes to the issue of consultation between Sibelco and QYAC. My question is based on the premise that there have been some statements and perhaps some different perspectives on consultation and what constitutes consultation. For example, I dispute that there was no consultation with the former state government

and QYAC because I was at the centre of that consultation. There were meetings with ministers and I was there and QYAC representatives were there. On the record, it is not correct as to what was shared today. It was also implied that there might not have been very much consultation perhaps and there were various statements about consultation levels between Sibelco and QYAC in terms of potentially forming an ILUA. Do you have anything that you can contribute to that—and even on whether you were aware of the former Newman government and any of its consultation with QYAC?

**Ms McCaffery:** Going back in terms of the history, Sibelco and its predecessors have had a long relationship of engaging with the community and also engaging with Indigenous bodies. We were part of the Native Title Act and we provided consent to native title determination and we were very pleased to be able to do that. From when QYAC was established, we were very much interested and desiring to sit down and have discussions on any mutually beneficial opportunities and ideas of where we could work together and help facilitate the Quandamooka people's interests.

There were some meetings, and it is fair to say that we would have liked to have continued those further and were open to those, but we understand that at that particular point in time why QYAC may not have wanted to have those discussions. We are very pleased that we have been able to sit down and talk on these more strategic opportunities, and we would like to see that continue. We would like to build on the relationship that we have commenced with and to take that further. John is going to be talking about some of the more on-the-ground activities we have been doing.

**Mr Costigan:** On top of the high-level more strategic discussions and negotiations that have happened over the last four years or so since QYAC has been an actual entity, on-the-ground particularly in the last few years we have had I think I would call it a successful working relationship as far as operational matters go—particularly in access to the lease for QYAC to do the things they need to do on lease and cross lease to meet some of the obligations with national park and those sorts of things. A number of the QYAC employees and representatives have inductions to come on to the lease, to cross the lease, to access the lease through the gate that is at the start of the mining lease. We feel through that and through other things—such as the feral animal management group—that day-to-day, week-to-week, operational cooperation has been fairly successful.

**Dr ROBINSON:** Just as a follow-up to that, in terms of Sibelco's preparedness to enter into its own ILUA with QYAC so there would be benefits for the Quandamooka people, can you confirm whether it is true that Sibelco was offering an ILUA somewhere in the vicinity of \$20-plus million? What benefits might that have brought to the Quandamooka people?

**Ms McCaffery:** Sorry, I cannot confirm numbers, it was a while ago. In terms of the current ILUA that exists between the Quandamooka and the state government, Sibelco was originally a party to that and we had put forward a compensation proposal as part of that. We were asked to leave the negotiation table, so to speak. We were given a letter of comfort from the Queensland native title department regarding our mining interests on the island and basically asked not to come back to the negotiation table. That was taken forward. That is the extent of the history in terms of the ILUA.

In terms of other economic benefits that we would like to offer, we are still open to discussing those. Regardless of what happens with the legislation and what the date ends up being, we are still a mining company with a long-term outlook. Regardless of what date we do exit, we would want to do so in a way that leaves a positive legacy. Regardless of what happens, we would still be interested in speaking to all stakeholders and speaking to QYAC about ways that we can work that will help facilitate rehabilitation, handover and anything that we can do to help facilitate their interests.

**Dr ROBINSON:** So you were kicked out of the process. That is very interesting.

**CHAIR:** There are a couple of things I would like to ask, Emily. They centre around a comment you made earlier—and I cannot repeat it in full so bear with me—where you said you have concerns about the current bill we are reporting on. You said there are some legal aspects of the bill that are of concern. Can you outline what they are? Is that something you need to take on notice?

**Ms McCaffery:** No. The full extent of the legal arguments are in appendix B but I can summarise those for you.

**CHAIR:** If they are in appendix B—

**Mr Cutbush:** It is a quick summary and then we will all understand.

**Ms McCaffery:** In essence, the 2019 amendment bill is proposing to take away the normal and usual mechanism that all mining companies conduct rehabilitation activities. All decommissioning and rehabilitation activities are done under a mining lease with an associated environmental authority.

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What the bill is proposing to do is to take away the legal mechanism under which a mining company would normally decommission and rehabilitate. In its place is the section 344A right of access, which I guess is an attempt to plug that but there are deficiencies.

Firstly, it does not actually authorise us as a mining company to complete those activities; it is access only. There is actually no authorisation for us to go ahead and do those. Secondly, the environmental authority permits the activities done under the mining lease, so once the mining lease disappears there are no activities to authorise so those rehabilitation obligations just stop. The normal process under the Mineral Resources Act is that a mining company will engage with the environment department and show reports and studies and go through a process to demonstrate that rehabilitation has been completed to the desired standards and to hand back the land under that process. In addition to not being authorised to complete the activities, there is no actual relinquishment process. It is sort of in a bit of a state of limbo.

Another deficiency with the section 344A is that there is a time lapse between the mining lease ceasing and the access authority commencing. One of the fundamental principles under the Mineral Resources Act is that mining tenure continues until rehabilitation and hand back. That continuity is vital for a company to invest. Our planning horizon is five-plus years. We need to be able to have certainty and plan all of those activities. A mining tenure, even with no winning condition, is the appropriate mechanism to do that.

The section 344A access can only be granted at the discretion of the minister and once the tenure has expired. We are in a situation where we have a huge investment in terms of mobilised equipment, mobilised workforce and notice provisions et cetera. A huge amount of money is influx, ready to complete the activities. With no continuity of tenure, we are in a position where without certainty you would have to really decommission the site until appropriate access was granted.

**CHAIR:** Emily, does appendix B give suggestions for how the act can be amended to alleviate the problem that you outlined?

**Ms McCaffery:** Yes. The legal basis under which mining companies complete rehabilitation is a mining lease under the Mineral Resources Act. We are very comfortable with the Bligh government's original proposed structure—

**CHAIR:** What structure—

**Ms McCaffery:** One of the concepts introduced by the Bligh government was to introduce a no-winning condition, which means that a mining lease could exist but without the right to win the mineral. It permitted the full other range of activities that are required to do heavy decommissioning work and rehabilitation work. The proposal is that a mining lease continue for a period with a no-winning condition attached to it to allow appropriate decommissioning and hand back.

**Mr Costigan:** Just to extend that point—I think this adds to the solution for that—one of the concerns is that the ability of traditional owners to access the land and exercise their native title rights on that land is being prevented by mining lease. Under the MRA, I am the operator of the mine. I have a responsibility for the health and safety of anybody who enters that lease. As it stands, that bill, once the mining lease is extinguished, transfers that into a new rehabilitation authority which still obliges me to keep people safe under the Mining and Quarrying Safety and Health Act. What it does not do, however, is allow me to deny access to any of that area. I am exposed because I am responsible for the safety of people entering the land. However, I have no rights to prevent people entering that land so I can keep them safe. Quite often you need to exclude people from these mine sites for their own safety. One way around this—and this is to put it very simply and very easily—is to maintain mining lease over the areas that are currently mining lease with a no-winning clause and for the department to facilitate the relinquishment of all of those undisturbed areas. That would release a vast amount of undisturbed land for other uses and would keep the disturbed land that we are trying to effectively rehabilitate to meet our environmental authority and to protect the safety of the people doing that work. It allows us to do that under the existing quite simple legislation.

**CHAIR:** I have one question and I am not sure whether it is in your space, Emily, but from the detailed answer you gave me last time it may well be. As you are aware, there is a High Court challenge to the 2013 legislation before the High Court. To paraphrase my understanding of the action in the High Court, it is a challenge to the validity of the previous government's legislation under the Australian Constitution because of the Commonwealth Native Title Act and the ILUA. Do you have a solution to that problem? Do you have any ideas or have your legal guys looked at it? In saying that, I am conscious of the fact that the courts have not considered it. Just because the courts have not

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considered it does not mean to say that someone in your legal department does not have a view. You may not want to share that view and I would respect that. I am just trying to understand what Sibelco says about the fact that—

**Mr WEIR:** Is that a question?

**CHAIR:** Yes. It is a question.

**Ms McCaffery:** I think I understand the question. I am happy to answer it. You have asked whether we have a solution and we do not because we are a third party just like anyone else is.

**CHAIR:** It was pretty clumsily put, I will admit.

**Ms McCaffery:** My understanding of the court case is as you have expressed it. Essentially it is a claim by QYAC against the Queensland state government. Our understanding is that at the time of passing the legislation the state government did so under advice of crown law, who are the body who provides government with advice on how and what laws they can pass, and did so on the basis that the amendment act did not impinge on the Native Title Act. That was my understanding at the time. I am aware that the state government is continuing in those proceedings. I have not been following it but the High Court ultimately will be looking at that. I imagine that crown law would be the appropriate body that is advising the government as to what laws they can pass.

**Mr WEIR:** I had a question about the restricted mine path. I was wondering how that came about. Who was that in consultation with? Who worked out the restricted mine path? I know you have an alternative path that you would rather. This one seems to me to be going in some fairly sensitive areas from my rough understanding of the landscape. Do you have any comment on that?

**Ms Steele:** We were approached by the Department of Environment and Heritage Protection to have a look at the proposed mine path that is in the legislation. As you are aware, we have proposed an alternative path because we believe that it actually has better outcomes from an environmental perspective as well as from a cultural heritage and cultural values perspective. The path that we suggested is moving more towards the centre of the island away from the escarpment. There are some sensitive cultural sites as well as some landscape values along the escarpment. It is also more environmentally sensitive for us to move outside of those areas. The path that we propose has a 16 per cent reduction in the footprint of the mine path and it has a reduction in remnant vegetation that will be cleared as well—20 per cent remnant vegetation and 38 per cent of concern vegetation. From our perspective, it is a better option.

**Mr WEIR:** On what grounds was that rejected? Was there any reasoning for that?

**Ms Steele:** We were not given a reason. From what we understand from some of the information that the department has provided—and I do not want to speak on their behalf—they were given a policy objective of removing the 2013 legislation, the changes. That is my understanding of why the mine path has been reinstalled.

