



STATE DEVELOPMENT, INFRASTRUCTURE AND INDUSTRY COMMITTEE

Members present:

Mr GE Malone (Chair)
Mr MJ Hart MP
Ms KN Millard MP
Mr TS Mulherin MP
Mr BC Young MP

Staff present:

Dr K Munro (Research Director)

PUBLIC BRIEFING—INQUIRY INTO THE RELEVANCE OF GOVERNMENT LAND TENURE ACROSS QUEENSLAND

TRANSCRIPT OF PROCEEDINGS

MONDAY, 27 AUGUST 2012

Mackay

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Committee met at 12.17 pm

CHAIR: Good afternoon, ladies and gentlemen. I declare open the public hearing for the committee's inquiry into the future and continued relevance of government land tenure across Queensland. Thank you for your interest and for your attendance here today.

I would like to introduce the committee members. I am Ted Malone, the member for Mirani and chair of the committee. I have with me Tim Mulherin, the second on my right, who is the member for Mackay and deputy chair; Mr Michael Hart alongside Mr Mulherin, who is the member for Burleigh Heads; Ms Kerry Millard, the member for Sandgate on my left; and Mr Bruce Young, the member for Keppel, on my far right. The State Development, Infrastructure and Industry Committee is a committee of the Queensland parliament and as such represents the parliament. It is an all-party committee, which adopts a non-partisan approach to its proceedings.

In relation to the media coverage, the committee has resolved to allow television coverage and photography during the hearing. The committee has also resolved that members of the parliamentary Finance and Administration Committee be granted leave to participate in the public hearing and to question witnesses.

The hearing program for today is as follows: from 12.00 pm to 12.30 pm—and we are running a bit late, which we will take notice of—we have the Mackay Conservation Group and from 12.30 to one o'clock, the ATEC Rail Group Pty Ltd. Although the committee is not swearing in witness, I remind all witnesses that the hearing is a formal process of the parliament and as such any person intentionally misleading the committee is committing a serious offence. For the benefit of Hansard, I also ask witnesses to identify themselves when they first speak and to speak clearly and at a reasonable pace. The committee's intention is that the transcript of the hearings be published.

Before we commence, may I ask that mobiles and pagers be switched off or put on to silent mode. So without further ado, I will now call on the Mackay Conservation Group to identify themselves and then make a short public statement.

JULIEN, Mrs Patricia, Coordinator, Mackay Conservation Group

Mrs Julien: I am Patricia Julien and I am the coordinator for the Mackay Conservation Group. I have done that for about eight years now, but I have been there for about 10 years. So I have seen a lot of changes with the mining industry impacts on the landscape as far west now as Longreach. Eighty per cent of Central Queensland is now covered with mining exploration permits. I do a lot of submissions on mines and coastal developments and what I am seeing are the same species occurring again and again as being disrupted or losing habitat from the mining industry. So I am very concerned that we have outcomes that do not lead to a net decline in biodiversity for the region.

I am supporting the landscape scale approach to planning that the former DERM agency had—now DEPH has responsibility for—but I am seeing a lot of problems with the offsets program, especially in the Galilee Basin, where they are proposing offset hubs. So that is one thing that I would like to address maybe in more detail later on.

The other point I want to make is that in the Mackay region, while we have a fairly decent percentage of areas that are in the protected area estate of high ecological significance, further west we only have about two per cent or less. So for those areas, for any changes in land tenure we would love to see an expansion of that protected area system and for legislation to be changed so that there is permanent protection for those areas, especially the nature refuges.

I would also like to see that there be a value system for protected areas. At the moment, we really do not place a value on those areas. If we had a value, then we could more reasonably represent them in the economic system than we have. I know it is a very hard thing to do and it is fraught with difficulty and risk, but I think we are going to have to have that because of the scale of the mining impacts that are coming at us now and into the future. Protecting nature refuges is terribly important, because it is a public good, the burden of which is being taken by private landowners. They need surety about their investments. They can spend hundreds of thousands of dollars on maintaining their property to keep the biodiversity values of it. Those kinds of agreements are not entered into lightly. Sometimes they involve considerable contributions from the state and federal governments for those properties and all of that is lost when those areas are mined.

We also need to be considering good and permanent protection of our stock routes. We are talking now about planning for resilience under climate change. The stock routes act as wildlife corridors for the movement of species under climate change impacts. So we need to make sure that, when there is any new developments that are planned, the stock routes and the protection of them are considered.

