

North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013

Report No. 31
**Agriculture, Resources and Environment
Committee**
November 2013

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Abbreviations and definitions

ACF	Australian Conservation Foundation
CRL	Consolidated Rutile Limited
EA	Environmental authority under the <i>Environmental Protection Act 1994</i>
EDOQ	Environmental Defenders Office (Qld) Inc.
EP Act	<i>Environmental Protection Act 1994</i> (Qld)
ILUA	Indigenous land use agreement
IWG	Vegetation Management Reforms Industry Working Group
MRA	<i>Mineral Resources Act 1989</i> (Qld)
NSI	North Stradbroke Island
NSIPS Act	<i>North Stradbroke Island Protection and Sustainability Act 2011</i> (Qld)
QRC	Queensland Resources Council
QYAC	Quandamooka Yoolooburrabee Aboriginal Corporation
Ramsar Convention	The Convention on Wetlands known as the 'Ramsar Convention' is an intergovernmental treaty adopted in the Iranian city of Ramsar in 1971. It provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. www.ramsar.org
SBI	Significant beneficial impact
SLC	Scrutiny of Legislation Committee
SDAP	State Development Assessment Module
VMFAA	<i>Vegetation Management Framework Amendment Act 2013</i> (Qld)

Chair's foreword

This report presents the findings from the committee's inquiry into the North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013 introduced on 17 October 2013 by Hon Andrew Cripps MP, Minister for Natural Resources and Mines.

I commend the report to the House.

A handwritten signature in blue ink, appearing to read 'Ian Rickuss'.

Ian Rickuss MP
Chair

November 2013

Recommendations

Recommendation1 **15**

The committee recommends that the Government establish processes to ensure cooperation and proper planning across all levels of government and in consultation with the traditional owners, other residents and businesses on North Stradbroke Island, to assist the transition of the economy of the region from reliance on the mining industry to other industries.

Point for clarification **22**

The committee invites the Minister to inform the House how the offsets policy in the vegetation management framework will operate, and about arrangements between his department; the Department of Environment and Heritage Protection; and the Department of National Parks, Recreation, Sport and Racing for its implementation.

Recommendation 2 **22**

The committee recommends that the North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013 be passed.

1. Introduction

Role of the committee

The Agriculture, Resources and Environment Committee (the committee) is a portfolio committee established by a resolution of the Legislative Assembly on 18 May 2012. The committee's primary areas of responsibility are: agriculture, fisheries and forestry; environment and heritage protection; and natural resources and mines.¹

In its work on Bills referred to it by the Legislative Assembly, the committee is responsible for considering the policy to be given effect and the application of fundamental legislative principles.²

In relation to the policy aspects of Bills, the committee considers the policy intent, approaches taken by departments to consulting with stakeholders and the effectiveness of the consultation. The committee may also examine how departments propose to implement provisions in Bills that are enacted.

Fundamental legislative principles are defined in Section 4 of the [Legislative Standards Act 1992](#) as the 'principles relating to legislation that underlie a parliamentary democracy based on the rule of law'. The principles include that legislation has sufficient regard to the rights and liberties of individuals and the institution of Parliament.

The referral

On 17 October 2013, Hon Andrew Cripps MP, Minister for Natural Resources and Mines, introduced the North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013. The Bill was referred to the committee for examination and report by 14 November 2013, in accordance with Standing Order 131.

The committee's processes

In its examination of the Bill, the committee:

- identified and notified likely stakeholders about the inquiry
- sought advice from the Department of Natural Resources and Mines
- invited public submissions on the Bill. The closing date for submissions was 28 October 2013
- issued a media release to raise awareness of the inquiry
- convened a public briefing on 23 October 2013 by departmental officers
- provided guidance to the Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) and Aboriginal elders on participating in the inquiry. The committee's research director and the Parliament's Indigenous liaison Officer, Mr Brett Nutley, provided a briefing at the Moreton Bay Research Station and Study Centre at Dunwich on 24 October 2013. The briefing covered the committee examination of Bills process, the submissions process and other opportunities to participate effectively in the inquiry
- convened a public hearing and further departmental briefings on 30 & 31 October 2013, and
- sought expert advice on possible fundamental legislative principle issues with the Bill

A list of submitters is at **Appendix A**. Briefing officers and hearing witnesses are listed at **Appendix B**.

