



Speech By
Hon. Dr Steven Miles
MEMBER FOR MOUNT COOT-THA

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**NORTH STRADBROKE ISLAND PROTECTION AND SUSTAINABILITY AND
OTHER ACTS AMENDMENT BILL; NORTH STRADBROKE ISLAND
PROTECTION AND SUSTAINABILITY (RENEWAL OF MINING LEASES)
AMENDMENT BILL**

Second Reading (Cognate Debate)

 **Hon. SJ MILES** (Mount Coot-tha—ALP) (Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef) (7.40 pm): I move—

That the North Stradbroke Island Protection and Sustainability and Other Acts Amendment Bill be now read a second time.

This bill amends a number of acts to meet the government's election commitment to repeal the amendments made to the North Stradbroke Island Protection and Sustainability Act 2011 by the previous government in 2013 to re-establish a 2019 end date for sandmining on the island. The bill will provide certainty for the island community and the thousands of visitors that flock to the island each year. The bill is part of a package of measures by the government to prepare North Stradbroke Island for a sustainable future. This bill is supported by the draft economic transition strategy and the workers assistance package, with a combined funding commitment of more than \$28 million.

There are three key features of the bill: firstly, the bill substantially ends mining on North Stradbroke Island by 2019; secondly, the bill reinstates a restricted mine path for the Enterprise mine and the ability to amend it under strict conditions; and thirdly, the bill sets up a new rehabilitation authorisation under the Mineral Resources Act to support rehabilitation to occur. The bill also makes consequential amendments to other acts to deliver the government's policy intent. I thank the Finance and Administration Committee for its consideration of the bill.

Tonight we are considering two bills that address the same subject matter. The North Stradbroke Island Protection and Sustainability (Renewal of Mining Leases) Amendment Bill 2015 was introduced by the honourable member for Dalrymple on 27 October 2015. As the Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef, I introduced the North Stradbroke Island Protection and Sustainability and Other Acts Amendment Bill 2015 on 3 December last year. The committee undertook an extended period of consultation and tabled its report on both bills on Tuesday, 3 May 2016.

The committee put forward one recommendation: that the private member's bill tabled by the honourable member for Dalrymple not be passed. The government will not be supporting the private member's bill as it differs substantially from government policy. The key difference is that the private member's bill allows for mining leases to be renewed to 2024 for mining and to 2029 for rehabilitation. As we have made clear, the government has committed to substantially phase out sandmining by 2019 and to remove the amendments made in 2013 which includes the ability to renew leases. Further, while

the private member's bill reinstates a restricted mine path it does not restrict the amount of dredge mining, unlike the government's mine path map. Dredge mining is likely to create much more disturbance to the physical and cultural landscapes of North Stradbroke Island than dry mining.

There were no recommendations directed to the government, and therefore there is no need for the government to table a response; however, I would like to express my appreciation to the committee for the comments that were provided in the report. I note that the committee has requested that I advise the House of the resolution of technical and operational issues in relation to the new rehabilitation authority, confirm that the new rehabilitation authority can provide the required access to the mining company and advise of any amendments to the bill.

In response to the committee's report I am moving several amendments during consideration in detail of the bill to give effect to the comments and suggestions raised. My department has also identified additional amendments that will improve the technical operation and implementation of the rehabilitation authority, provide certainty for future access to Yarraman Mine for rehabilitation and clarify the process for amending the restricted mine path.

The amendments to be made are to the North Stradbroke Island Protection and Sustainability Act 2011, the Environmental Protection Act 1994 and the Mineral Resources Act 1989, with minor amendments to the Coal Mining Safety and Health Act 1999 and the Mining and Quarrying Safety and Health Act 1999. A total of 19 amendments will be moved which are minor structural amendments to the bill with five more substantial amendments. I now table the amendments during consideration in detail and the explanatory notes.

Tabled paper: North Stradbroke Island Protection and Sustainability and Other Acts Amendment Bill 2015, amendments to be moved by the Hon. Dr Stephen Miles [\[775\]](#).

Tabled paper: North Stradbroke Island Protection and Sustainability and Other Acts Amendment Bill 2015, explanatory notes to Hon. Dr Stephen Miles's amendments [\[776\]](#).