One of the things that I am worried about also, with the transfer of leasehold to freehold that is being proposed in some situations, is that a lot of those properties might then be sold and who will be the buyers? The point I really want to make is that, when the mining industries take that land, often they are just looking for the water rights to it—the water allocations. So where will agriculture be down the line if there is a lot of intensive mining in a bioregion?

They are the main things that I wanted to cover. In terms of honouring the current Delbessie Agreement, there has been so much hard work that has gone into that in the past by landholders, AgForce, the state government and other interested parties, including the conservation groups. We need to make sure that that program is kept and honoured. We also need to honour the forestry agreements that we have as well for state forests. One of the things that is worrying me at the moment is that the Crediton State Forest sits right adjacent to Eungella National Park. If the state forest happens to be put back for the selective cutting of wood for that forest, we have species that use both the national park and the forest. The Eungella honeyeater is a species that is endemic to the region. It is not found in many other places in the bioregion and nowhere else outside of it. It seasonally uses that woodland in the state forest. So if we can extend Eungella National Park to include Crediton State Forest, we will have full protection for that species. Otherwise we will not and we will see a continued decline in that species.

When I do these submissions out west I see time after time after time the same threatened species appearing—the ornamental snake, the koala. I just did a look at the proposed railway line for the Galilee Basin. At the Galilee Basin infrastructure corridor, there were 27 threatened species and one of those was the ornamental snake. The other was the black throated finch, which is all through that area. I have recently compiled a list of about 26 sites within the area and they are excluded from the offset hubs that we have been presented with. So I have quite some issues about that. The squatter pigeon is another species, which is not specifically connected with the particular habitat. Our current approach towards biodiversity protection is that we will try to protect the habitats that we know it is associated with. It is not particularly associated with any particular habitat. So that is another issue of just using vegetation as a surrogate for biodiversity protection. They are not the same thing; they are different. They would be some of the main things that I want to say.

CHAIR: Thank you very much, Patricia. I think you have covered the areas quite well. Do you mind if I ask some questions or the committee asks some questions?

Mrs Julien: No.

CHAIR: I am interested in a number of the things you said, particularly what you said about the protected areas. We might just flesh that out a bit more. Currently, there are quite a large number of protected areas in Queensland. I would be interested to know how you would envisage managing those areas. There are quite recent innovations in conservation areas and offset areas particularly, where grazing is allowed, but in protected areas grazing is not allowed. Do you see mankind actually taking an active management of those conservation areas? If you contend that they be basically set aside and locked up, how would you manage fire, weeds and feral animals?

Mrs Julien: No-one has solved that one so far, but what you have to do is place a value on those areas—what value are they long term to the national estate and to the people of Queensland?

CHAIR: And that is the role of this committee.

Mrs Julien: That is your challenge and to look at the best management practice that you have and also see what is being used overseas to manage these places. But to date, the resourcing of these areas has not been commensurate with their value. So we have to look at their value and then we have to look at the best ways that we can manage and resource them. That is the challenge that we have and it is not easy. Some of the areas are very remote. It is extremely expensive. We know that, because we have had volunteer bird surveys go out west and do surveys and we know how expensive it is to do it. But you have to engage communities. You have to have the community understand the values of what they have in their region and helping with that process. There has been very little money in the past spent on community engagement and involvement.

CHAIR: Just to clarify the point, the role of this committee is to identify the different tenures across Queensland and how best to manage those. I hear you saying that we should value those conservation areas. I totally agree with that but, at the end of the day, some value has to be added to them—and in what way is one question—and, indeed, we have to address who is going to own those conservation areas. If it is the state government, how do we spread our conservation dollar to make sure that they are maintained as they have not been in the national parks? We have issues in the national parks without the conservation areas as well.

Mrs Julien: You do have an opportunity through a properly managed nature refuge program, where you guarantee freedom from mining and guarantee perpetuity, which is what the landowner thinks they are signing up to—perpetuity of protection. You have an opportunity there for a lot of public investment, which has been out of the individual landowner's pocket to date. But that is all under jeopardy now, because these places are being threatened with mining. Most of them are now covered with mining exploration permits. I know in Bimblebox, that is 100 holes. One hundred holes will just about damage the whole property—putting 100 drilling holes in down there, let alone mining all of it down the road. So you will have to say, 'This is of actual monetary value to the state of Queensland. Accordingly, we will put this much

Mackay

money into managing it. How can we best do that by partnering with the local community and industry and other organisations that have an interest—like ours—in managing these places. What is possible?’ That is really where you will have to go and that really has not been done in any depth to date.