¹ Schedule 6 of the Standing Rules and Orders of the Legislative Assembly of Queensland as at 12 September 2013.

² Section 93 of the *Parliament of Queensland Act 2001*.

2. Examination of the North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013

The following sections of this chapter discuss the policy objectives of the Bill, general comments about the amendments and, where nominated by submitters, specific comments about individual clauses.

Policy objectives

The Bill contains amendments to the *North Stradbroke Island Protection and Sustainability Act 2011* and the *Vegetation Management Framework Amendment Act 2013*.

According to the Explanatory Notes, the objectives of the amendments to the *North Stradbroke Island Protection and Sustainability Act 2011* are to:

- enable the mining company, Sibelco Australia Limited, to seek a renewal of mining leases in 2019 at the Enterprise Mine until 2035, thereby providing a realistic timeframe in which North Stradbroke Island (NSI) can transition to other industries such as nature based recreation, tourism and education
- remove the restricted mine path and non-winning condition over part of the Enterprise mine and consequently replace the environmental authority, and
- provide for an opportunity to renew mining leases associated with the Yarraman Mine and Enterprise Mine, until 2020 and 2040 respectively with a non-winning³ condition for the last five years. This will provide the necessary mechanism to allow for rehabilitation of the mine sites.

The objectives of the amendments to the *Vegetation Management Framework Amendment Act 2013* are to:

- remove the requirement for an applicant for vegetation clearing to provide a significant beneficial impact (SBI), for example revegetation of a watercourse or erosion control, and to demonstrate how the applicant will minimise and mitigate the effects of the proposed clearing.

Part 1 Preliminary

Clauses 1 and 2 provide the short title for the Act to be established by the Bill, and for the Act to commence by proclamation.

Part 2 Amendment of North Stradbroke Island Protection and Sustainability Act 2011

North Stradbroke Island (NSI), known by the traditional owners as 'Minjerribah', is the second largest sand island in the world after Fraser Island off Hervey Bay. Key industries on NSI, in terms of local employment, are 'accommodation and food services' (18 per cent), and 'mining' (14 per cent).⁴ In 2011, there were 2,031 people living on the island.

In March 2011, the former Queensland Government introduced the North Stradbroke Island Protection and Sustainability Bill 2011. The Bill provided for an Act to phase-out mining and transition the NSI economy towards nature based recreation, tourism and education.

³ 'Non-winning' mean not producing any new mineral from the site.

⁴ Department of State Development, Infrastructure and Planning, 2013, *North Stradbroke Island – economic impact of mineral sands mining*, p.2.

Sand has been mined on NSI for over 60 years, having commenced in 1949. Consolidated Rutile Limited (CRL) commenced its mining operations on the island in 1966. Sibelco Australia Limited (Sibelco) purchased CRL in 2009 (Sibelco was called Unimin at the time of purchase). Unimin changed its name to Sibelco in 2011 and is now the only sand mining company operating on the island. There are presently 19 mining leases on NSI all of which are owned by Sibelco. Only four are subject to active mining:

- ML 1109 at Yarraman Mine
- ML 1108 at Vance Mine, and
- ML 1117 and ML 1105 at the Enterprise Mine.

The *North Stradbroke Island Protection and Sustainability Act 2011* provided for the phase-out of mining, by providing that interests in existing leases cannot be renewed, as follows:

- Yarraman Mine (ML1109) end at the end of 2015
- Enterprise Mine (ML1105, ML1117 and ML 1120) end at the end of 2019, and
- the Vance Mine (ML 1108, ML1124 and ML7064) end on 31 October, 2025.

