



Speech by

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MEMBER FOR TABLELANDS

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LAND LEGISLATION AMENDMENT BILL

Ms LEE LONG (Tablelands—ONP) (4.17 p.m.): The Land Legislation Amendment Bill 2003 opens the door to backdated rate increases, is riddled with nonsense justifications and, not surprisingly, has no chance of achieving its goal so far as Shelbourne Bay is concerned. At least two of the organisations listed as being consulted were not and others we might reasonably expect to have been consulted were ignored.

I will begin with the amendments to the Valuation of Land Act 1994. These changes could mean Queenslanders could face paying rates backdated for up to three years. The minister has said it is not a backdated revenue grab; it is, according to him, supposed to be about fairness. For ratepayers in the state to potentially be slugged with backdated rates and to call that fair is, in my opinion, an outstanding example of spin-doctoring. It is so bald-faced I would not be surprised to discover that whoever came up with that spin earned themselves one of this government's bonus deals. I strongly believe it is not at all fair nor just. Retrospectivity is not something to be indulged in for what appears to be little more than a whim.

I turn now to the amendments to the Mineral Resources Act 1989, which are supposedly intended to protect Shelbourne Bay. These amendments clearly breach the Legislative Standards Act 1992. There are no two ways about it: fundamental legislative principles have been thrown out the window on this one. The mining leaseholders' rights to renew are being revoked, with specific provision that no compensation be paid. If, as claimed, the state owes no-one such compensation, why the need to make it part of this legislation?

In his second reading speech, the minister tries to convince us in relation to the backdating of valuations and rates that he was all about fairness and justice, yet here he is saying that if someone follows the rules, spends significant sums preparing scientific documents, five-year plans and so on, pays for international scientific assessment of the sand, identifies potential markets and carries out other commercial activities that improve the value of the lease there is no reason to compensate that person or company when the lease is stripped away from them.

Clearly, the Beattie government has its own version of fairness and justice and they are vastly different from the normal understanding of those terms. Does the government's ability to remove rights without compensation mean that the next time 50 or 100 properties are seized for yet another freeway elsewhere in Queensland those people will be denied compensation, or are the rules different depending on where people live? I believe that this government has a duty of care in relation to paying compensation to these leaseholders.

I will now address some of the other reasons given for this unfair, unjust and immoral set of amendments. In the explanatory notes it is claimed that it would be nonsensical to continue to renew the leases knowing that the area has never been mined and never will be mined. It has not been mined because, despite having met every requirement put before it, the government has refused to allow the project to proceed—despite having accepted a five-year plan for the development site but then asked the proponents not to go ahead. For this government to use its own hard mindedness to justify itself is farcical. Even Bart Simpson does a better job of ducking responsibility for his actions than that.

On the advice that I have, the silica mining operation has a very strong commercial basis. The identified market price per tonne for the material proposed to be produced is more than \$20,000 while

the production cost is less than \$2,000. On a commercial basis, clearly no-one can say that the area will never be mined. So what basis does this government have to say that it will never be mined? Really, none at all—apart from its own political opportunism.

The government seems to think that selling out fundamental legislative principles for a few green votes is the right thing to do. But then perhaps it is no surprise to find that this government's principles are for sale. What other excuses are used for cancelling these leases? One is that the Beattie government does not think that the Commonwealth would issue an export licence for the sand. But how can the Beattie government know that? In the list of organisations consulted about the matter, not one Commonwealth body is listed. The Beattie government did not even ask the Commonwealth. Instead, it guessed and then it used that guess as justification for what it is about to do.

While I am speaking about consultation, I want to raise a couple of other points. One is that the farmers organisation, Agforce, is listed as having been consulted. I am advised that, in fact, Agforce was not consulted. Also listed as having been consulted is the Queensland Mining Council. Indeed, the minister in his second reading speech claimed that the council had responded to a point and supported the provision in the bill. That is very interesting, because my advice is that the council was not consulted. Instead, it was simply informed that a decision had already been made to put this legislation before the House and that it was so informed only a matter of days before that took place. I understand that the matter of precedent was raised, but to me that falls a very long way short of consultation.

On that matter, I think it is just a joke for this government to say that there is no precedent set by the destruction of the Shelburne mining lease. As I have said, one of the Beattie government's own arguments is that, in a general sense, it does not have to pay compensation. By this legislation, the government shows clearly that it will cancel mining leases even when the leaseholder meets all the rules.