CHAIR: And unfortunately the mining tenements or the mining permits do not actually come under the jurisdiction of this inquiry.

Mrs Julien: No, they come under the Mineral Resources Act and the Nature Conservation Act.

CHAIR: Exactly.

Mrs Julien: The Nature Conservation Act can be changed and the Mineral Resources Act probably needs to be updated to be a modern piece of legislation for modern times, which it isn’t.

CHAIR: That is a subject for another day.

Mrs Julien: That is for another day. But really, unless those things are addressed, I think you will have very few avenues for investment in these areas.

CHAIR: One more question on a slightly different subject: in terms of the forestry land that has been set aside across Queensland, which has been managed for close on 100 years with sustainable forestry practices, and quite frankly with a lot of the older forests if we manage it in a similar vein, one tree per hectare per year: do you see that as a challenge or do you see it as a degrading of the forestry areas?

Mrs Julien: We have good quality scientists, such as Hugh Possingham. We have good people out there, research scientists, who would tell you whether the loss of one tree per hectare was sustainable or not. We need to look to the science on that one. We need to resource those people. We have very few people who have expertise in botanical identification, for example, in this state. We have a pressing need to have a database that the ordinary person can contribute to with a simplified key index, which I know can be done because I have talked to the person who can do it in the Queensland Herbarium. We need to get a state funding system to get something like that up and running, so that people can identify the plants in their area, put it into the database and we better know what we have got. Right now, we really do not know what we have got out there. We need at least 10 years of seasonal monitoring in a semi-arid area to cover the wide range of variability in rainfall that affects the kind of biodiversity that you see there from year to year. Most of the places in this state have never been surveyed. We have those kinds of issues.

CHAIR: Have your organisations had the opportunity to speak to some of the long-term foresters, not only in this area but also throughout Queensland, who have been managing those forestry areas for close on 100 years?

Mrs Julien: Aila Keeto from the rainforest group has done a lot of that consultation and they have been coming to some kinds of arrangements. It is further west than I usually travel, being on the coast. There is not that much of it out west of us here. I have not personally dealt a lot with that.

CHAIR: Committee members, are there any questions?

Mr HART: Do you think the present Delbessie agreements are working, do you think they should be scaled back on some level or scaled up? Where do you think they should end up being?

Mrs Julien: I am not sure. I would say engage as much as you have with the resources that you have at hand. It is a commitment, really. It is a commitment to the principle of Delbessie that we were looking for, because we were concerned that that might be lost in the current administration. It is such a long history behind it that we think that all the work should not be just thrown out. It should be looked at, reviewed and see where you want to go with it.

The value of it is if the land owner has surety, they will look after their property. If they do not have surety, they are not going to. You have the window there with the long-term potential of a lease extension, that means the landowner can plan and that means they are more likely to take care of that place. That is really our goal, that they understand and protect the biodiversity values of the properties that they have. Some of them have long experience and good intimate knowledge of that landscape and know what to do. They have been trying to tell Mr Seeney about the flood problems across the proposed Galilee Basin railway line that they are going to get, and they are going to get some whopping floods through there. But they have not been listened to.

You have to have that ongoing dialogue with the landowners and with the state. It is in the state’s interest. They have 60 per cent of the land under their control now. It is in the state’s interest for flexibility in the future, especially under climate change, to have that flexibility to deal with the land and to be able to make the changes as they see that they are needed. Delbessie has been a way to do that. It has had positive outcomes.

CHAIR: The Delbessie agreement is actually a really good program, but I have some real worries in terms of impacts on graziers, et cetera, in some of the leases where they are not able to grow fodder for their cattle. Secondly, some of the imposts put on by state and federal governments. The recent live cattle export where they had to retain on their property cattle that they could not sell. Basically, they had to use up quite a bit of the fodder reserves on their properties. That was not their fault. Thirdly, the aspect of people being able to manage their own property without the impacts of government legislation, et cetera, coming on board. The live cattle export industry was one area that impacted badly. Of course, a lot of those properties are almost bankrupt or they are bankrupt. The worst thing that can happen, as a landowner, as Mackay

I am myself, is if you have not got the money to maintain the asset and the environmental aspect of your country. From an environmental point of view, that is absolutely the worst thing that can happen. Would you like to make some comments on that?