The NSIPS Act also imposed a restricted mine path for Sibelco's Enterprise Mine. According to the Explanatory Notes, this was done in order to ensure that future mining would avoid areas of high conservation value as much as possible.

In addition, the NSIPS Act sought to protect and restore the environmental values of the island. This included the staged creation of national park to be jointly managed by the State and the traditional owners of the island, the Quandamooka People.⁵ Presently around 50 per cent of NSI is national park, called the Naree Budjong Djara National Park. The park is managed jointly by Queensland Parks and Wildlife Service and the Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) pursuant to the Indigenous Management Agreement.

In relation to the economic future of the island after mining, the former Government committed to allocating \$27.5 million over five years for the implementation of the NSI strategy. This budget included the establishment and joint management of protected areas in the NSI Region, and funding and implementing the Indigenous Land Use Agreement (ILUA)⁶ with the Quandamooka People.⁷

Problems with the NSIPS Act

Hon Andrew Cripps MP, Minister for Natural Resources and Mines, reiterated in his explanatory speech for the Bill that the Government supports the general intention of the *North Stradbroke Island Protection and Sustainability Act 2011* to transition the economy of North Stradbroke Island away from mining and towards nature based recreation, tourism and education. The Minister warned, however, that several past fundamental errors have rendered the act ineffective: incorrect assumptions made about the island's economy; insufficient action to establish alternative business enterprises on the island; cutting short Sibelco's proposed mining activities; and failing to provide any mechanism which enabled access to the mine sites at the end of mining to carry out the necessary rehabilitation.

The Minister also told the House that the amendments contained in the Bill will correct those errors.⁸

The Explanatory Notes to the North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013 comment on the following problems identified with the NSIPS Act:

⁵ The Quandamooka People of Stradbroke Island are made up of the Nunukul, Goenpul and Ngugi clan groups.

⁶ An Indigenous Land Use Agreement (ILUA) is an agreement between people who hold, or may hold, native title in the area in question and other people, organisations or government. An ILUA must meet the requirements of the *Native Title Act 1993* (Cwlth).

⁷ Explanatory Notes, North Stradbroke Island Protection and Sustainability Bill 2011, pp.5-6.

⁸ Queensland Parliament, 2013, *Record of Proceedings*, Brisbane, 17 October, pp. 3419-3420.

Impact on NSI and the regional economy

The NSIPS Act was part of a package designed to transition the economy of NSI away from mining and towards nature based recreation, tourism and education. However, the economy of NSI was, and still is, largely dependent on mining operations.

The six-year timeframe provided in the Act is not considered sufficient to establish alternative economic activities on the island to replace mining. In recognition of this problem, the Government, while in opposition, made an election commitment to deliver a framework to extend mining on the island.

At the public hearing, the committee heard of the structure of the island's economy, the lack of progress to develop a viable transition strategy for the island, and the island's importance to the wider regional economy:

Mr Jones: *It is worth noting that North Stradbroke Island has a unique economy with strong links between the community, mining activity and tourism. It is not an economy that can be easily replaced or replicated elsewhere. The transition from today's stable economy to one without sandmining will not happen rapidly. The number and size of enterprises needed to replace the mining contribution to the island economy will require a concerted and coordinated effort from state and local government, the community and commercial interest groups.*⁹

Mr Thomson: *The reason I disclosed my membership of the economic transition task team set-up by the previous government was that I was very disappointed about a lack of a plan. Without being too simplistic, we were right back at the butchers paper and coloured crayons stage and saying, 'What are we going to do to transition this island economy to a thing called sustainable tourism? What are we going to do? What are the plans?' We were back working as a group trying to develop for government whatever those investment ideas might be. It was a very disappointing and convoluted process that went for most of 2011 and up to and including 2012. That committee has been deactivated. I am not too sure where it is all at now.*¹⁰