**Ms McCaffery:** In essence, the mine path that was put forward in the bill was described to us as being the old path. I guess that is what they were wanting to go forward with. We did have several meetings with the government to go through all of the details behind the improved path. We had meetings but at the end of the day that alternative path was not adopted. There is a process put forward in the bill to amend that path. The time period is very short. It also requires an ILUA for future acts. However, the amendment to the mine path does not contain any future acts. Again, it is in that category where there is some legal uncertainty around the mechanisms that have been adopted in the bill.

**Mr CRAWFORD:** My question hinges on the back of a question that the member for Cleveland had asked earlier when we were talking about the relationship with Sibelco and QYAC and traditional owners. I am picking up some differing conversations in some of your answers in relation to who is who. I am looking at your submission. It says—

Sibelco takes a multifaceted approach to working with the various Indigenous groups on the island including Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC), Minjerribah Moorgumpin Elders in Council (MMEIC) and the recently formed 'Jubbin' Business Hub.

My question is: who is the Jubbin business hub and why are they considered by the company to be in the same paragraph as the organisation which is the PBC and which has been given the native land title? Who are Jubbin, what are they about and why are they referenced that way?

**Ms McCaffery:** Was it just in relation to Jubbin or do you want me to explain all of the parties? The Minjerribah Moorgumpin Elders-in-Council is the elders' corporation whom we have a registered cultural heritage management plan with. Jubbin is a business organisation consisting of a group of



traditional owners. As an organisation Sibelco will engage with all communities in which we operate. We will engage with the community and also individuals within the community. The community on North Stradbroke Island is made up of traditional owners. As part of understanding the community and what the community needs are, we want to learn and understand what the needs are of traditional owners.

We spoke to a group of people who had identified business opportunities to help generate employment opportunities for some Indigenous people who wanted to start up in business. We were talking to them about how we can help facilitate those outcomes. Sibelco has an approach whereby we will speak to all members of the communities on a full range of aspects from day-to-day community neighbour issues right through to the more long-term land and other issues that we would be talking to QYAC as the PBC on.

**Mr Cutbush:** Let me separate them a little bit because you said we have mixed them up a little bit, even here. The elders-in-council relates to what we were talking about and what Katy first referred to in terms of cultural heritage and planning. We wanted some cultural heritage aspect to our mine planning. The elders-in-council have a pre-existing agreement, a contractual agreement, for them to advise us on this. This was the added value that I reported previously. That is those elders sitting as elders in council.

Now I come to Jubbin, which was described as a business hub. In recent years we saw that we had a problem that an increasing number of our contributions were what you would call static. We were providing more and more money to the community, but it was a very static. If you put a new shade cloth up or a new sign up, it does not really create a lot of work. That is when we started talking about finding a more entrepreneurial approach to build businesses. Then Jubbin emerged themselves to say, 'We could do this. We could look at starting seed businesses, training a couple of people who could employ some more people and they could then run a self-managed business.'

We have those three things. With regard to our relation with QYAC, we have them on land doing things like feral animals. Elders in council is a formal structure that we use for our mine planning. Jubbin is a way of giving money to the community that is more active, if you like, and it is only quite recent and it is going very well in terms of ideas. We as a company like it more than these more static sort of contributions to the playing fields where you feel you are not creating enough. Does that help, that combination of answers?

**Mr CRAWFORD:** Yes. Excellent.

**CHAIR:** This will be the last question, and it is for John. You were speaking about the rehabilitation authority. I understand it will require the mining company to ensure for the health and safety of people on the mine land are subject to the rehabilitation authority, but that authority does not allow the mining company or Sibelco to exclude people from the land. Can you help us out? What does the act say the company can do?

**Mr Costigan:** Yes, I can answer that one. The current MRA allows me as an operator of a mine to prevent entry to a mining lease. The government bill as it stands creates a rehabilitation authority under any land that has previously had a lease and is currently under an environmental authority, so that is how it works. Because of that, it then refers to the mining and quarrying safety act to say that the obligations of the operator of the mine and the SSE of the mine still stand under those conditions. It does not in any way refer to, as the MRA does, the operator of the mine or the SSE has a right to refuse entry and the right to refuse entry is based on a safety requirement. It stops people riding their motorbikes on lease. It stops people coming on lease and doing whatever they want to do. Without that, myself as an operator and my SSEs are exposed to the law. When people come on lease, they do not know but they are still responsible for their safety. This is the fundamental flaw that I can see on the safety side of this bill.

**CHAIR:** Thank you. That brings this part of the session to a conclusion. I want to thank you for coming along and thank you for your input. I also want to thank you for answering the questions in the manner that you did.

**BRAIN, Mr Rob, Vice President, Volunteer Marine Rescue Stradbroke Island**

**McINNES, Mr Gordon, Volunteer Marine Rescue Stradbroke Island**

**MORTIMER, Ms Robyn, Straddie Sand Mining Community Fund**

**CHAIR:** Thank you for appearing before the committee this afternoon. I apologise that we are running a little bit behind, but there were some things that were beyond our control. I understand that you would have received instructions on giving evidence to the committee. I invite Robyn to make an opening statement and then if Gordon would like to make an opening statement I will allow time for that to occur and then we will have questions from the committee.

**Mr McInnes:** Thank you very much.

**Ms Mortimer:** I will try to make it fairly brief because I am not going into anything here that is technical. I have no knowledge of it whatsoever. I have been a member of the Sibelco Stradbroke Island community fund. I do not work for them. I have never worked for them. No-one in my family has worked for a mining company. I have been on that fund now for almost three years and we were given the task of spending money for Sibelco on local community people. There is a whole list of people who have benefited from it. It is a long list. It also takes in the VMR. The whole purpose for this fund was mainly to spend more money on the local community and to help them, because they know they are going to be facing a transition that is going to be very difficult.

Do you know much of the early history—not the history before white man but take it from the end of World War II? Before that, there was a group here called the Dunwich Benevolent Asylum. They had been here for a number of years. They employed people here. They were really rather dictatorial with Indigenous people, but nevertheless they gave them jobs. When the end of the war came, the Labor government at the time took that whole benevolent society over to Sandgate to the old people's home there. They did not just take it. They left the buildings. This is one of the buildings you are in now. They took generators. They took everything away, and they took away jobs and things were very bleak for the young people at the time and the women had no way of providing for their families. Then the mining started.

One of the first Indigenous people in Queensland I believe to get an apprenticeship in a trade or something like that was Pat Iselin, whose wife is Aunt Margaret Iselin of the Minjerribah elders. All these people were here and they have embraced mining. They have embraced the work. Their children have been offered work. All that is about to disappear. I speak to a lot of people in the community, mainly in these roles. This is not the first time I have been on a community board. I also represented the Dunwich community at the Unimin sandmining at a time when they were having environmental management plan meetings with members of SIMO and FOSI, whom I think you have already spoken to today from what I have been told. Both these groups are rather interchangeable in their membership. Both these groups are very heavily green and at the time I think they were filibustering actually to try to stop further work on the mines. They took up such things as sedge frogs disappearing and when university experts were brought in to debunk this they were accused of lying, which in my book is pretty bad form. But we are not here to talk about that now. We are here to talk about what will happen on this community when the mining goes.

There are shops here reliant on paying their mortgages, their bills, everything. When the mines go, a lot of the trade for the barges and the water taxis will also disappear. They are going to either have to raise their money or give them less working facilities. It is going to cost a lot more money to put groceries on these shelves. I do not know whether any of you have mortgages. I do not know whether you have trouble paying your bills. I do not know if any of you have trouble with your children's school fees, but the people on this island will—very much so. My whole argument is that the hasty effort to stop mining on this island by 2019 is not a sensible move. It should be taken over a longer period, if indeed it is taken at all. I do respect the elders and the traditional owners. I would hope they show some respect back to the other people on this island who are also in the community. Up to now I am afraid they seem to be dealing mainly with the members of that same group that I dealt with or helped deal with during the environmental management plan meetings and that was SIMO and FOSI and I found them to be rather difficult people to deal with, but I do notice that they seem to get on rather well with members of QYAC. That is entirely their prerogative.

Apart from that, I can tell you the amount of money that the mines have spent on this island has been amazing. I do not know whether you realise, but the board that I was with has so far spent about \$1½ million. There is also another fund that is usually not even discussed. It is not secretive; it

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is just that the mines, I think, wanted to keep it rather private. It is known as a Community Development Program. It has been going for about the last three years. They have put into the community roughly in the vicinity of about \$1.6 million. I am not sure of the figures so do not hold me to them, but it is in that vicinity. This covers a whole lot of things. It will cover the breakfast fund—the breakfast special club at the school. A lot of these kids arrive at school and have not had breakfast. Mum and dad are too busy or been up too late at night. That is not all of them but some. They have also put money into such things—and this was not generally known, but I found out only because a relation told me—as somebody died on this island rather suddenly and the family simply could not afford to bury them. They paid for the burial. This is not just an isolated incident. This is something that goes on all of the time.

Down here you have the football club. You saw it as you drive in. It is a beautiful area. In fact, our fund helped supply extensions to it. It cost about \$350,000 and the fund readily approved that amount of money. As well as that, they have the football teams and they have Easter carnivals and Christmas carnivals. Who do you think pays for the rides for those children to enjoy? The mines do. They also supply the big tents. They do so much on this island and to have them just shunted off the way they are being shunted off by the current government is simply unrealistic. It is cruel, it is stupid and it is ridiculous. Had they stopped to think, perhaps they would have been a little bit gentler with it. In terms of the people on this island and the community, of course they admire the mines. They treat it almost as a fairy godmother if you want. But they are there. The VMR will tell you a story. It will tell you about things that the mines have done that you apparently know nothing about.