Mrs Julien: It was certainly a big shock to the industry. Certainly it was rushed into without a lot of forethought. Certainly it caused a lot of hardship. I think we are going to have to look at this. Especially under climate change, these shocks could come in at any time. You are talking about better risk-management processes. This is happening in the industry itself, where a lot of the landowners now have diversified into properties that are all across the state, so that if one gets shocked they can move animals to another site. I think we are going to have to go down that path. We are going to have to look at it, because these are shocks that are going to come probably again from left field. This one came from left field. How are we going to manage that kind of risk? See it as a risk-management issue and see how we are going to do that. It is difficult for the individual landowner who has not got that option of moving to somewhere else, but if the state has maintained its ownership of 60 per cent and has those other lands where there might be alternative places to put cattle in that situation, that is something that could be looked at. I would not have all the answers.

CHAIR: I understand that. The committee is actually looking at all of this area. It is a very difficult area to be looking into. We are looking at the best outcome for the Queensland government, for the property owner and for the environment. On the issue of having diversified property, that is fine for the multinationals and also the big cattle owners.

Mrs Julien: That is why if you have the state lands and you decided, yes, we will allow some grazing on these other places that we have—and maybe that is done at a national scale even, moving cattle around—but being able to have alternative backups. Also, planning yourself so that you are not totally dependent on your industry exporting to one market, Indonesia.

CHAIR: Unfortunately, that is what happened.

Mrs Julien: That is the other side: the industry's need to look at the risk-management aspects of it. It is always a difficult thing. Shocks are no good for any business.

CHAIR: Just to pick up on one point you made and then I will let the other committee members ask some questions. In respect to using state land—your words—to be an insurance against the situation we had—

Mrs Julien: Look at the availability of it and the suitability of it, sure; subject to that, sure.

CHAIR: Would you be suggesting that conservation areas and forestry areas be made available for graziers that go through that shock period, that they could transport cattle?

Mrs Julien: They can use the stock routes to go through a lot of these areas, but I would not say that you would want to put cattle on a conservation area without good reason, without good scientific backup to support that decision.

CHAIR: And forestry?

Mrs Julien: The same thing with forestry. You would have to have the independent scientific advice that people could trust and feel comfortable with before you went into that kind of thing. There are a lot of areas of land that are not conservation areas and are not state forest. Only six per cent of the state is in conservation areas. I am not quite sure how much is in the state forests. For example, in some places along the coast, the coastal wetlands can be lightly grazed, which helps keep weeds down. It all depends on the circumstances. It is not something that you just make one blanket rule for. It has to be done very systematically and with the science to back it up.

CHAIR: I will leave that there. I am sure other committee members would like to ask questions.

Mr YOUNG: Firstly, Mrs Julien, I want to acknowledge your longstanding commitment to the environment.

Mrs Julien: Thank you.

Mr YOUNG: I have a question about ecotourism businesses being established in high-conservation areas. Why you against that? I would have thought that good operators would have been a protection.

Mrs Julien: The keyword there is 'good', isn't it? I will give you an example. Recently, in the Mackay paper there was an article about a young lass who had been very enterprising. She had gone out to establish a business, 'let's go diving and look at the platypus'. We have a lot of platypus and they are often in areas that are not in conservation areas, although maybe. The problem was, if you take divers down to watch platypus quite up close, which people are used to thinking that they can do because they see it on David Attenborough shows and things like that, it is distressing to the animal, especially as this lass was proposing to do it during the breeding season. Her ignorance was there and obviously she needed educating about the fact that she would need a permit first and then she would have to follow the permit conditions, which probably would not include going right up close to that animal.

The thing is, coming back to my main point, that any ecotourism industries should be certified, they should have appropriate training, they should know what they are doing and they should not be where they are likely to do any damage. It is as simple as that. So much of the state is suitable for ecotourism that is not in areas of high ecological significance. Why would we want to do that? We have other problems here.

If you go up to Eungella, there are certain places that are very pretty spots, but they are covered with toilet paper because people have willy-nilly come in. The road is in a shocking state and four-wheel drivers have gone through under wet conditions when they should not be there. How do you police it? How do you manage it when we have not got the staff to do the job adequately right now? How do you manage that?

I am not against having small-scale, appropriately managed ecotourism to see beautiful places, but I would say that they certainly should not be in a national park. They may be a business that is established next to it and then people are taken in to see the values that we have there. It cannot be at the expense of the natural values, because that is what the national parks were set up for, to protect the national values and the biodiversity. Goodness knows, we have such a small percentage in the state, especially in Central Queensland and the western areas. It is such a tiny percentage—two per cent. Why would we want to do that?