And

Mr Dowling: *The connection between the mainland and the island community is absolutely critical. It is not just that it employs a lot of people on the island; it actually employs people on the mainland as well. So people commute to work on Straddie. You have to hate that commute and you have to hate that lifestyle, but, what can I say? People do it. It is critical. Being an isolated community—those people out on Stradbroke Island—with the rug taken out from under them, as it was fairly abruptly, that transition was not managed well. Nothing really happened from that day to this, so it is important.*¹¹

Sovereign risk

According to the Explanatory Notes to the Bill, the introduction of the NSIPS Act created a sovereign risk for the State by cutting short Sibelco's proposed mining activities and its ability to exploit the resources covered by its lease entitlements without compensation for this loss of rights.

⁹ Jones, C., 2013, *Proof Public Hearing Transcript*, p.5.

¹⁰ Thompson, D., 2013, *Proof Public Hearing Transcript*, p.17.

¹¹ Dowling, P., 2013, *Proof Public Hearing Transcript*, p.2.

The Explanatory Notes to the Bill state that:

...the precedent of amending legislation to change mining conditions is significant and one that has direct implications for investor confidence in exploration and minerals development in Queensland.¹²

The Queensland Resources Council explained this problem in its submission on the 2013 Bill:

QRC warned at that time that the Bligh Government's series of legislation targeting individual resource companies had led to a perception of sovereign risk, in turn causing a dramatic tumble in resource sector investment confidence, reported in reputable surveys. This warning turned out to have been correct, as was subsequently demonstrated by the further dramatic downturn of investor confidence after the legislation had taken effect.¹³

The Explanatory Notes to the North Stradbroke Island Protection and Sustainability Bill 2011 commented on the issue as a potential breach of fundamental legislative principles:

Legislation should not provide for the compulsory acquisition of property without fair compensation – legislative Standards Act 1992, section 4(3)(i)

It is arguable that a mining lease is a property right, and several mining leases will be terminated before they expire, with no compensation payable. However, the holder of a mining lease does not have a right to renewal and the Bill also renews a key lease at Enterprise Mine, which expired over three years ago, prior to the current leaseholder acquiring the mine without which the mine would not be able to operate. The Bill also renews or extends leases on each of the other two mines. This is considered to be a reasonable balance in the circumstances having regard to the environmental and biodiversity impacts of each mine and the cultural values that are held by the Quandamooka people for the NSI Region.¹⁴

The QYAC disputed the sovereign risk claims in relation to the NSIPS Act:

The bill's explanatory notes talks about sovereign risk. It is our submission to the committee that the only sovereign risk applied here is the sovereign risk to a Federal Court order that the Quandamooka people have relied on. The whole economic transition strategy, we developed our own one out of that. We have moved on. Our community united to move to end sandmining in 2019. We have looked at investing, bringing \$11.2 million to invest in our tourism. Now, that is in jeopardy. Why would we want to invest in tourism when we are damaging our brand by extending sandmining? That is not a smart business idea for us. We have to reconsider that now.

So the only sovereign risk is to every native title group out there and that is what we are starting to realise.¹⁵

Mine path restrictions for the Enterprise Mine

The NSIPS Act at clause 16 amended the environmental authority issued under the *Environmental Protection Act 1994* to restrict the path of the Enterprise Mine. At the time, the main lease for the Enterprise Mine, ML1117, had expired and was subject to renewal. Under the *Mineral Resources Act 1989*, renewal of the lease could be made subject to conditions. According to the Explanatory Notes to the 2011 Bill, the restricted mine path would increase environmental protection and minimise potential environmental harm by containing mining activities as much as possible to areas already

¹² Explanatory Notes, North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013, p.4.

¹³ Queensland Resources Council, 2013, *Submission No. 12*, p.2.

¹⁴ Explanatory Notes, North Stradbroke Island Protection and Sustainability Bill 2011, p.6.

