



Speech by

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MEMBER FOR GLADSTONE

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WATER USAGE, GLADSTONE ELECTORATE

Mrs LIZ CUNNINGHAM (Gladstone—IND) (12.08 p.m.): I rise to speak on behalf of a group of people in my electorate who have been fighting for a just result over their concerns about water depletion on their farms. These people live in the Mount Larcom/Bracewell areas. The specific concerns were raised in 1995 when the QCL expansion for our region was advertised. This expansion was needed to compensate for the closure of access to dead coral for QCL's Darra plant and Darra's subsequent closure. QCL's expansion is now complete and is operating efficiently and well.

The concerns of these people, however, remain unresolved. I know that they have had meetings with the Minister for Mines and Energy and also, I think, with the Minister for Primary Industries. They have endeavoured to have their concerns aired in quite a number of forums. I thank the Ministers for the work they have done on behalf of these people.

Much has occurred in the past. QCL has spent a great deal of money on investigations and studies. Yet from the community's view, there are circumstances which undermine community confidence in the process or in the proposals put up at a number of points in time. One of the most recent ones—and perhaps it is a divergence from this issue, but it is an example of the point—is that when the Gladstone development board was mooted by the Minister for State Development, it was to replace an existing board. The existing board had as its chair the general manager of the GPA and it had a list of appropriate representatives. The community representative on that board was a guy called Mike Alcock, who was the community chaplain. Mike did an excellent job. The chair of the new board is Mr Leo Zussino, who was the chair of the GPA. I do not have any problem with that appointment. However, he has also taken on the role of the community representative. People see that as a conflict or an unnecessary duplication in one person covering two roles. I know that members of EEMAG indicated their interest in being the community representative. This board will have a look at industry proposals as they come to our region.

The current situation is as follows: at Community Cabinet meetings in both Rockhampton and Gladstone, Minister Rod Welford gave a commitment to the EEMAG delegation to facilitate an open technical forum. EEMAG sees this open technical forum as a defining moment in this dispute. The Environmental Protection Agency has delivered a proposal to EEMAG, which EEMAG has today declined on the basis of legal advice as well as member concerns. In EEMAG's advice to my office, Alec Lucke states, "Remain assured EEMAG are not trying to be obstructive." However, they are concerned that the EPA proposal requires participants to be empowered to mediate a result. Ted Christie, the proposed chair of the forum, has a CV which concerns EEMAG in that technical issues on the basis of his experience may be subjugated to a mediated compromise. EEMAG sees the mediation component as premature.

In February 1997, Franz Kalf, who is QCL's hydrologist, put forward his hydrological model. This model has now been withdrawn with Mr Kalf now developing a new model. Landowners and their specialist advisers have no idea what this model may include. I refer to a letter by the East End Mine Action Group to Nicole Conlan of the EPA, which states—

"Full disclosure of Mr Franz Kalf's Model findings is essential to the knowledge, transparency and accountability of the Open Technical Forum and would demonstrate QCL's sincerity of intentions to resolve/manage the dispute."

To ask then for parties to commence a technical forum that includes mediation lacks fairness. EEMAG has not withdrawn from the concept of mediation, but believes that each step must be preceded by full disclosure by all parties of all information for a period of two weeks prior to a proposed meeting. That is in line with the principles of alternative dispute resolution, which they see as perhaps a subsequent option to the open technical forum. The Minister for Mines and Energy has also indicated his willingness to be involved in a mediation, but they want to see this open technical forum first before the step of mediation occurs. Hence EEMAG is looking for all information to be released two weeks before the open technical forum and subsequently any mediation or solution. EEMAG wants to see the open technical forum include the participants as listed, that is, the chair, Ted Christie; technical advisers, Professor Ray Volker, Dr Peter James and Dr Frans Kalf; and three representatives from EEMAG, one representative from QCL, one representative from the Department of Mines and Energy, one representative from the Department of Natural Resources, and one representative from the EPA.

Those participants have accepted, but because the open technical forum includes mediation also, that is where their concern really rests. They want to see an open technical forum with CSIRO consultant Don Armstrong as a technical auditor to ensure fairness in all considerations of the technical information brought by the specialists. Again, the technical forum should provide scientific evidence to determine the extent of the mine's injurious affection.

This issue has been going on for some years. When the QCL mine was first started it was by franchise agreement, and landowners in that district were at odds with their own family. Some of those families still are not speaking to each other. That is an indication of the depth of antagonism and difference of opinion. However, these landowners' farms are affected in that they are losing their capacity to access underground water because of the coning effect of the mine.

I would be the last person to say that the problem is a simple one. As I said, the Minister for Mines and Energy has had a number of meetings with these people. It is difficult to reach the position in which everybody will agree with the proposed next step. There appears to be agreement on an open technical forum. However, the difference is that the EPA is proposing to include mediation where EEMAG is saying, "Let us just have the technical information—the data—on the table. Let us understand the extent of the injurious affection of the mine and then let us talk about the next stage so that everybody is informed about the facts first."

The proposal that the EPA put up includes a proposal in which participants—and that includes those technical specialists—would also have to be empowered by all of the residents to be able to mediate and come to a decision on the part of all the landowners in a forum that perhaps has not had adequate time to understand the technical information and understand the implications of that technical information. So they are saying, "Please let us have the open forum. Let us get all the information on the table. Let us understand the facts and then step away from it—it may be for only a very short period—and then we will go on to the next stage of the process."

It is absolutely essential in this whole process that landowners see that one step is being taken at a time and that that step is taken in a transparent, open and just way. As I said, QCL have been participants in this matter ever since the mine started. There have been a number of managers. The current manager, Michael Rynne, has been a participant in a number of the discussions in which I have been involved. He appears to be involved in a genuine spirit of seeking a solution. However, any other solutions to the problem that the landowners have examined fall short of an open and just result. One of the options that was considered was the purchase by QCL of all the land and then to lease it back. However, some of the land is affected by a State development restricted areas code because of gas pipelines, proposed dams, and limestone and clay deposits at Bracewell. This restricts the options that are available to landowners and also the options that are available to QCL, should it purchase the property.

These landowners are asking for a step that they can see is transparent, that they can understand, and which is contained. They will have the open technical forum where the information will be put on the table. They as landowners can then be confident that all the information is available to all participants equally and then they can go on to the next step, whether that is mediation, an ADR or whatever option is chosen. They are not precluding anything from progressing. They are saying, "Let us take it one step at a time."

Again, I thank the Ministers for their participation to date. I look forward to Minister Welford fulfilling that undertaking to allow an open technical forum to occur without mediation.