Mr YOUNG: Fair comment.

Mr MULHERIN: Patricia, I take it that you do not support grazing activity in state forests or bee keeping in state forests?

Mrs Julien: It depends on the conditions, Tim. If the scientists say, yes, it can be managed and at this particular scale, I am not really against that. I am trained as a scientist, so underpinning everything I think of and do is: how is the science on this? Is there enough science to back it up as a good policy decision? I am very strongly in favour of the science. Sometimes we do not have the money to do the proper scientific research that we should do. In that case, I think the precautionary principle should operate, that is, until you really know do not risk it unless there is some great overriding, overwhelming need to do it. We have so much grazing land in this state that is not in state forests.

Mr MULHERIN: You mentioned earlier that a value system needs to be put in place to put a social and economic value on the biodiversity across the whole of Queensland.

Mrs Julien: Yes.

Mr MULHERIN: What sort of inputs would you consider in developing a value system and should it be done at a national level?

Mrs Julien: I would say national and state. I would say it would be a joint thing, because the state often has more information at the local level than the federal government has on a particular biodiversity.

Mr MULHERIN: But a common framework across—

Mrs Julien: A common framework, yes. I think it is badly needed now, because we are getting more and more pressure that we never had before. We did not need to spend money and do it in the past when we had only small mines, we had only small developments. But now we have them at such a large scale and growing all the time and likely to get bigger, then we really have to tackle this or we will lose what we have.

Mr MULHERIN: So you could liken it to an accounting system for the environment. Where you have accounting standards, you would have environmental standards that are nationally recognised so that the states would implement them across their jurisdictions. Is that your proposal?

Mrs Julien: I am a little bit reluctant about the federal government, because they did such a poor job with the SPRAT database system. Local knowledge has to come into it. There has to be some local autonomy. As you mentioned, we need this national framework for cohesion and comprehensiveness and coordination. I think we would have to have that, yes.

Mr MULHERIN: You were saying earlier that you considered the offset policy as not working. Where do you see the deficiency in that offset policy?

Mrs Julien: Because we lack a knowledge of the biodiversity that is on the ground. Decisions are being made like the railway line for the Alpha line. All they did was they did a desktop assessment of aerial photographs to say, 'This is the ground condition. So this is the ground condition for this ecosystem. Therefore, we think this species may or may not be there that is associated with this ecosystem,' without going down on the ground and actually knowing what was there. That is the problem. The Alpha mine has been in the Hancock family for about 40 years, as I understand it. There has been ample time to have seasonal surveys done on the ground in those areas so that, at the end of the day, when they did come to apply for a mine they could have had that data all there and ready and avoided all of the cost that they have had to put into the environmental assessments. That data could be put into a public database—WildNet or some other database—and be available, on hand, for assessments.

Mr MULHERIN: You were saying earlier that in Central Queensland 80 per cent of the land mass is covered by mining exploration permits.

Mrs Julien: Right.

Mr MULHERIN: Are you suggesting, going forward, a way of funding the scientific values of the landscape? Who should fund that? Should it be the resource sector or the state?

Mrs Julien: I think it is up to the state. I think it is a states issue in conjunction with some federal assistance, just as they have worked on the wetlands along the coast.

Mr MULHERIN: So would you like to see more investment into herbarium and spatial datasets?

Mrs Julien: Yes, I would. The Queensland Herbarium has done a pretty good job and it could do more with more resourcing. We have the landscape scale planning that has been put forward as a model for biodiversity planning so that we can decide where we have go and no-go areas for certain types of developments. If it is laid out then we are protecting our biodiversity long term.

Mr MULHERIN: But you are not opposed to having an offsets policy?

Mrs Julien: I am really worried about the offsets, because I have not seen any scientific evidence that shows that they really work. That is my main beef with them. I have to see that and there has been some evidence to say that they do not work.

Mr MULHERIN: You raised earlier protecting water rights. Do you believe in a tradeable right in water, where currently individuals or people can trade their water rights?