¹⁵ Costello, C., 2013, *Proof Public Hearing Transcript*, p.32.

disturbed by mining, and prevent mining activity from being substantially increased during the remaining term of the lease.

The Bill before the committee seeks to replace the Environmental Authority (EA) and remove those restrictions for the Enterprise Mine. The EA will be attached as a Schedule under the amended NSIPS Act and will operate and be administered under the EP Act.¹⁶

Access for rehabilitation

The explanatory Notes to the North Stradbroke Island Protection and Sustainability Bill 2011 stated that all rehabilitation requirements under the relevant environmental authority issued under the *Environmental Protection Act 1994* would continue until discharged, despite the non-renewal, regardless of the end-date of the lease.¹⁷

Minister Cripps noted in his introductory speech for the Bill, however, that the former government did not provide any mechanism which enabled access to the mine sites at the end of the mining lease to carry out necessary rehabilitation.

The Bill before the committee will provide for the renewal for five year of mining leases associated with the Yarraman Mine (to 2020) and Enterprise Mine (to 2040) with a non-winning condition during the five years. The Explanatory Notes state that the Vance Mine can be rehabilitated within the remaining term of the existing lease after mining ceases.

Economic modelling by the Department of State Development, Infrastructure and Planning suggests the extension of mining leases on the island from 2019 to 2035, as proposed in the Bill, will provide significant economic benefits to NSI and the State through increased economic activities in terms of production, value added, royalties and jobs. According to the department, the economic gains include extra mineral production of \$1.50 billion, value added to the gross regional product/gross state product of \$0.95 billion, royalties to the state of around \$75.74 million and 107 full time equivalent jobs retained from 2015 to 2035.¹⁸

General comments in support of the amendments to the NSIPSA Act

The majority of comments by submitters expressed either general support for, or opposition to, the Bill. In effect, the comments on the Bill are polarised based on support or otherwise for the continuation of sandmining past 2019 to 2035.

Submitters who supported the Bill noted the following key grounds for their support:

- economic grounds (ie jobs, community grants and donations from mining, transport fuel and facilities supplied because of mining)¹⁹
- it provides certainty to the Indigenous and wider community regarding Sibelco's operations on North Stradbroke Island which will encourage further business and investment²⁰

¹⁶ Explanatory Notes, North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013, p.5.

¹⁷ Explanatory Notes, North Stradbroke Island Protection and Sustainability Bill 2011, p.12.

¹⁸ Department of State Development, Infrastructure and Planning, 2013, *North Stradbroke Island – economic impact of mineral sands mining*, p.iii.

¹⁹ Boswell, Senator Hon R., 2013, *Submission No. 1*; Davies, S., *Submission No. 2*, p.1; Queensland Resources Council, 2013, *Submission No. 12*; Straddie Chamber of Commerce, 2013, *Submission No. 14*, p.2; Khan, M., 2013, *Submission No. 50*, p.2; Marine Rescue Stradbroke Island, 2013, *Submission No. 74*; North Stradbroke Island Rugby League & Allsports Club Inc., 2013, *Submission No. 74*; Dowling, P., 2013, *Submission No. 129*.

²⁰ Redland City Chamber of Commerce Inc., 2013, *Submission No. 11*, p.1; Transit Systems, 2013, *Submission no. 78*, p.1; Indigenous Sand Miners of NSI, 2013, *Submission No. 114*; Laming, A., 2013, *Submission No. 133*, p.1.

- it will protect the value of land and housing and help to ensure the viability of retail businesses on the island²¹
- it allows time for the economy of North Stradbroke Island to evolve successfully from mining and become sustainable without mining²²
- sand mining provides the economic platform for local businesses and makes transport services to and from the island effective and affordable²³
- it removes the potential sovereign risk problem for Queensland resources investment created by the *North Stradbroke Island Protection and Sustainability Act 2011*²⁴
- social grounds – it will help to maintain sufficient population on the island to sustain the local primary school, sporting clubs etc²⁵
- the continuation of sand mining is supported by the majority of local residents²⁶

In its submission, Sibelco Australia Limited, the only active sand mining company on the island, commented:

With the certainty this legislation brings, Sibelco will be able to make investment decisions worth millions of dollars. Investment that will; provide certainty for workforce, reduce the interaction between mining activities, residents and visitors, reduce our footprint and environmental impact, and support the island community's long term aspirations.