I can give you a whole list of people who have been helped. They include the Moopi Moopi Pa aged-care facility, the Minjerribah Respite Centre, the Dunwich Museum and the Point Lookout Surf Life Saving Club. We put a roof in there for them. Others include the Dunwich historic golf club. It was built by the people on this island themselves with their own hands and with the help of the mines at the time. Others include the Dunwich football club, the Point Lookout Bowls Club, the Amity rural fire brigade, the local fireys, the Amity cricket club and the Junner park lighting of the giant trees outside in this park. You will notice that they are historic, as is this building. Another was the heritage listed Dunwich hall. We put money into helping restore this.

Also Dunwich State School, Minjerribah Moorgumpin Elders in Council, Quandamooka Youth Housing and Support, Stradbroke Island pony club, and we are now looking at a bike trail along the old Clayton Road swamp: the money spent and the effort and the thought that has gone into it has been from the mines. Why they should be shunted out of here in 2019 I frankly cannot understand, and nor can a lot of people in this community. I speak to them all out there. A lot of the elders, a lot of the older people here, frankly agree with me. A lot of them have said to me, 'QYAC does not speak for me,' but they do not speak out against them. I wonder why! If anyone attended that last meeting that was held at the university centre, they would have heard two gentlemen get up and speak. One at the time I think refused to give a welcome to country, and I quite understood that. At times it becomes rather repetitive. The second gentleman absolutely harangued us in what I can only say was a racist taunt. If there is any racism on this island you will have to look elsewhere than this community except on some occasions, and it is not by us. I am sorry, that is about me. Over and out.

**CHAIR:** Gordon, I invite you to make a statement.

**Mr McInnes:** Thank you, Mr Chairman. Just before I start I would like to introduce the vice-president of the Volunteer Marine Rescue, Robert Brain. Thank you for giving us the opportunity to voice our concerns about the current events that will impact on this community. Firstly I would like to quickly explain who we are and what we do. Marine rescue is a dedicated and truly wonderful team—and I stress this word—of volunteers who not only look after the permanent residents here, but also the many visitors who come to the island. Our duties involve medical evacuations and to assist in keeping the boating community safe on Moreton Bay and the waters surrounding North Stradbroke Island. Our squadron is on call 24 hours a day, seven days a week, 365 days a year. Moreton Bay has many hidden secrets like sandbars, hidden reefs and sunken wrecks, so we are activated frequently when misadventure occurs during the day as well as at night.

As you would realise, there is always an element of risk connected with our activations, and as a result we have a first-class training program in place so we can act efficiently and effectively in most situations. When I say most situations, the unforeseen can happen. In 2014 one of our boats capsized and the skipper and helmsman were trapped in the cabin. Fortunately, they escaped without any physical injury. I stress 'physical' injury. On a more successful note, we have rescued people in dire situations such as on the south passage bar, where lives have been saved quite a few times. A recent

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example was a kayaker who lost his kayak in the middle of the bar and he was stranded there. One of our boats went out and picked him up out of the water, and it was televised by the Channel 9 chopper which was overhead. As a squadron we work closely with the Queensland Ambulance Service. We have done 40 medical evacuations so far this year in three months, which is quite a few. One incident that comes to mind was the cardiac arrest of a patient on our way across to Raby Bay, and with our assistance to the ambulance officer this patient was revived. It was a great thing and really good to see.

As you would realise, to run a community based organisation like ours comes at a cost. We have been extremely fortunate in receiving 95 per cent of our running costs from the mining company Sibelco. Without their extreme generosity it would be almost impossible for our squadron to exist. Companies such as Sibelco in today's economic climate are a retreating commodity. We have had little success in bringing on board similar areas of revenue that would keep our community squadron operating. From a cost perspective we are by far the cheapest alternative for medical evacuations. To evacuate a patient by helicopter it is \$6,000 an hour, and that is a figure that comes from the Queensland Police Service, which equates to over \$20,000 per trip to this island. We charge \$320 a trip, so there is no comparison. We did three medivacs in one afternoon, so you are looking at over \$60,000 compared to \$960. From what I have told you it is obvious that Volunteer Marine Rescue is an essential service to our isolated community. Serious consideration needs to be given to any changes that would impact on our service to this community, not only from a health and safety perspective, but also from a cost perspective.

Volunteer Marine Rescue of North Stradbroke Island would like to thank the Finance and Administration Committee for allowing us to voice our concerns regarding these impending decisions which would severely impact on the safety of this community.

**CHAIR:** I open it up for questions.

**Mr PERRETT:** Thank you for coming along today. You are obviously quite passionate about your community. You may have answered this, but in your view are Sibelco a good cooperate citizen who are valued in the community with a good track record of supporting many aspects of what the residents enjoy on the island?

**Mr McInnes:** Yes, they are. They are a fantastic support. As I said, we would find it very hard to exist without their support. We do a lot of fundraising as well, but you can only go so far with that, and you need someone major on board to keep these organisations running. Our organisation looks after everyone in the community. We are not focused on one particular group; we are a blanket service to all the community. Some of the activations that we have done, as I said, have saved lives. It is an essential service. I hope that answers your question.

**Ms Mortimer:** I have to agree. On this island I read out all those names to you. This goes on far beyond that. It is not just Sibelco: before them we had TAZI, you had CRL and you had Unimin sandmining, which is on the way over to the point, but none more so than Sibelco. I have never before seen anywhere where people can step in and help so readily and so carefully. I think a lot of the people on this island do not realise as yet what is going to happen to them when the mines are no longer here to pick up the slack. There is a lot of slack on this island. When I say 'slack', I do not mean that anyone is being slovenly or anything else. It is the little things that over there we take for granted. On the mainland nobody would dream that someone would come in and pay for something to amuse their children. There is no one group. When they go, who is going to fill in that void for these people on this island? It is not going to be anyone who is here now.

Tourism is a long way off. In fact, there is an article in the paper today which I found rather ridiculous where your premier Trad made the statement, 'Look at Fraser Island. If they can survive, why can't Straddie?' I am afraid Ms Trad does not quite realise that there are three communities here on this island and we have at least 2,000-2,500 permanent residents—and I believe there might even be more than that now—and there is nothing like that on Fraser. What she said I am afraid was rather thoughtless and not well thought out. This island will suffer, make no mistake about it. If you take tourism into account, how on earth are we going to have tourism on an island where every single little bit of land is taken up with either native title or national park? How are you going to do it? We cannot expand. There is no way to do it. If someone comes along and says, 'We would love to come and build a huge big giant condominium here, but you are going to have to give us something back in return. Show us the land where we can do it', you tell me where it is. It is not there.

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**Mr PEGG:** I had a question for Gordon. Firstly I would like to commend you and your organisation for all the fantastic work that you do. In terms of your history, when did marine rescue first start at Stradbroke Island?

**Mr McInnes:** I believe it was about 32 years ago.

**Mr Brain:** It was about 30 years ago.

**Mr PEGG:** You said that as things currently stand Sibelco pays about 95 per cent of your costs.

**Mr McInnes:** That is correct.

**Mr PEGG:** Has it always been the case that you have had that significant level of funding from sandmining?

**Mr McInnes:** I have been on board with marine rescue for probably three years. I believe before that con. Rutile were a supporter of VMR; would that be correct, Rob?

**Mr Brain:** That is correct, yes. Instead of the paths that they go down now, there would be grants against specific items each time, like a new boat or new rescue equipment or whatever. Obviously things have changed over the years and now it is a blanket amount, but that has to be justified. As with any grant that you get from any other outside entity, every dollar has to be justified, and rightly so. They have always contributed to the VMR.

**Mr PEGG:** It is fair to say that the way funding has been provided may have changed over the years, but effectively that support has always been there in one form or another?

**Mr Brain:** The percentages would be about the same.

**Dr ROBINSON:** Thank you, Gordon, Rob and Robyn. Gordon, in terms of the impact on your operation if sandmining prematurely ended in 2019, are there volunteers who are currently sandminers who potentially might have to leave the island? What impact would that have in terms of recruiting volunteers to keep up the right number of volunteers? You have shifts, you have all sorts of emergency arrangements, and suddenly you have to have people who are ready to go. In terms of costs, you have talked about the cost of medivacs by boat as compared to helicopter. Who would pick up the slack of those helicopter costs if you are not able to operate or you operate in a reduced way?

**Mr McInnes:** That is a good question. I was hoping the state government might be able to answer that. On this island we are very restricted in relation to who will step up and support us in a major way. You are not going to get anyone from over in town. We have all made inquiries because with the mines shutting—in my opinion prematurely—I have a thing about the future. I want this organisation to go on, and I cannot leave it until the last minute. This has to be set up well and truly before any decision has been made. There is no comparison with cost, Mark. There is a huge difference.

**Mr Brain:** The southern bay islands, as you are probably aware, have a contractual system—and we are only talking medical evacuations here—with a private company, whoever it is, and they submit a quote every year or five years and that is in excess of \$300,000 a year—I am just pulling a figure here; it is in excess of that—to supply just the medical evacuation portion from the southern bay islands. We charge \$320 a trip. If our unit was to close, that system would have to be probably entertained by the powers that be to supply medical assistance evacuation service to this island. That would not obviously encompass the rescue component of the general public from the water. That is purely medical evacuation. You are probably aware of that. We take that at a greatly reduced cost to the taxpayer.

**Mr McInnes:** Rob said 300,000. I have heard it was a fair bit more than that. I think that is a very conservative figure. Have I forgotten any part of your question, Mark?

**Dr ROBINSON:** No, I think you have answered it, thank you.

**Ms Mortimer:** I think another point too is that a lot of the people, the volunteers, who go to the VMR, they start off as young family people. They work their way up as crew and so forth and things like this. A lot of people are already beginning to leave the island. There are a lot of houses up for sale. We are losing a lot of our young families and these are the people who we would normally be relying on later on for all these volunteer things. They are going—they are gone. We have got to try to stop that and the only way to stop it is to ensure that the mine path can stay for a more realistic period of time to give us a breather.