Mrs Carryn Sullivan interjected.

Ms LEE LONG: He has done heaps. It has spent a lot of money, yet the Beattie government seems to expect that the mining industry will still happily spend millions of dollars on exploration and so forth. Why would it do that when it is faced with a government that, here today, is demonstrating that miners have absolutely no security in their leases and no reason to expect compensation if those leases are revoked?

Finally, I come to the proposition that it is in the public interest to protect the area for future generations—and this is a good one. While I am on the subject of this area, I want to make sure that every member understands that I am not talking about all the sand dunes at Shelburne Bay. Lease No. 5940 and lease No. 5941 cover just part of just one dune. That is it. So let us not kid ourselves that we are talking about the entire area. Among the expenses faced by the project proponents was the development of a detailed environmental impact statement on the area. As members would expect, it addresses a whole range of issues from offshore seagrass beds to the variety of dunes, from how the area could be accessed to how that access could be controlled to protect the environment and so on.

Mr Lawlor interjected.

Ms LEE LONG: I can give the member copies of this. It is just over 230 pages long. It is very comprehensive. For instance, essentially there are two types of dunes: mobile and stable. The mobile ones are windblown and have no vegetation at all. The stable ones have vegetation and, as a result, are not moved around by the prevailing winds. It is the vegetation on the stable dunes that is of some ecological interest. However, among telling facts in the EIS is this one: the mobile sand dunes, which are the ones that would have been mined, are constantly moving towards the ocean and are engulfing and destroying all vegetation in their path. Whether Shelburne is mined or not, nature itself is destroying the environment in that area and there is nothing that anyone can do about it.

An honourable member interjected.

Ms LEE LONG: I can show the member the evidence of this. The present dune is following the path of an older dune, which has covered the ocean floor for a distance of up to five kilometres out to sea. The member cannot deny that. This area was noted as having seagrass by Captain Matthew Flinders in his survey in 1897 when he mentioned that the dugong were feeding in the area. It is obvious that the dugongs are losing or have already lost their feeding grounds to these quickly shifting silicon sands.

I will return to the single dune that is involved in these leases. In 1984 it was some 40 metres from the shoreline. Since then it has marched forward, driven by the wind, until today, as we debate its preservation, it is disappearing into the ocean. It will be entirely gone in less than 100 years. That is a fact. It is estimated that it will take between 50 and 100 years to disappear. So it is going to be gone. It will not be there for future generations. Yet this legislation is supposed to protect it for future generations.

I want to pursue the true environmental conditions at Shelburne bay. As the EIS identifies, this dune, with its 36 million tonnes of sand, is blowing into the sea. In the process, it is burying the nearby seagrass beds. I am sure that we are all familiar with the value of such beds to dugong in particular. Remember, this is the sand that the members opposite want to protect from mining, clearly so that it can blow away and destroy the surrounding environment. It certainly does not make much sense to ordinary Queenslanders.

I can say that a major concern addressed in the EIS was the protection of the stable dunes in the area. Firstly, I want to say that the entire basis for the mining proposal was the purity of the sand in the mobile dunes. The stable ones were of no commercial interest as they were too contaminated, as it were, by vegetation. However, the EIS clearly identified them as being extremely—

Mr Robertson interjected.

Ms LEE LONG: That shows how much the minister knows about it. The EIS clearly identified them as being extremely vulnerable to remobilisation, especially from vehicles driving on them. That is because of the strong, constant wind that blows in the area. The passage of a single vehicle can open a stable dune to the effects of the wind and surprisingly quickly remobilise it altogether. There was a great deal of attention to ensuring that this did not happen if mining took place—matting, specific limited roads, no vehicles permitted anywhere other than the designated areas and so on. However, what do we now have there? Uncontrolled four-wheel drive tourist vehicles and tour buses. Are they operating with the full knowledge of the way in which stable dunes work and the damage that those vehicles can cause to them? Have they marked out designated driving areas and, more importantly, designated no-go zones or any other scientifically based methods of limiting their impact on the environment? I do not think so. In fact, I suspect that this increased public presence is probably causing more untold damage.

That is the legacy of the profile that Shelburne Bay's sand dunes have received—largely at the hands of the green movement's media campaign. In this bill the Beattie government is trying to protect a naturally disappearing, self-destroying environment. Not even King Canute could bend nature to his will. Heaven knows why the Premier or the Minister for Natural Resources think that they can do any better.