Sand mining has underpinned the economy of North Stradbroke island for over 60 years and the previous government's plan to cease all mining activity by 2019 did not allow sufficient time for an alternative economy to develop.

Sibelco continues to work hard to be a good neighbour and ensure our operations do not impact on the Indigenous Joint management Areas and are respectful of the native Title Rights of the Quandamooka people. By continuing sand mining, we are delivering job security for a large number of indigenous and non-indigenous families on North Stradbroke Island.

*We also remain committed to maintaining our high standard of environmental rehabilitation.*²⁷

²¹ Pollard, M., 2013, *Submission No. 80*; Laming, A., 2013, *Submission No. 133*, p.1.

²² Straddie Sand Mining Fund, 2013, *Submission No.3*, p.2; Shilling, M., *Submission No. 5*; Straddie Chamber of Commerce, 2013, *Submission No. 14*, p.2. Khan, M., 2013, *Submission No. 50*, p.2; Giles, B., 2013, *Submission No. 79*; Pfeffer, B., 2013, *Submission No. 124*; Laming, A., 2013, *Submission No. 133*, p.1.

²³ Redland City Chamber of Commerce Inc., 2013, *Submission No. 11*, p.1; Hoole, G., 2013, *Submission No. 85*.

²⁴ Queensland Resources Council, 2013, *Submission No. 12*.

²⁵ Christie, D., 2013, *Submission No. 28*; Pfeffer, B., 2013, *Submission No. 124*; Laming, A., 2013, *Submission No. 133*, p.2.

²⁶ Robinson, M., 2013, *Submission No. 111*; Laming, A., 2013, *Submission No. 133*, p.1.

²⁷ Sibelco Australia Limited, 2013, *Submission No. 17*, p.1.

General comments opposing the proposed amendments to the NSIPSA Act

In addition to concerns about the lack of consultation, submitters raised the following grounds for their opposition to the Bill:

- concerns about the impact of mining on the environment, habitats and wildlife²⁸
- mining is an industry of the past, not a sustainable industry for the future of North Stradbroke Island²⁹
- the Bill removes the requirement for ongoing environmental studies of largely old growth forest in the proposed extended mine path³⁰
- the Bill fails to restore the right to object to a mining extension and challenge the renewal of a mining lease in court³¹
- Sibelco is before the courts³²
- the Bill would weaken environmental controls that govern mining, reducing buffer areas and removing conditions preventing 'off-lease' harm³³