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**Mr McInnes:** Yes, you are right, Mark. Sorry, I missed that part of your question. We have lost a couple of people because they have left the mine, they have been transferred over town, and obviously with this impending decision that is going to happen more and more. We do struggle to get volunteers. Usually they have got grey hair—or no hair.

**CHAIR:** You seem to have exhausted us. We do not have any more questions.

**Ms Mortimer:** I think you are very exhausted, actually, and I would like to just say, too, we are very grateful that you have come over. We have been begging for this to happen for a long time. The last time the visit was made at the museum. We do appreciate this and we do hope that this goes on. I have been told there are two bills going up and depending on which one is heard first the other one may not be necessary. I rather hope that the right ones are chosen. That is all I can say.

**CHAIR:** That is a matter for the House. I am sure that it will get sorted out in due course.

**Mr McInnes:** I reiterate what Robyn said. Thank you for giving Volunteer Marine Rescue the opportunity to sit here and discuss our concerns with you. Thank you.

**CHAIR:** We thank you for your input.

**Proceedings suspended from 2.47 pm to 3.11 pm**

**ALDENHOVEN, Dr Jan, Stradbroke Island Management Organisation**

**CHAIR:** I invite Dr Jan Aldenhoven to make an opening statement. Doctor, you are aware of the rules in relation to giving evidence to the committee. Would you like to start with an opening statement or would you like us to go straight into questions?

**Dr Aldenhoven:** No, I would probably say a few things. I live at Point Lookout on Stradbroke Island. I would like to begin by acknowledging the Quandamooka people and paying my respects to the elders past and present. I want to start by reaffirming my position that I support the government bill and I oppose the Katter party bill. I also want to state my support for the repeal in terms of what it will do for the Quandamooka people and native title.

I was one of the community members in this hall back in 2011 and I sat here listening to the Federal Court judge. The hall was absolutely packed. It was really a moment of history for the island. Ever since that time I have tried hard to understand native title and what it means, and I am still learning and I am sure it will take even longer. That day I feel our community changed because the statement was Minjerribah always was, always will be Quandamooka country. When we left this hall and went out onto the oval there were great celebrations. It still brings a tear to my eye, I have to say, with Eddie Mabo's wife sitting there on the stage. When I tell the schoolchildren this story, they are all wide eyed about the history that is unfolding right here on this island.

I went to the High Court when Quandamooka lodged their writ to challenge the Newman amendments and once again Eddie Mabo's legacy was talked about. They were saying, 'We are here to fight for everything that he fought for.' I feel that this community really cannot move ahead until justice is restored. We cannot paper over it. I do not think it should come to a High Court challenge. The opportunity here is to repeal those amendments that Quandamooka have said were in breach of their native title. Part of this process is to decide on that issue. I agree with some of the other speakers about nitpicking over some of the environmental issues. Let us not get sidetracked on that overall native title issue.

I think I mentioned yesterday as I ran my eye down some of the submissions that I was surprised by the number of people who were supporting mining who did not mention native title. I imagine, like anything, there are a number of reasons for that, but certainly one of them is that people do not fully understand or they have been misguided perhaps by information put about town that an extension of mining would not breach native title. We have to remember that it is Quandamooka country and that in 2019 the suppression of native title would be lifted and once again Quandamooka would have the opportunity to decide what they want to do. I think Cameron made that very clear this morning.

I tried in my submission to speak to something that I have learnt over time: native title with respect to cultural heritage is not just about specific sites. There was a time on the island when I used to go to various lookouts and ask Quandamooka friends, 'Is this a significant place?' and the answer would be, 'Jan, the whole island is significant. It is the ancient pathways and the resources that Quandamooka people used.' Their history is literally written in country. There are trees here that are a thousand years old and those old camp sites are now telling us something about past fire history on the island. We have the oldest archeological site in Queensland on Stradbroke. There is going to be a really wonderful human story come out about the habitation of Stradbroke Island.

Lots of people have spoken to the richness of the natural values on the island, and I have tried to mention some of those in my submission, but it really is a very special place. It has something to do with the position of the island relative to currents and the crossover between tropical and subtropical, but it is more than that. Back through time—50,000 years—this has been what archeologists call a sweet spot. It has been a place that has been wetter and it has been a refuge for native animals and plants, but we have also had this long Aboriginal occupation.

I heard before from Sibelco that they are very conscious now that cultural heritage is not just particular sites; there is more context. One question that comes to my mind concerns Herring Valley, which is a known ancient Aboriginal pathway. It goes across the island and where it reaches 18 Mile Swamp it has a different history. What we call the escarpment—we have this flat swamp before the beach and then it jumps up—or jump-up is the old coastline for the island. When people went to the ocean that is where once they stopped, but in that long history that valley has been a point to the ocean, it has been a point to an estuary, then a freshwater stream and then what it is now, an acid swamp.

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There has been Aboriginal history recorded there in middens. It is going to be one of the most interesting sites on the island because we have this transition between those different times. It was either last year or the year before that Sibelco in some of their works breached that midden. They just cut into it. It was reported in the local paper. QYAC was not told about it. I think they stumbled upon it. It raises questions in my mind how that cultural heritage evaluation and assessment is being done at Sibelco. The 18 Mile Swamp escarpment was the old coastline, and I know when I have walked on sections of that which I have been legally able to walk on there are a lot of old middens. The question in my mind is how many more are there?

Contrary to what Sibelco said about the mine path in 2011, they eventually got what they wanted. They were given the opportunity to renegotiate the mine path that was initially brought in. They talk about now wanting to pull off the escarpment because environmentally it will be better. Back then they chose to go near the escarpment. That is what they wanted to do. Now they are talking about pulling that off and I would argue that it is an economic and strategic argument for the mine path that is presented in the Katter bill.

One of the hindrances before—one of the reasons why they got so much of the escarpment—was big transmission lines that cut across the mine path and that are expensive to remove. Now if they get the Katter mine path it will be economic to remove those transition lines and set themselves up should there be a change of government. In my submission there is a map which shows the Katter mine path going through areas of of-concern vegetation. You might say, 'What do another few bits of vegetation matter?' The reason these communities are listed is that there is very little of that left in South-East Queensland. If Sibelco cared about that escarpment they would not do what they have just done. I would like to make a submission if I may. How do I present you with papers? Can I do that?

**CHAIR:** Jan, you need to seek leave of the committee. Leave is granted.

**Dr Aldenhoven:** There has been clearing done since the bill was introduced on the 18 Mile Swamp escarpment, the very escarpment that Sibelco now says they wish to look after. The area that was cleared is legal under the Newman amendments. Part of it is outside the Katter mine path and it goes through some of the of-concern vegetation which has been cleared. There are many features of that escarpment. There is Ramsar wetland, there are listed species, there are rainforests and there is of-concern vegetation. To my knowledge it was a dry mining spot and dry mining is not going on there at the moment, but it has been cleared.

**Mr WEIR:** I make the comment that your main objection to this is because of the agreement with the Quandamooka regarding the ILUA and native title. You seemed to spend a lot of time on that.

**Dr Aldenhoven:** No, I wanted to make that as a strong point but my objection is also based on environmental values which I believe are important for the island's future and for their own sake—for the values that they hold and the cultural heritage values that are inherent in that natural country. For me, it is very much environmental grounds. The compromise that was made back in 2011 of eight more years of mining was at the expense of the environment, as far as I am concerned.

**Mr PERRETT:** I have a query about the original native title decision made at the meeting here in the hall. You mentioned there was a great deal of euphoria in and around that decision, but you also mentioned earlier in your presentation that you picked up in various submissions there is no reference to that native title decision which you obviously place a lot of credence on, and obviously it is there in law. Why is that now becoming apparent? A lot of the representations that we have seen from the community are expressing that. There is a lot of concern, and you have heard a lot of that. Has there been a failing in the initial process that did not pick up on the concern that this committee is now hearing residents have about the economic impact to this island?

**Dr Aldenhoven:** To clarify, do you mean there is now concern about native title or now concern about economics?

**Mr PERRETT:** I was not here when the meeting took place to witness the great deal of euphoria that took place. Presumably there would have been the agreement of all parties at that stage with respect to what happened in the decision that came down regarding native title. This committee is now hearing a great deal of concern from many aspects of the community about the economic impact of the end of sandmining. Was there a failing at that stage? Can you explain why we are now hearing that if there was general euphoria in the community back when that initial decision was made?



**Dr Aldenhoven:** The euphoria I was talking about was within, I would say, the Quandamooka community and people who were interested in what was happening around native title. Are you asking me whether there was a failing in people not understanding native title or just the whole package?

**Mr PERRETT:** The whole process. While there was a decision based on that, you mentioned now and I think you mentioned in your presentation that you are picking up there is no reference to that from many of the submissions that we received. I am asking was that a failing of that process? While there was a legal decision, that was not to be the end of it, from what I am understanding. I am trying to get an understanding from you why the community—

**Dr Aldenhoven:** The year prior to that native title was when everybody was invited to make submissions about the future of the island. That is when we did do a lot of talking. Then there was the economic transition plans which then got scuppered once there was a change of government.

I think it is actually a responsibility of citizens to understand native title. In some ways, I find it a privilege living in a community like this where we have that opportunity. I have been to every one of the celebrations of that day. I always find it a wonderful occasion, because it speaks to the whole history of Australia. I share with Quandamooka a great love of the bush and the environment. More and more, what I learn is that the specialness of the island has also been shaped by Aboriginal people living here. If we are to look after it, we would now try to piece together that sort of management. I must admit, when I heard Sibelco say that they want to do more in that area and they have this group called Jubbin which is sitting within Sibelco, the question in my mind is: why is it not QYAC who is doing that rehabilitation for all Quandamooka people, not just the ones that are paid by Sibelco?