Mrs Julien: We have to put that in the context of whether we want an agricultural or a mining industry. It looks like we are coming to that point. If the water is disassociated from the land, what are the long-term impacts of that? I do not think they are terribly good for agriculture, because agriculture is a low commodity priced value product, yet it is totally essential for the welfare of society. So I think we have to be considering those things on top of just, 'Oh, yes, it goes to the highest bidder,' because my information is that Gina Hancock for the Alpha mine decided not to go to Connors dam because she could get low-priority allocations, about six or eight of them, from the Fairbairn Dam west of Emerald in return for having them classed as a high-priority user. So she was able to do that switch and get that water. That water would traditionally have gone to agriculture during a drought. So you have the social and economic changes that are coming about. It is one fraught with risk to just say 'tradeable water rights' and not consider the socioeconomic impacts of it.

Mr MULHERIN: Because if you have leasehold land and water rights are then separated, you still have the right to trade. So it does not matter if it is in leasehold or freehold.

Mrs Julien: Yes, that is right, but I think when you can go from leasehold to freehold you are more likely to think—and you are elderly and your children do not want to come on the land—'I'll sell it' and the most likely buyer would probably be the mining industry.

Mr MULHERIN: You mentioned earlier about stock routes and that they act as a wildlife corridor and must be protected at all costs. Would you see that the protection of these historical stock routes would have limitations on the ability of graziers to use those stock routes for agistment during prolonged droughts?

Mrs Julien: That is one of their functions, is it not, as I understand it?

Mr MULHERIN: Yes, but there is also a view within the environmental movement that some of those stock routes would not be available for agistment.

Mrs Julien: It comes back to the science and is the carrying capacity okay. How many stock are you going to put on there? Is it permanent damage or is it considered that it is recoverable? Is it an area where there is a threatened species that will be really upset and adversely impacted by grazing, especially during a drought? It depends. It is not black and white, as you all know.

Mr YOUNG: But they manage the stock routes so that the whole purpose of having a stock route is to provide grass for the transport of cattle. So they make a point of not flogging them.

Mrs Julien: Yes. That is good management, is it not? It is up to the councils to some extent to oversee that. They have primary responsibility for those routes. My concern was that they would be mined—when a mining lease was issued that they would be lost to the mining.

Mr YOUNG: Yes.

Ms MILLARD: With your experience, have you seen at least one really good example that you could tell us about with regard to ecotourism in low or high conservation areas where the operators have managed the surrounding areas very well? They may have done it off their own bat or even in accordance with a government or a council.

Mrs Julien: There is a place that has been going, I think it is Kelly's north of Brisbane. I am just trying to think of the name of it.

Ms MILLARD: Is it O'Reilly's?

Mrs Julien: O'Reilly's. I knew it was Irish, but I could not think of the right name. I have heard reasonably good reports about that one. Again, that has been extremely low impact and they had the property there before it was declared a conservation area. So that meant that they probably looked after it well before. So they would have been educated in what to do just through self-awareness and self-education before they even got that place started. So that is the key, is it not—having people who really know what they are doing and having the science that says, 'Yes, it can be done with minimal impacts' and then trying to avoid it happening in national parks, because we just do not have a lot of herbaria in national parks, but trying to develop something maybe nearby that is not as vulnerable to impacts and managing it in that way. But there have not been too many examples, I am afraid—not that I am an ecotourism person who has travelled widely and knows all the spots—

Ms MILLARD: I am sure you have your ear to the ground.

Mrs Julien: But you just have to go into a place that has not had much human touch through it and walk through it and see the beauty of it. That is the high value end of the tourism market. That is what people go to see—those kinds of places. But they are very expensive tours and they are very high end and they are very small in number.

CHAIR: Just on that point, do you know if ecotourism is impacting on the national parks? Just to clarify my question, would it be a view of the conservation society that if you have a ecotourism operation, that they would go out of their way to make sure that they maintained that in a very pristine way because that is their asset—certainly owned by the state but, if it degraded, they would lose part of their operation or would lose their operation altogether?

Mrs Julien: If you have a lot of these operations across the state, it becomes a question of how you are going to manage it. Have you the resources to manage it properly? It is really a cost to the state, ecotourism. It is not something that is going to bring in a lot of revenue. So it is up to politicians to decide if they really want to take that cost on and the oversight and the management and the training and the accreditation and all of the things that go with it to see if it is going to be something that is worth their while to get into, because there have been a lot of the failed islands resorts, as we all know, up and down the coast. It has to be something that really can show, through independent review, strategic reviews, that it is going to be something economically viable. Otherwise why bother?

CHAIR: Thank you. Patricia.

Mr MULHERIN: I have just one last question. What is your view around seed collection in state forests and national parks?

Mrs Julien: Again, the science—

Mr MULHERIN: The utilisation.