²⁸ Wildlife Preservation Society of Qld – Sunshine Coast & Hinterland, 2013, *Submission no. 9*; Brindley, B., 2013, *Submission No. 10*; Cooper, J., 2013, *Submission no. 15*, p.2; Lake, T. 2013, *Submission No. 22*, p.1; Carne, W & Carne, A. 2013, *Submission No. 27*; Martin, B. & Martin, S., 2013, *Submission No. 39*, p.4; Barham, D. 2013, *Submission No. 40*, p.1; Wildlife Preservation Society of Qld, 2013, *Submission No. 52*, p.2; Caruthers, I., 2013, *Submission No. 54*; McPhee, D., 2013, *Submission No. 57*; Freeman, J., 2013, *Submission No. 99*; Patterson, J., 2013, *Submission No. 101*; Shooter, P., 2013, *Submission no. 59*; Roe, B., 2013, *Submission No. 62*, p.2; Truman, J., 2013, *Submission no. 69*; Protect the Bush Alliance, 2013, *Submission No. 72*, p.1; Johnston, E., 2013, *Submission No. 73*; Barram, M., 2013, *Submission No. 76*; Warneminde, L., 2013, *Submission No. 83*, p.1; Eyles, D., 2013, *Submission No. 89*, p.1; McPhee, J.D., 2013, *Submission No. 93*, p.1; Storer, D. & Barram, M., 2013, *Submission No. 94*, p.1; Brown, B., 2013, *Submission No. 95*; Simmons, C., 2013, *Submission No. 100*, p.2; Sunshine Coast Environmental Council, 2013, *Submission No. 102*, p.1; Sunshine Coast Environmental Council, 2013, *Submission No. 102*, p.1; Queensland Conservation Council, 2013, *Submission No. 103*, p.1; National Parks Association of Qld, 2013, *Submission No. 107*, p.1; Keys, J., 2013, *Submission No. 110*; Wight, W., 2013, *Submission No. 113*, p.1; QYAC, 2013, *Submission No. 115*, p.1; Geoffrey, P. & M., 2013, *Submission No. 117*; Ruska, D., 2013, *Submission No. 118*; Friends of Stradbroke Island, 2013, *Submission No. 119*; Environmental Defenders Office Queensland, 2013, *Submission No. 122*, p.1; Aldenhoven, J., 2013, *Submission No. 125*, p.2; Bolzenius, J., 2013, *Submission No. 126*, p.2; Clouston, E., 2013, *Submission No. 128*; Blemmings, L., 2013, *Submission No. 130*.

²⁹ Adams, R., *Submission No. 18*; Bellingham, D. 2013, *Submission No. 19*; Perkins, P. 2013, *Submission No. 21*; Brosnan, L. 2013, *Submission No. 37*; Brosnan, N. 2013, *Submission No. 65*; Green, N., 2013, *Submission no. 66*; Rolfe, C., 2013, *Submission No. 92*; Buzolic, A., 2013, *Submission No 97*; Darlington, S., 2013, *Submission No. 105*; Drake, E., 2013, *Submission No. 32*, p.1; Martin, B. & Martin, S., 2013, *Submission No. 39*, p.4; Morton, T., 2013, *Submission no. 47*; Roe, B., 2013, *Submission No. 62*, p.2; Scrine, G., 2013, *Submission No. 67*; Truman, J., 2013, *Submission no. 69*; Gall, G., 2013, *Submission No. 82*; Warneminde, L., 2013, *Submission No. 83*, p.1; Gibson, P., 2013, *Submission No. 90*, p.1; Storer, D. & Barram, M., 2013, *Submission No. 94*, p.1; Simmons, C., 2013, *Submission No. 100*, p.2; Darlington, S., 2013, *Submission No. 105*; Bonnin, R., 2013, *Submission No.108*, pp.1-2; Lowe, K., 2013, *Submission No. 109*; Geoffrey, P. & M., 2013, *Submission No. 117*; Clouston, E., 2013, *Submission No. 128*.

³⁰ Copeman, R., 2013, *Submission no. 25*, p.1; Quinn, F. 2013, *Submission no 33*; McPhee, D., 2013, *Submission No. 57*; Freeman, J., 2013, *Submission No. 99*; Patterson, J., 2013, *Submission No. 101*; Warneminde, L., 2013, *Submission No. 83*, p.1; Eyles, D., 2013, *Submission No. 89*, p.1; Gibson, P., 2013, *Submission No. 90*, p.1; Storer, D. & Barram, M., 2013, *Submission No. 94*, p.1; Sunshine Coast Environmental Council, 2013, *Submission No. 102*, p.1; Clouston, E., 2013, *Submission No. 128*.