These amendments include: ending the mining lease at Yarraman upon commencement of this bill and immediately replacing it with the new rehabilitation authorisation; extending the time for the mining company to apply for an amendment to the restricted mine path from four to six months, which will give QYAC and Sibelco more time to agree on any possible change; ensuring that the mining operator can manage its health and safety obligations under a rehabilitation authorisation; allowing for rehabilitation authorisations to be issued prior to the expiry of a lease which enhances the community's certainty that rehabilitation obligations will be met; and ensuring that the rehabilitation authorisation includes all activities necessary for proper environmental management, including decommissioning of mining equipment.

The introduction of a new rehabilitation authority is central to the bill. The bill amends the Mineral Resources Act in order to allow a rehabilitation authorisation to be granted to a mining company to access land in limited circumstances after the end of a mine's tenure. This will ensure that rehabilitation requirements are still able to be completed once there is no longer a mining lease. The committee's report raises some questions about the operation of the rehabilitation authorisation, particularly in relation to certainty of access, the types of activities that the authorisation allows and queries about compensation.

I want to be clear that the rehabilitation authorisation was designed in order to give mining companies certainty in terms of accessing land to undertake rehabilitation in very particular circumstances such as those on North Stradbroke Island. Mining companies like Sibelco on North Stradbroke Island will be able to get access to land immediately on their lease ending to undertake all activities that are required for rehabilitation. There should be no doubt about this. To provide certainty of access for rehabilitation at Yarraman mining lease ML 1109, I propose to move an amendment during consideration in detail of the bill to ensure the rehabilitation authorisation is deemed to have taken effect upon commencement of the act. The rehabilitation authorisation is for a term of three years and will be replaced with a subsequent authorisation if the mining company still needs more time to rehabilitate.

This amendment is in conjunction with an amendment to clause 6 that will cease mining lease ML 1109 on the date of commencement of the act rather than 12 months later. As I have just mentioned, after that time land access for the purposes of rehabilitation will be provided to the former mine leaseholder using the new rehabilitation authorisation. The rehabilitation authorisation supports companies to carry out their obligations, and this new amendment ensures a seamless transition to the new authorisation.

I intend to move a minor amendment to clause 27 to put it beyond doubt that the power to enter land under the rehabilitation authorisation includes the power to carry out activities that are necessary to complete rehabilitation. To provide further clarity and ease of administration I propose to move an amendment to the bill that will reduce the number of entry notices that the operator is required to provide to the owners and occupiers of the land. This also responds to concerns raised by submitters that providing a notice every six months may be cumbersome.

The department also considered the committee's suggestion that the parties could agree in writing to change the notice frequency. However, it is expected that this option would result in difficulties with monitoring and enforcing any potential written agreements. As a result of these concerns, I propose that entry notice requirements align with the term of the rehabilitation authorisation, which means that an entry notice would only be required once for the term of each authorisation.

I am confident that the amendments I am tabling today have resolved all of the technical and operational issues that were raised in the committee and that these amendments are supported by key stakeholders. I would stress that the government's policy has not changed and that the new rehabilitation authorisation process does not replace, and would not be encouraged to replace, the current system of mining lease renewals for rehabilitation.

Make-good provisions and rehabilitation are an integral part of the mining process under Queensland law. The Department of Environment and Heritage Protection has worked extensively with the Department of Natural Resources and Mines, the Quandamooka Yoolooburrabee Aboriginal Corporation, Sibelco and their legal counsel to ensure that the rehabilitation authorisation will work on Straddie and in other cases where the criteria are met. The changes proposed tonight do not change the intent of the authorisation but instead ensure that the provisions are more robust and workable.

I note that the committee report made encouraging remarks about the ongoing consultation between officers of my department and the mining company, in collaboration with the Aboriginal corporation. I have been very pleased with the progress of these tripartite discussions, which place all parties in good stead to work together on the implementation of the legislation.

I note that concerns have been raised about the ability of mining companies to limit access to certain locations for health and safety reasons under the new rehabilitation authorisation. My department has been working closely with Sibelco to ensure that the mining company's concerns about access and health and safety are properly dealt with. I thank the committee for their consideration of this issue, and I will move that clauses 18 and 36 be amended to clarify that the operator can restrict access for safety reasons on an operational area of the site in the same way they can for a mining lease. The ability to restrict access for health and safety requirements will be the same as it would be at any mine anywhere in Queensland. Health and safety is everyone's concern, and the amendments are fair and reasonable. They have broad support from all stakeholder groups.