Mrs Julien: Whether the science says there is a particular culling number that can be done—it would be looked at as a cull, really, if you are taking seeds out of the environment. Some plants are prolific and seed collection is not a problem. For others, it is a different matter. That is up to the Queensland Herbarium, I think, to say whether that is something that is doable or not. I would say proceed with caution. It happens now without any oversight, because we do not have the staff and the personnel to manage it properly. But that is tied in with local education, too, because the money has just never been there for education. We have tried to do education and there has never been funds available for it. If you have that local knowledge, you have local protection and you have people who will do somebody in who is doing the wrong thing and taking what they should not out of the national estate.

CHAIR: Thank you very much, Patricia. We have gone well over time, but I thought it was important and, as I said to you earlier, we are more than happy to listen to your views. I think we have given you a great opportunity to express those. So thank you again for coming to the committee hearing today and we appreciate your forthrightness.

Mrs Julien: Thanks for the time and the questions everyone.

CHAIR: Thank you very much for coming along.

BIDWELL, Mr Bob, ATEC Rail Group

CHAIR: Thank you very much for coming along, Mr Bidwell. I guess you heard what we had to say earlier. If you would just like to introduce yourself, give us your background and then make a short statement, then we will go through the process that we did with Mrs Julien.

Mr Bidwell: Thank you. My name is Bob Bidwell. I am with the ATEC Rail Group. We are a small company that is investing in rail infrastructure within Australia, Queensland.

CHAIR: Thank you.

Mr Bidwell: As ATEC Rail Group, we are investing in below-rail infrastructure, primarily in regional mining tenements that have previously been stranded. So that is really our core business vision. The most advanced project is we are a joint venture/owner in the Surat Basin alliance, which is a greenfield rail project between Wandoan and Banana. I am here as ATEC Rail Group, not the Surat Basin rail project.

The fundamental premise of our submission is that, in regard to private sector investment in infrastructure, one of the key issues that we need is certainty in planning from governments and certainty in policy and processes. Critical to, I suppose, the bankability of these type of infrastructure projects in the short and long term is the security of tenure. As the private sector generally, if we can achieve security of tenure these infrastructure businesses can be bankable, particularly in the debt markets the way they are now. That will encourage and facilitate private sector investment. That is the premise of our submission.

CHAIR: From the committee's point of view, with security of tenure, what type of tenure would you see as being the prime type of tenure that you would like for that infrastructure development?

Mr Bidwell: It depends. Ultimately, we are comfortable generally in the private sector with long-term leasehold. Generally, these are long-term public assets. Usually, if you can get security of tenure, a long-term lease is achievable as a bankable solution. The current issue with linear infrastructure—certainly with the current legislation—over creek beds is that it is state land. Currently the state, as an example, is unable to allocate that tenure to anyone, even to themselves; it is just the property of the state. That is a particular issue that needs to be resolved.

CHAIR: In terms of the environmental offsets, have you had issues with that as well, or not?

Mr Bidwell: Not with regard to tenure, no.

CHAIR: Okay. So basically, areas of land, like creek beds, are some difficulty for tenure, obviously.

Mr Bidwell: Yes. Over the last few years this is really the first time that the private sector has been involved with linear infrastructure. Previously with the state, it was either road authorities or rail authorities that were developing this, because the state owns the land underneath the creek, underneath the bridge. There really has not been an issue. It is only when the private sector, the private sector financiers, are looking for some sort of tenure over that area that this issue has arisen.

CHAIR: Certainly, that is an interesting issue. Does the committee have questions?

Mr HART: Sorry, I understand what you are saying about banks wanting tenure, but is that the only issue? Once you build a rail corridor over a creek bed or over a flood plain, what could possibly move that along? Are you worried about a mine coming and wanting to close your rail down and build a mine there?

Mr Bidwell: Not really, because I understand some of the legislation that has just gone through covers potential mines under a rail line. But primarily it is risk and indemnity. If you have not got control of that tenure over the bridge—and there are ways to resolve it; it is just a matter that has not been obvious yet—if you do not have control of that and if someone falls off, or one of your workers falls off the bridge, and I do not know what other problems, what are the indemnities if there is no tenure? It is still owned by the state and technically the bridge is owned by the state if it is over the bed and banks of the river or the creek.

Mr HART: Okay. So you would have issues with workplace health and safety and banks as well?

Mr Bidwell: Yes.

Mr HART: Okay. Obviously, it has not been thought of before.