**CHAIR:** The next question will have to be the last so that we can move on to the next witness. Mark?

**Dr ROBINSON:** Jan, I have a simple question: I note you are appearing again. A number of the green groups have had very ample opportunity to share. Do you have any comment to make on the impacts in terms of job losses, on mums, dads, families and children? I have not heard anyone from the green groups sound they care at all about the human impact. Does anyone care?

**CHAIR:** Jan, before you answer that question, I am not really sure how it is relevant to the bill we are looking at to ask that of a witness.

**Dr ROBINSON:** It is in the green.

**CHAIR:** I am not sure whether Jan is able to respond on behalf of the greens, as you are referring to them.

**Dr ROBINSON:** The green groups that she represents. She has represented a couple already. I am happy for her to answer in the capacity in which she is appearing.

**CHAIR:** Today she is appearing as an individual.

**Dr ROBINSON:** As an individual, as well.

**CHAIR:** Jan—

**Dr Aldenhoven:** Obviously as a member of the community I have many friends who work in mining or many of the other sectors on the island. Of course I care about people.

**Dr ROBINSON:** I am just interested in the conversations. Do they thank you for your support for their job losses—

**CHAIR:** I am going to rule that question out of order.

**Dr ROBINSON:** Why is that? Under what standing order are you ruling that out? I would like the standing order.

**CHAIR:** If you want to debate the standing orders, we will go under the tree and leave all these good people here.

**Dr ROBINSON:** I am just asking under what standing order you have made the ruling; that is all, Peter. I do not need to go outside. I am just asking under what standing order you are refusing the question.

**CHAIR:** If you are going to challenge my ruling, basically it has to be done in private session, so we are going out under the trees.

**Dr ROBINSON:** I can leave it for now, Peter.

**CHAIR:** You are going to leave the question? Because I have ruled the question out of order.

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**Dr ROBINSON:** Okay, I will leave it.

**CHAIR:** Thanks, Jan, for your input. Once again, thank you for the written submission. That brings to a conclusion this part of the hearing. We are now moving on to the Straddie Chamber of Commerce.

**BATTERSBY, Mr Colin, President, Straddie Chamber of Commerce**

**HENNY, Ms Naomi, General Manager, Allure Resort**

**SMITH, Mr Paul, Pandanus Solutions**

**THOMSON, Mr David, General Manager, Stradbroke Ferries, South-East Queensland  
SeaLink Travel Group**

**CHAIR:** Thank you all for coming. As is the custom, you would already have the instructions for witnesses giving evidence to a committee, so I will not go over that again. Obviously, you have been watching the format. We invite either everybody or one spokesperson to address the committee, but that is a matter for you. There are no hard and fast rules, but we have to finish at 4.10. Obviously, the longer you take the fewer questions you will get. Colin, as president, do you want to start?

**Mr Battersby:** Thanks very much. I acknowledge the traditional owners of the land on beautiful Straddie and surrounds and their elders past, present and future. You have already introduced my colleagues. Naomi Henny is the general manager of the Allure Resort and David Thomson is from SeaLink. He has also put in a submission. After we have had given our little chat, if there are questions about the SeaLink submission or their business and how it fits in, please feel free to discuss that with him.

It is heartening to see so many Straddie residents getting quite passionate about the future of the island. Certainly the public debate on all sorts of issues is a positive and a healthy sign, in our view, for us all for the future. Conversations like this were once held behind closed doors and are now part of the island's narrative. We all now have an equal opportunity to shape our future together.

What I want to do now is paint a quick business profile of who we are and what we are dealing with here. The Straddie Chamber of Commerce has 85 members, all resilient human beings and businesses. We think there are probably about 120 potential members. The government thinks there may be more than that, but really they are probably single entity trusts set up to manage properties and so on. 60 per cent of our members are from Point Lookout, 29 per cent from Dunwich and 11 per cent from Amity. 49 per cent of those businesses are accommodation businesses and food and beverage, and 21 per cent are services. 50 per cent of Straddie businesses turn over less than \$300,000 a year and 33 per cent over \$900,000. 82 per cent of Straddie businesses report at least 30 per cent of business directly or indirectly from mining, that is, 30 per cent. 85 per cent of business owners support 2024 or 2025 or later and they support Sibelco's presence to at least that stage, particularly with respect to the voracity of the economic transition package that we have been presented with parallel to this process. We are looking for an achievable and realistic transition period.

Some other hard data that we have to present: recently we polled all our members and we see about 158 full-time employees employed by Chamber of Commerce members and 487 part-time people. Our chamber members, excluding sandmining, have an estimated turnover of \$64.5 million. As I mentioned before, 50 per cent of our business turnover is less than \$300,000, so they are mostly small microbusinesses. 82 per cent of our members report at least 30 per cent of their business is directly or indirectly from sandmining, that is, 30 per cent for the vast majority. 85 per cent of our members favour keeping the mining going until at least 2025 or later. We then asked people: in 2019, what might be the expected result in terms of employment? Our members said the immediate loss of 22 full-time positions and 66 part-time positions. If you add in the mining company laying off workers, it results in 197 jobs disappearing. That is an estimated removal of \$4.2 million annually in wages from our businesses. We feel that sandmining employees earn roughly twice the dollar amount per hour as hospitality employees. With those 197 employees losing jobs, we feel that it is over 300 jobs that actually need to be replaced to maintain the status quo.

As a Straddie resident, business operator and president of the Chamber of Commerce, could I please make a few comments not just on our submission but on some of the other submissions and issues that may have come up, certainly since I have been here today. Straddie Chamber of Commerce members agree that mining should and will end. The debate, from our point of view, is on the adequacy of the economic transition strategy. In short, the more virile the ETS, the shorter the lead time required to cease mining.

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Our members have made it clear in recent surveys that they agree with the ethical priority of native title. The Straddie Chamber of Commerce supports the efforts of all businesses on the island—accommodation and camping operators, pubs. We represent every single business. We support them and are right behind them. This gives an opportunity for all island residents to work together on shaping the island's future.

We would like to point out that nowhere in either piece of legislation, that we can see, are the merits of the native title designation in question. We point out in the beginning of our submission that native title is rightly a given and exists. The only thing we would say about that is that without knowledge of the contents of the ILUA that relate specifically to land tenure and planning, no-one can actually gauge exactly what is going on. The business community asks to understand who owns what in terms of land tenure so that investment decisions can be made.

In August 2014 Straddie Chamber of Commerce members voted for a QYAC representative to be on our executive committee. Since then QYAC has been consulted regarding all official chamber of commerce deliberations by the executive committee. All communications to chamber members, government of all levels and media are created, edited and signed off by the executive. Members' views are actively requested and collated and then the chamber of commerce's view is communicated. Not everyone agrees on all points, but the collective or majority view is always presented with those dissenting voices noted. Any of our members are happy to take questions.

**CHAIR:** Does anyone else want to make a statement because obviously people are members of the chamber of commerce but also run businesses?

**Mr Thomson:** I am general manager of Stradbroke Ferries. We are a wholly owned division of Sea Link Travel Group. We put a submission into your committee. All the facts and figures are in there. I will summarise it for you.

Sibelco makes up 26 per cent of the revenue of Stradbroke Ferries. In itself that provides a base load for our business. That base load facilitates timetables and scheduling seven days a week, 365 days a year, including Christmas and Good Friday. We have a quarter of our business underwriting the timetable and capability we put in place. We really are the umbilical cord to Stradbroke Island.

I have made the point a number of times to a number of government officials, ministers and employees that if one reduces the revenue of a fixed asset business like ours, without replacing it with other demand, the natural consequence is that you have to cut the cloth to suit the wind. The result of that will be, whatever the future demand, whether it be tourism, agriculture or whatever, that it is going to have a less than perfect umbilical cord because it is being dismantled.

Sea Link's position is that we do not debate if sandmining should finish, it is when. We are a high fixed asset business so we have long planning and investment horizons. We need to have some surety about those investments. The problem we have at the moment is we are not clear on the timing. We are not clear on the investment horizons. We are not clear on the substitute or replacement demand for a quarter of our revenue. Take a quarter of our revenue out of our business and we cannot provide the same service we do today. That probably is the summary of my submission. I will leave it to you to read that and feel free to ask any questions later on.

**Ms Henny:** From my perspective, it is exactly what Colin and David have said. It is not if, it is when. It is doing it appropriately that is important. At the moment everything is blurry—end dates, what we are entitled to, where the funds are going to go to, how we will market the island, how we will survive.

As a business I have not been asked once in this process, except in community meetings, my perspective and I am the largest resort on Stradbroke. It is very difficult, with tourism as it is, to survive. It is nearly impossible. We are so heavily weather dependent and dependent on the ferry companies. Our competitive market in tourism is not there. We do not have the infrastructure. We do not have the food and beverage outlets. We do not have any wet weather options. Without planning and doing that planning correctly this is not going to work.

I grew up over here. I have been here for 32 years. I went to school here. I am heavily involved in the community. I love it. My best friends are Indigenous. There is no question about native title and land rights. It is beautiful. It is an amazing culture and one that we all want to share. This is about transitioning appropriately so that everybody transitions.

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Small businesses are run by families. I am looking at the winter season now knowing that I have 18 employees and will have to lay six people off because there is no stability over the low season. We are saying that we are going to need to employ people. It is not possible where we are at.

There are no walking paths. There are no bike tracks. There is no public pool. There are insufficient picnic areas. There are insufficient public toilets. These are infrastructure issues. How can you go from one industry to another industry without that planning? Where does the money come from? How long do you get it for? What happens after?

You are saying that in 2½ years we are to transition from one industry to another with the possibility of the umbilical cord being severed to some degree. To me it is not an option. It is more time. I am sure that we can come to a solution and we can come to a point where we can agree that it is for the good of all.

When did we become a severed community? When did we become black, white, fat, skinny, ugly? When did that happen? We are one. We need to get unity back and that transparency. Without transparency we make up stories. When stories get made up, there is no fact behind them and that is where the severing starts.