During the committee's consultation on the bill, a number of stakeholders asked questions on why the bill referred to compensation and who would be entitled to that compensation. On this issue I would like to address what I believe is a misunderstanding. The topic of compensation usually generates a lot of interest, but the fact of the matter is that the bill does not give any party additional compensation than what is provided for in current state and Commonwealth legislation. There is nothing new here. The compensation arrangements in the bill make sure that, when a mining company is issued a rehabilitation authorisation, any landholders affected are treated in the same way as if it was the renewal of a mining lease. Therefore, justifiably, the bill makes the compensation payable for a rehabilitation authorisation consistent with how compensation is payable to native title holders and landowners when mining leases are renewed or granted. In these cases, the state does not pay the compensation; the miner does. In situations where there is a native title holder, such as on North Stradbroke Island, there is no liability to compensate native title holders under the Mineral Resources Act as they are not landholders under that act. Any compensation for native title holders will be payable under the Commonwealth Native Title Act, not the Mineral Resources Act.

The bill reinstates a restricted mine path for Enterprise mine, which is the largest working mine on the island. The proposed restricted mine path for Enterprise mine closely follows that provided under the 2011 act but takes into account the lawful and more recent operations of the mine. The bill currently provides me, as the Minister for Environment, with a discretionary power to grant an amendment to the restricted mine path map within four months of commencement of the legislation. The original 2011 act contained a similar provision.

The proposed restricted mine path is not intended to be unduly restrictive to operations, but it must also ensure that the environmental and Indigenous values around the Enterprise mine are protected. One objective of the 2011 mine path was to provide for mining to continue at broadly the same rate as historical averages. The proposed mine path in this bill is based on the 2011 path, which was approved by the department as a result of an application by the mine operator to amend the restricted mine path attached to the 2011 bill. Five years later, there may be new factors to take into account. The restricted mine path should be based on the best and current information. That is why the bill provides for the path to be amended to reflect current operational needs if it can be demonstrated that impacts to the environment and cultural heritage are not greater than they would have been under

the proposed path. As the committee noted, my department has been in discussion with Sibelco and other relevant stakeholders regarding the technical issues and workability of the mine path, while also taking into account biodiversity and cultural heritage issues.

To allow more time for the operator to complete a cultural heritage study and negotiate an Indigenous land use agreement, ILUA, I propose to move amendments to clause 13 of the bill to extend the time frame by an additional two months. This will give Sibelco a total of six months to submit an application to amend the restricted mine path should they wish to do so. In relation to the ILUA, I would also like to move a minor amendment to clarify the parties and subject matters of the ILUA. That is, the ILUA would be between the holder of the Enterprise mine lease and a registered native title body corporate for the land to be added to the mine path. This clarification is important so as not to cause confusion with the ILUAs that already exist over North Stradbroke Island.

I take this opportunity to table an erratum to the explanatory notes which makes a minor amendment to clarify the effect of the original North Stradbroke Island Protection and Sustainability Act 2011 on the operation of Vance mine. This corrects the explanatory notes to make it clear that two of the Vance leases, ML 1124 and ML 7064, were extended by the 2011 legislation to facilitate the 2025 end date for Vance mine. I table the erratum to the explanatory notes.

Tabled paper: North Stradbroke Island Protection and Sustainability and Other Acts Amendment Bill 2015, erratum to explanatory notes [\[77\]](#).

The bill delivers certainty for the mining company, native title justice for the traditional owners and a clear path forward for the people of North Stradbroke Island in achieving the island's vision of becoming Australia's most desirable island community, one that has sustainable economic growth and proper protections for the island's unique environment and cultural heritage.

North Stradbroke Island is the second largest sand island in the world. It has the potential to be an international tourism attraction like its big brother to the north, Fraser Island. Sandmining only came to an end on Fraser in the 1970s and was phased out within a matter of months. Now look at Fraser. It is one of Queensland's, if not Australia's, greatest tourism assets, and its popularity is growing every year. Straddie's transition has already begun. The island has all the charms and unique features to be another success story, this time right on Brisbane's doorstep, if we pass this bill. The amendments will ensure that mining lands are rehabilitated to a high standard in a timely way to allow the island to transition towards a sustainable future land use.

Over 2,000 people made a submission on the bill. This demonstrates just how strongly people feel about the future of the island. It is clear to anyone who sets foot in the sand over there just how special the island is, and I look forward to seeing Straddie flourish in the years to come. I commend this bill to the House.