Mr Bidwell: Yes. It has only been in the last short number of years that the private sector has started to get involved in the financing of this infrastructure. Previously, it was the government and the government did not need it, because the government owned it.

Mr HART: So can I ask whether there would be any other way of rectifying that issue without a tenure issue?

Mr Bidwell: I am not qualified to answer. That is in discussions that we are having now with the legal profession and the bankers themselves—what is a bankable solution?

Mr YOUNG: You no doubt would be aware of the bill that went before the House last week in relation to streamlining.

Mr Bidwell: Yes.

Mr YOUNG: So you are aware of that. You would have to agree that those things would address some of your issues?

Mr Bidwell: Yes, that is right. When we put this submission in, it was looking at some of the long-term solutions and that is an example of an issue that has been raised that was not considered previously and that goes a fair way to resolving that.

Mr MULHERIN: What is the perfect tenure?

Mr Bidwell: Interesting, because in some respects certain people—and I think a lot of the banks—might say freehold is the perfect tenure. I believe in having the legislative support of what is currently in the Transport Infrastructure Act, where leasehold allows for such things. If you are building a rail line and you want to duplicate it and need to increase or widen the corridor, if it was a freehold lease that makes it difficult to do, because under the Property Law Act you have to relinquish the lease and get another lease issued. Again, involving the banks in that process it just means a cumbersome process. My understanding—and I am not a lawyer—is that the Transport Infrastructure Act has provisions for allowing that to happen. So you can amend the lease. It is a longwinded answer. It depends on the jurisdiction and on the tenure and so on. I am talking about rail infrastructure. Other infrastructure might not need that issue. So freeholding could be the best tenure. I dare say a lot of banks would probably say that they are used to freehold, they are used to the concept of freehold. They would probably say freehold, but for the long-term management and operation of the asset over 50 years, leasehold in the right environment would suffice.

Mr MULHERIN: So if it is not freehold, the length of tenure would have to be what? A minimum of 50 years but preferably 99?

Mr Bidwell: I suppose there is no real standard, but in the last sort of five to 10 years, 99-year leases is—

Mr MULHERIN: The bankable.

Mr Bidwell: Is generally becoming the norm. There is no general. For the two airports of the previous government, a long-term lease of 99. The federal government have done 99-year leases. Other states have done 99-year leases.

Mr MULHERIN: So there are various pieces of legislation that govern easements, roads, rail, or watercourses. Do you think there is a need to consolidate into one single act how tenure is dealt with when it comes to these infrastructure easements, be it roads or rail?

Mr Bidwell: Certainly for transport infrastructure, from my understanding, given what the state has with the Transport Planning and Coordination Act and the Transport Infrastructure Act, some minor tweaking of those—

Mr MULHERIN: But you also have local government that has an interest in road easements, or easements in general for public infrastructure, be it road or rail. It is covered under a separate piece of legislation.

Mr Bidwell: Again, I am not totally privy to the full scope of the Transport Infrastructure Act, but my understanding is that, under the current regime, it allows for or it facilitates rail infrastructure where the impact is on roads.

Mr MULHERIN: Is there any jurisdiction in Australia that has what you would consider best practice when it comes to this issue?

Mr Bidwell: I do not know, sorry. The only thing I do know is that a lot of the tenure arrangements with the states are different. We have different tenure arrangements for what we own as freehold—how deep it is—versus other states. We might have a limit on how deep the freehold is in other states. So I am not sure, sorry.

Mr MULHERIN: So your company's experience is really only in the Queensland jurisdiction?

Mr Bidwell: At the moment. Yes, we are in the process of negotiations in both Western Australia and New South Wales, but our most experience is in Queensland.

Mr MULHERIN: Are you running into the same hurdles in those jurisdictions?

Mr Bidwell: It is a bit early to say in those jurisdictions. We are a bit early in the process.

CHAIR: Firstly, thank you for your attendance here at the public hearing today. I believe the committee has gathered some valuable information both through what Patricia and you had to say that will assist the inquiry into the future and continued relevance of government land tenure across Queensland. I would also like to thank Hansard for recording today. I declare the meeting closed. Secondly, I move that, pursuant to section 50(2) (a) of the Parliament of Queensland Act 2001, the committee authorise the publication of the evidence given here today. Do you have a seconder?

Ms MILLARD: Yes.

CHAIR: Carried. Thank you very much. I thank the audience for attending the hearing.

Committee adjourned at 1.14 pm