I have been through a lot here over the years. It is close to my heart. It is my home. To hear that somewhere is not your home just because of the colour of your skin is really sad. It is tricky. It is home to all of us. I have a business. I am responsible for 18 staff and 84 owners. I look at the families and wonder how I am going to tell them that I cannot employ them so that they can pay their rent and put food in their fridges. We are not in area where the work is there. How do you look at those people?

I would love to see a way forward that involves all of us and the amazing culture and the beautiful surrounds. I would love to see a stable future for us all and to see a situation where we know that this amount of funds is coming in and we can plan and we can have an economic transition that gives surety, investment possibilities and job security, that allows families to want to settle and have their kids go to school and their kids grow up in this amazing place. I know that there is a lot around that, but that is the nuts and bolts of it from my perspective.

**Mr Smith:** I will not take a lot of time. I am a transitioning ex-sandminer. So 20 per cent of my business is Sibelco. The rest of it at the moment is obtained off island. I also have a small business with my partner that we have been trying to establish on the island. It is a tourism business. There are two main prongs to it. At the moment we are not prepared to commit capital when we know that it will be wasted. We have the capital ready. We have approached a number of investment brokers to give us more capital and they have all declared us high risk. We want to stay. We would like to stay here longer, but at the moment the reality is that I will be travelling for work.

**Mr WEIR:** Colin, in your submission you mention land use—you made comment on it just before and I think Paul alluded to this as well. You said that we all know that sandmining is going to finish on this island, it is just a case of when. The island needs to grow. The issue that keeps getting raised is land use issues with national parks and the ILUA. You seem to say that there is not a lot of understanding of the ILUA and what can be done in national parks. Would you like to expand on that? Where do you see the barriers?

**Mr Battersby:** Obviously the small businesses on Straddie are not a party to the ILUA, and we understand that. I understand that there a lot of different aspects to an ILUA. The part that we are most interested in—and I think any investor on the island or any potential investor in the future is interested in; we are talking here about eco resorts and all sorts of things—is who owns what and what can be developed and where.

Until we know that we are trading water on Straddie. This has been going on four or five years. We understand the need and the necessity for an ILUA. We think there are small parts of it that need to be made public so the economic transition plan can be made. Then everyone will know in their businesses what they can and cannot do and where they can invest. The market will make their own decisions at that point. At the moment we are trading water.

**Mr Thomson:** There are a number of commercial businesspeople who are interested in making investments. Just to reinforce Col's point, they do not know what the security of the investment can be therefore they cannot get the finance or put a business plan together. A number of operators on the island and off the island every couple of days talk to me because the ferry company will get them

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over there. They ask about the barriers to investment on Straddie? The one that I hear over and over again is the lack of security about tenure. What are the rules going forward? These businesses, these investors, need to have some clarity on how their capital is going to look five or 10 years from now. The major stumbling block at the moment is what the tenure rules are.

**Mr PEGG:** I have a question for Colin. Thank you for your detailed submission. I think it was very helpful to have a submission in such great detail. I think you were here earlier today when one of your members appeared before us. She did not agree with what the Straddie Chamber of Commerce is putting forward in opposing the government's bill.

I am wondering what kind of process you used as an organisation to put this submission together? I heard in your initial statement that you consult QYAC in everything you do. Did you consult QYAC in relation to this submission?

**Mr Battersby:** To answer your second question first, the document was crafted after a number of meetings by the whole executive. The draft went out to all the executive to comment on and make changes. There were a number of changes to it. At the end of the day, the submission then got sent in having been distributed to our whole membership as well.

We are a members' organisation and the executive is voted on—that is, the position of the chair and the other executive members. As an executive we meet at least on a monthly basis. It has been much more frequently than that in the last four to six months, specifically dealing with these sorts of issues. Anyone who is a chamber of commerce member has plenty of opportunity to get involved and comment.

Jennie certainly mentioned that she had done a survey. She has done three since July last year. I would love to be in a position in my businesses where I was totally separated from mining employees, indirectly and directly. Clearly Jennie feels that her businesses do not have an exposure to that. She is one of the minority. Some 85 per cent of businesses feel that 30 per cent or more of their business comes from the mining companies. Perhaps a lot of the employees of mining companies do not eat gelati, I am not sure!

**Mr Thomson:** The way we did the survey was we did a monkey survey of our membership and the responses came in. It was two-thirds, I think, in terms of the responses. It was a monkey survey with open questions and closed questions.

**Mr PEGG:** The second part to my question was about whether there was consultation with QYAC in relation to this.

**Mr Battersby:** QYAC is a member of the executive. Cameron Costello, in this case, has plenty of opportunity to put his point of view and so on. Of course that is taken into account. However, they also in this forum have their own platform. In a sense they know what we are thinking, and we find out what they are thinking as the process rolls through. It is transparent, in my view.

**Mr PERRETT:** Thank you for your presentations here today. David, tacking into what you said before about the umbilical cord and that link back to the mainland and the concern you express that ultimately your company will have to cut its cloth to suit the situation—I think that is what I heard you say earlier—can you expand on that a bit more? That to me would be a significant concern to the general community if the number of services are not there. Could you clarify that again in terms of the business decisions you will have to make based on information you have?

**Mr Thomson:** Sure. Currently we run 4,500 return journeys to Stradbroke with our roll-on, roll-off vehicle ferries. Every hour for 11 hours a day, seven days a week, a roll-on, roll-off \$10 million boat leaves Cleveland and its sister leaves Dunwich and they cross in the middle of the bay. We also run 4,500 to 5,000 water taxi services a year on the hour, every hour, seven days a week. They are high fixed assets, they are crewed by marine crew and they are run by diesel fuel. If indeed the revenue is turned off, the only option to reduce costs in a high, fixed cost business is to reduce frequency. By reducing frequency, obviously you lower your wages bill and you lower your fuel bill. I do not know where the replacement demand is coming from yet, so I do not know the extent of what we do, but if you go from 100 to 75 in the spirit of a quarter of our revenue is currently sandmining, then of course you are going to be exposed to surplus costs.

You are hearing tomorrow from the AWU I believe. My employees are members of the AWU. They have already asked me, 'Dave, does 26 per cent of revenue mean 26 per cent of jobs?' That is a strong, direct correlation. I cannot answer the question, but it will mean of my 120 jobs you could take a quarter, you could take a fifth. It depends on what the replacement demand is, when it kicks in, what the transition plan looks like and how we can build an investment plan around whatever we North Stradbroke Island

have got as a transition plan. At the moment, in the absence of anything, you have to assume we go from 100 to 74 per cent turnover. If that is the case, our bottom line evaporates so as a responsible businessperson you have to try to fix the bottom line. That will have to come from a cost reduction which has to come from a frequency change.

**Mr PERRETT:** Just as a supplementary to that, given that that is a commercial reality in respect of the decision-making that you have to make, what is the lead-in time that you would need to be able to have confidence to keep those services running? What investment may need to come over and above what you understand is available now to take up that surplus?

**Mr Thomson:** The economic transition plan that I have read assumes the replacement demand is coming from tourism. Fine. I need to know what, when and what investments are going to be made. We have a sister company up in Townsville. Townsville has an offshoot called Magnetic Island. In that case, back in the Beattie government, the state itself made an equity investment in the ferry, bus terminal thing on Magnetic Island. The state government there said, 'We will build it and they will come.' Nothing in the transition plan that has been presented so far as a draft shows me the state is putting any equity into capital investment in Straddie. It has got \$20 million in there to grease the wheels, facilitate plans, create some bits and pieces. It does not mention who is going to fund the ongoing cash flow going forward. There is some upfront seed capital. Who is going to pay the ongoing cash flow? Who is going to employ the jobs? Who is going to do what going forward?

To answer your question, SeaLink is quite prepared to make the investments. We just sold our business into SeaLink for \$125 million in November last year. SeaLink's expertise is running ferries between iconic Australian destinations and the mainland. It wants to do it—Kangaroo Island, Magnetic Island, Captain Cook Cruises in Sydney Harbour. We are very good at it. We just do not know what the rules are going to be five years from now.

**Dr ROBINSON:** I want to thank each of you for coming along today and for the role the chamber has played in terms of giving us the best understanding we can get as a committee on the impacts on industry and jobs. In that regard then, in terms of the fact that there has been no regulatory impact statement that government has done associated with these bills, do you have any comment to us as a committee along the lines of industry impacts and your view about why an RIS did not need to be done?

**Mr Battersby:** My limited political understanding is that an RIS is mandatory.

**Dr ROBINSON:** It is not mandatory but usual.

**Mr Battersby:** Usual, okay, close to mandatory. I run my business with facts and figures. I like to know where I am today and where I have been and then map it out on how I am going to get where I want to go. I cannot understand any other way of running a business, running a household budget, running a camping ground or whatever. I am mystified as to why there would be no analysis of where we are now and where we want to go and then we would come up with a transition strategy which would map that out. I cannot answer the question. I did not get the opportunity to have that input early on.

**Mr Thomson:** Suffice to say as part of the due diligence that SeaLink went through that question was asked of me hundreds of times by various SeaLink accountants, lawyers and whatever—'Dave, where's the economic rationale from the government for this change?' and I could not give it to them. We had to use our own numbers, extrapolate them, give them our best forecast, but always not knowing what the replacement demand is going to be or when it is going to kick in.

While I have the floor if I could, I was present at the last session where you talked to the volunteer marine rescue organisation. They alluded to the ambulance service conducted by a private contractor in Southern Moreton Bay Islands. We are that private contractor. It is in excess of half a million dollars a year. We contract to QAS. We have a dedicated paramedic boat 24 hours, seven days a week. We do about 35 callouts per week. That is just to help you understand that.

**Dr ROBINSON:** I have a quick supplementary question. In terms of the chamber's role industry by industry and in terms of the impacts on different industries on the island of a 2019 early closure, what industries could be impacted the most? What should we as a committee be advising back to parliament in terms of what we really need to be watching closely?

**Mr Battersby:** Clearly, the ferry services are going to be impacted significantly. Interestingly, in our surveys, we asked our members what the barriers are to doing business going forward on Straddie. I think No. 2 was the transport—efficient, affordable transport. Clearly, we are hearing perhaps fewer services at a higher cost, so that is a big issue for people. Retail is going to be a North Stradbroke Island

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problem—all retail, the supermarket, the newsagent, the restaurants, the cafes, the pub. These sorts of businesses that people buy and live their daily lives through are going to be affected if a lot of the critical mass drops. If there are fewer people on the island, you are going to sell fewer newspapers presumably and it will flow through to the whole community.

I think they are the two obvious places. How do you prop up a ferry service? How do you prop up a newsagent? You need people. You need bums in beds, bums on seats on the way over here. You have to tell people about wonderful Straddie and you need marketing dollars to do that. You do not have to sell what is not here; you just sell it as it is. Once people come to Straddie, they love it. I think that is a pretty quick panacea—quite quickly something can happen.

In terms of longer term infrastructure projects—walking paths, bike tracks, all those sorts of things—they are not going to happen next week, but these things should be running parallel, in terms of the transition package, to the phasing out of sandmining. We do not wait until sandmining has finished and then start advertising the island and start building a bike track. This stuff needs to happen now and move along. Who knows what will happen in the next election or the one after that? Straddie businesses just need a bit of certainty. Let us get some real positivity out there. Tell people that beautiful Straddie is here, get some bums in beds, get the ferries running towards capacity. Let us look after the place and sell it as it is.

**Mr Smith:** In the submission, our members in particular were concerned that the economic transition package is a draft. It is proposed. It is a draft. It is not guaranteed. It is not cast in stone. It is not real money. It has to be approved every year through the cabinet process and through budgets and estimates. There is a real concern, regardless of what happens with the bills, that the economic transition program might just stop, and Straddie needs that regardless of what is happening.

**CHAIR:** Thanks very much for your input. We really do appreciate you taking time out of your busy schedule to come to address the committee.



### **GILES, Mr Bill, Private capacity**

**CHAIR:** I welcome Mr Bill Giles. Thank you for appearing before the committee. Bill, you would be aware of the rules in relation to giving evidence to the committee. I thank you for giving up your time to come and address the committee. If you wish you can make an opening statement. If you do not wish to make an opening statement we can open it up to questions, but the ball is in your court.

**Mr Giles:** Thank you. A bit of background: I have lived on the island this time around for 17 years. I lived over here in the late forties and fifties with my parents when sandmining had just begun. I am not an employee of Sibelco. I have never worked for a sandmining company and I have no financial interest in Sibelco. I am not representing an organisation, but I like to think that I am representing the majority of ratepayers on the island. Our concern is to do with property value. For example, in my case my major asset is my home and I can see the value of that going down in the future in the light of the uncertain future we face.

The thing that we do not understand is the rationale behind a 2019 closure. It seems to me a bit back-to-front. The explanatory notes to the act say that the main objective of the bill is to substantially phase out sandmining, but arising from that is a secondary purpose: to find something to replace it that can be shoehorned into those three years and that, to me, defies logic.

On Monday, 8 February a representative from the Department of State Development addressed a community meeting and he gave an overview of the economic transition strategy. However, nothing he said lessened my concern—or our concern—for the future. I am a rationalist by nature and by training and had he put a cost-benefit analysis on each of the revenue streams that he was talking about we may have been more accepting of what he was saying. Post meeting I am still concerned and I do not believe that we have gone beyond the concept stage at this time.

In wondering why the need to hasten cessation of mining I ask myself the question who will benefit from it? Obviously the greens would be delighted and the present government, of course, is dependant on them to a large degree to get legislation through parliament. Quandamooka Yoolooburrabee Aboriginal Corporation has stated—

**CHAIR:** Bill, I do not want to interrupt you, but one of the roles of this committee is to be bipartisan.

**Mr Giles:** Okay. I apologise.

**CHAIR:** As best as I can I try to be impartial. It is incumbent on the witnesses that appear before the committee to perhaps be a little bit circumspect in their views, especially their political ones.

**Mr Giles:** Accepted. I apologise.

**Dr ROBINSON:** Point of order.

**CHAIR:** What is your point of order?

**Dr ROBINSON:** It is incumbent on us as members of the committee to be that way. Members of the public, if they speak appropriately according to the standing orders, can say whatever they like, I submit to you, Mr Chair. I do not believe you should be trying to gag a witness.

**CHAIR:** I am not gagging him. There were comments made which were inappropriate and as the chair I have made my ruling.

**Dr ROBINSON:** Under what standing order?

**CHAIR:** I have made my ruling. I am the chair.

**Dr ROBINSON:** But you have to work by the standing orders of the parliament, I respectfully submit.

**Mr Giles:** Should I continue?

**CHAIR:** Continue.

**Mr Giles:** QYAC of course is supportive of the amendments contained in the bill that would return the original intention to close the mine by 2019, but I find that interesting because in terms of financial sustainability, as far as I can see they do not have a regular commercial revenue and so how will they survive? In the financial year 2014-15 they received \$1,099,351 in grants from government and non-government organisations. I got these figures from the QYAC consolidated financial report for the year ending 30 June 2015 which is available on the internet. Of that grant of \$1,099,000 there was \$580,000 that came from the Department of Natural Resources and Mines which I find interesting.

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Additionally, the report defines ex gratia royalty payments as the royalties received by the corporation as a result of entering into Indigenous land use agreements which are held on behalf of the Quandamooka people. It has been pointed out before that they, of course, are confidential. These amounts are disclosed in the financial statements as a liability to the Quandamooka people and in 2014 QYAC listed that ex gratia liability as \$4.2 million. It was listed at \$3.36 million in 2014. I can see why they would feel financially secure regardless of the time frame allowed, but the question is where does that money come from in the future? Does it come out of the \$20 million that the present government is talking about? Will those grants continue and at whose expense?

The situational analysis prepared for the Bligh government in 2011 found there was substantial evidence to suggest that even with mining the economy is currently under stress and demonstrates a lack of resilience. What we do not understand is if the Bligh government thought eight years was needed, why does the present government think only three years would be needed? In the explanatory notes to the act it says that while implementation of the bill itself will not incur additional costs, the government has committed \$20 million to transition the economy of North Stradbroke away from mining. I wonder just how far that will go. As an example, in the QYAC 2015 issues briefing to the Queensland government in parliament it was requested that the government support the necessary funding to ensure One Mile residents have access to essential infrastructure. God knows they need it. They really do. But it was an estimated cost of \$20 million. Where does that \$20 million go? How will it be spent and who, in fact, has a say in how it is spent?

I believe private and government investment will be necessary for it to have a secure future. The touted \$20 million from government will not nearly be enough. To paraphrase Peter Beattie, who recently said public private partnerships are the key to finding much needed funds to invest in infrastructure to stimulate economic growth and build facilities for growing the island without adding to taxation and council rates. But in the *Courier-Mail* on 25 February the CommSec economist Savanth Sebastian was reported as saying that the poor economic indicators in the Sunshine State were caused by lack of infrastructure development and in Queensland wage growth is now 1.7 per cent and inflation indicators are two per cent. He said a lot of the weakness is in pull back of mining. In the *Australian* on 25 February, the Australian Bureau of Statistics Survey of Business Investment foreshadowed a fall of almost 20 per cent over the 2016-17 financial year. That does not improve my confidence in the government's plans for economic transition.

It talks about the development of education opportunities on the island. That is peddled as part of the transition strategy. In the *Australian* newspaper on 24 February it was reported that a list of training courses set to lose public funding is being drawn up by the federal education department in a bid to slash spending on the \$5.5 million student loan scheme. Again uncertainty. I do not know what sort of education they plan over here, but I imagine it would be tertiary.

The economic transition strategy promises increased employment on the island. On 24 February in the *Courier-Mail* it was reported an extra 20,000 people in the greater Brisbane area lost their jobs as the Palaszczuk government admits Queensland now has a patchwork economy. And so it goes on. These things work against everything that we have been told about what the future holds.

The situational analysis prepared for the Bligh government reads, in part, that to offset the loss of jobs in the mining industry tourism is often touted as a growth industry. But the report also argues that the tourism industry development opportunities are not strong enough to offset the impact of phasing out of sandmining and that the tourism industry will grow slowly and will not create sufficient new jobs to offset the loss of mining industry jobs. We looked at tourism. Market research estimates Stradbroke has about 8,000 beds available for rental. These are made up of 3,000 at Point Lookout, 4,000 in camping grounds and foreshore camping and another 1,000 between Amity and Dunwich. Of the 4,000 campers, 2,000 are in camping grounds and the other 2,000 in foreshore camping. In addition to this, it is estimated that on any one day there could be another 1,000 daytrippers and another 1,000 people who might be staying in their own accommodation or with friends. So overall, at any one time on the island there could be 10,000 maximum and not the 20,000 to 30,000 that people often talk about. The few periods each year when the island accommodation is at capacity are Christmas/New Year and over Easter and possibly during the Island Vibe Festival which happens once a year. Although there are some weekends that are pretty busy, it is nowhere near full.

Growing the tourism sector would seem to be good for jobs, but it is unlikely to fuel the masses of revenue for local businesses throughout the year. A salient point in the 'mining jobs to be replaced by employment in tourism' rhetoric is rates of pay. The average wage for someone in hospitality is about \$19 to \$20 an hour. In mining the average is \$40 an hour. On top of that, Restaurant & Catering

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Australia is fighting for a change to penalty rates in the Fair Work Commission because, as the CEO John Hart said, wage reform is necessary to keep eateries afloat. Nationally, mining has contributed more to GDP than tourism and there is reason to assume the same relativity applies to the island.

All of this does not mean that tourism is an unimportant industry, but what it does mean is that it is not the type of industry that leads to a boom. Rather, it benefits from economic good times rather than drives them. Physical infrastructure, such as transport, sewerage, water et cetera, et cetera, and community facilities are critical obviously for the economic activity to take place and all economic activity is subject to the availability of land and, in particular, land which is physically suitable and appropriately designated for the purpose.

The issue of expansion with the availability of freehold land is complicated by the granting of native title. Following determination the Indigenous land use agreements were signed by the state and the Quandamooka people and by Redland City Council and the Quandamooka people. However, the terms of the ILUA remain confidential. Why they should be I have no idea. QYAC has not shared its vision of the future with the rest of us, although they must have ideas and aspirations that will meet their needs.

The Bligh situational analysis report goes on to say, and this was, I remind you, released in 2011—

The confidential ILUA will likely have direct implications for future industry opportunities on the island in recognition of the Quandamooka People's native title rights and interests.

...

Until this time, the Quandamooka People's specific aspirations and industry plans remain confidential and the Quandamooka People reserve the right to enter into any industry planning on a voluntary basis.

In conclusion, they are a few of the imponderables that I see that need to be analysed and the consequences determined before we on Stradbroke can be confident of a credible plan for a secured future. Assessing the bearing that they have on planning the future of Stradbroke will take more than the meagre three years envisaged by the present government. At present there is no evidence of a market or plan to sell to the community, nor, for that matter, to others.

Whilst tourism may provide some support to the economy after sandmining, it lacks the capacity at present to do so and significant expansion of public and private infrastructure will be necessary before it can reach future economic goals. It is most unlikely that the total resources required to meet the demand for increased infrastructure will come from any level of government and investment of private capital will be essential, but investors will not risk their capital under conditions of uncertainty. State and regional governments cannot confidently plan for the future under conditions of uncertainty. The major impediment to planning and attracting private enterprise at this time are the unknown ramifications of the native title.

Therefore, the primary and secondary aims of the North Stradbroke Island Protection and Sustainability Act need to be reversed. The primary importance should be to find a solution to the economic void that will be created by the cessation of sandmining and only when that has been determined can a cessation date be set.

Finally, I do not know if you ladies and gentlemen have read that Bligh government situational analysis—*A sustainable economic future for North Stradbroke Island/Minjerrabah*—but if you have not I suggest you have a look at it. It contains a lot of dire warnings. Thank you very much.

**Mr PERRETT:** Very thorough, Bill. Obviously, a lot of research went into that. I just have one very quick question. What time frame do you think is necessary for the transition with the knowledge that you have presented?

**Mr Giles:** Being a coward, I suppose, I would say the longest possible—2035—simply because there are so many unknowns. If I were to put a figure on it of 2024-27—what the alternative is—I do not know whether that would be sufficient. I do not think that we can set a time frame until we know what we are facing and at the moment I do not believe that we do.

**Mr WEIR:** Thank you.

**CHAIR:** Thank you for coming along, Bill, and thank you for your input to the committee.

**ROBINSON, Mr Ian, Principal Licensee, Straddie Sales and Rentals**

**CHAIR:** Thanks, Ian. Thank you for appearing before the committee. I understand that you know the rules in relation to presenting to the committee.

**Mr Robinson:** I do understand.

**CHAIR:** I invite you to make an opening statement, if you so desire, then I will open it up to the committee to ask questions.

**Mr Robinson:** Thank you very much. I am the principal and licensee of Straddie Sales and Rentals. It is a real estate agency and property management business located at Amity on the island. Hence we are a small business and have a vested interest in primarily the tourism industry on the island. Our core business is holiday rental management.

My focus today and for the purposes of the matter before the committee is to ask the question: what is the lifeblood of the island? We can take sandmining away from the island and out of the economy and the island will struggle in terms of economics. If sandmining were to stay and we took tourism away from the economy, the economy would die. It would not struggle, it would die. So the driver for this economy is not sandmining in my view; the driver of the economy of the island community is tourism. That is now and going forward from here with or without sandmining.

With that in mind I ask the question: what impact then will the end to sandmining have on the economy of the island? What effect will that have in terms of tourism? On one analysis, you may well conclude not a lot, but the impact is more indirect. Unfortunately, I was not here earlier to hear from SeaLink and the submissions that were made on behalf of SeaLink, but from what I understand from the public record it was that, with the end to sandmining, the impact on barge revenue for SeaLink will be a significant one. At one point it was put at 26 per cent of SeaLink revenue. On any analysis, that is a big hole in revenue.

I go back a step then. If we accept that the lifeblood of the island is tourism, then the critical link in that is SeaLink—is access to and from the island. It could be said that, being a private, unregulated, monopolised entity, that barge service holds the island captive given that the tourism industry is primarily reliant upon access via the barge service to and from the island. Any decision that is made about sandmining and the future of sandmining has to bear in mind the impact that that will have upon the critical, crucial access link to the island.

If we accept that 26 per cent of barge revenue is attributable to Sibelco and all of its contractors, it means that to some extent tourism and the cost of tourists getting to and from the island could well be subsidised. Currently, and up to date, it has been subsidised by virtue of the Sibelco business and revenue. Once that revenue goes—and you have heard from David Thomson today, I believe—that is going to have a significant effect on SeaLink to the point where it is going to have to cut costs or potentially it could increase fares to try to compensate or make up for that hole in revenue. That starts to put at risk the tourism industry, the lifeblood of this island. That is what we have to be careful about. Is the three-year time frame now a sufficient time frame for this island economy and the community to make the necessary adjustments to ensure that tourism or any other industries pick up whatever hole, whatever gap, is left by virtue of sandmining finishing?

In the lead up to 2011, the government of the day made a decision, rightly or wrongly—and the wisdom may well be questioned—that eight years was a sufficient time period for the island community to transition from mining to a post-mining economy, to make the necessary adjustments. As I say, depending on who you talk to—everyone can have a different view about whether eight years was enough, whether it was too long, or whatever—let us just accept for the moment that eight years was determined as a sufficient period to transition the economy. Let us take the politics out of the equation and just look at that figure. Here we are now in 2016—five years on from 2011—and we ask the question: what has happened on the island, within the island economy, within the island community? What has changed to put this island in a better position or no worse position to transition in three years? Where is the logic? Take the politics out. Just think of it in terms of logics, in terms of rational thinking.

Two things have changed in that five-year period on this island. QYAC came into existence. Straddie Camping came into existence. Both are very significant entities on this island. I do not want to diminish their role, their position and what they offer and what they promise in going forward and into the future, because I believe that they have a huge role to play in the island community, the island

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economy, the island environment going into the future. I do not want to diminish that. But I ask the question: are those two elements of themselves of such significance to be able to safely and confidently say that this island is now in as good a position as it was in 2011 to transition this economy in three years?

I think that is about all I have to say on that. There is too much uncertainty surrounding this. My concern is that, if we allow the politics to determine the outcome here, there is only one loser in this equation and that is this island, the community. There are some basic services, basic businesses here on this island that provide for the white community and the Aboriginal community and we have to be careful to ensure that those basic services, basic provisions are there—the butcher, the baker, the medical services, the pharmacy, the newsagency and, dare I suggest it, the real estate agency, the property management agencies and so forth.

Tourism is the biggest employer, direct and indirect, on this island. It is the biggest contributor to the economy. I can say from our business perspective that, whilst there is not going to be a direct impact on my business by sandmining ending, I have one employee who is married to someone who works full-time at the mine. He is the main breadwinner for the household. Once mining ends, that family will most likely have to leave the island. I will lose an employee. That is not an isolated case. That is going to be replicated, I am sure, across other small businesses on this island. They are the sorts of impacts that will occur and they will have a ripple effect for all the other small businesses and the goods and services that are provided on this island. Everyone will be affected by that.

**CHAIR:** Thanks for that. Thank you for coming along.

### **MORTIMER, Ms Robyn, Straddie Sandmining Community Fund**

**Ms Mortimer:** I live in Dunwich, Rainbow Crescent. I am a property owner here. I promise you that this will take me about three minutes and then you can go and eat. This was handed to me not long ago. It is taking us back to 1971. It was an article written in the *Australian* of 3 December 1971. The person they were interviewing at the time was the Aboriginal authoress, Kath Walker, she was here in Dunwich, which is her native home. I think you all know and have heard of her. She was talking in Dunwich. She said—

It is the only place in Australia where I have found complete multiracial harmony and 'multirational' is the right word. The people of Dunwich who think of themselves as islanders and call Brisbane the mainland are a harmonious mixture of Aboriginal, European, Portuguese, Spanish, Pacific island and Indian or Pakistani.

I will leave the other part, which is history, and you have heard all of that. She goes on to talk about what happened, of course, after the war years when Dunwich was virtually deserted and local people moved to the mainland for work. Then she said that a miner industry moved to Dunwich. It was sandmining. She says further—

The equal job opportunities created by the sandmining company and the company housing schemes have created the right atmosphere of integration. Here, every opportunity is given to the island people.

She is happy with the way the sandminers is rehabilitating their mined areas. She goes on to say that sandmining, which started in 1948, has been increasing in tempo since 1967, saved Dunwich from becoming a virtually ghost town. As jobs became available, island families who left to work in Brisbane returned and settled. She says further that the sandmining program has made access to various parts of the island easier for fishermen, bushwalkers and scouts who use company built roads. The island people are satisfied with rehabilitation methods developed by sandminers.

What I am trying to say here is that, in this day and age, what has happened in those 45 years that all of a sudden sandmining has become the boogiemans? These are the same rehabilitated areas where I have seen various politicians—of both persuasions, I might add—sit back for publicity shots, look behind them and say, 'We want to save this from the sandmining' and they are looking at rehabilitated land. They cannot even tell the difference. That is all I want to say. Thank you. Good night and goodbye.

**CHAIR:** I understand the committee does not have any questions.

**Ms Mortimer:** No questions? I doubt there is. Thank you very much.

**CHAIR:** Thank you. I declare the hearing closed. I understand that we are returning at 6.30 tonight.

**Committee adjourned at 4.48 pm to 6.43 pm.**