³¹ Martin, B. & Martin, S., 2013, *Submission No. 39*, p.4; McPhee, D., 2013, *Submission No. 57*; Freeman, J., 2013, *Submission No. 99*; Patterson, J., 2013, *Submission No. 101*; Warneminde, L., 2013, *Submission No. 83*, p.1; Searle, S., 2013, *Submission No. 86*; Gibson, P., 2013, *Submission No. 90*, p.1; Storer, D. & Barram, M., 2013, *Submission No. 94*, p.1; Sunshine Coast Environmental Council, 2013, *Submission No. 102*, p.1; Ruska, D., 2013, *Submission No. 118*; Friends of Stradbroke Island, 2013, *Submission No. 119*; Environmental Defenders Office Queensland, 2013, *Submission No. 122*, p.1; Clouston, E., 2013, *Submission No. 128*.

³² Cooper, J., 2013, *Submission No. 15*; Copeman, R., 2013, *Submission No. 25*, p.1; Martin, B. & Martin, S., 2013, *Submission No. 39*, p.4; Barham, D. 2013, *Submission No. 40*, p.1; McPhee, D. 2013, *Submission No. 57*; Freeman, J., 2013, *Submission No. 99*; Patterson, J., 2013, *Submission No. 101*; Warneminde, L., 2013, *Submission No. 83*, p.1; Eyles, D., 2013, *Submission No. 89*, p.1; Gibson, P., 2013, *Submission No. 90*, p.1; QYAC, 2013, *Submission No. 115*, p.1; Ruska, D., 2013, *Submission No. 118*; Friends of Stradbroke Island, 2013, *Submission No. 119*; Clouston, E., 2013, *Submission No. 128*.

- concerns about Commonwealth approvals for the Enterprise Mine³⁴
- the period of nearly 30 years provided in the Bill to transition to an economy not based on mining is unnecessary³⁵
- concern that inadequate consideration has been given to hydrological processes³⁶
- concerns about allowing mining into areas surrounded by national park³⁷
- mining is a declining industry on North Stradbroke Island and resources are becoming exhausted/uneconomic with declining employment prospects³⁸
- concerns the Bill removes protection measures aimed at preserving the Quandamooka People's cultural resources³⁹
- Sibelco's sole access to large areas of the island may be hindering the development of alternative industries⁴⁰
- it will destroy Mt Corrie, a particularly scenic point⁴¹
- the Bill is unlawful because it conflicts with native title rights of the Quandamooka People as set out in the judgement of Dowsett J of the federal Court of Australia⁴², and
- the Bill removes the opportunity for public scrutiny of the new Environmental Authority conditions⁴³

DNRM responses to general comments in submissions:

In response to the grounds raised by submitters who oppose the NSIPS Act amendments, the Department of Natural Resources and Mines provided the following advice.⁴⁴

The advice is detailed in the summary of submissions at **Appendix C** at the back of this report.

³³ Cooper, J., 2013, Submission no. 15, p.3; Lake, T., 2013, *Submission No. 22*, p.1; Dawson, M., 2013, *Submission no. 29*. Buhmann, J., 2013, *Submission no. 38*, p.1; Barham, D., 2013, *Submission No. 40*, p.1; Wildlife Preservation Society of Qld, 2013, *Submission No. 52*, p.2; Abrahams, H., 2013, *Submission no. 56*; Daglish, L & J., 2013, *Submission No. 64*; Taylor, M., 2013, *Submission No. 68*; Eyles, D., 2013, *Submission No. 89*, p.1; Simmons, C., 2013, Submission No. 100, p.2; QYAC, 2013, *Submission No. 115*, p.1; Aldenhoven, L., 2013, Submission No. 123.

³⁴ Lake, T., 2013, *Submission No. 22*, p.1; Copeman, R., 2013, *Submission No. 25*, p.1; Barham, D., 2013, *Submission No. 40*, p.1; McPhee, D., 2013, *Submission No. 57*; Freeman, J., 2013, *Submission No. 99*; Patterson, J., 2013, *Submission No. 101*; Gall, G., 2013, *Submission No. 82*; Storor, D. & Barram, M., 2013, *Submission No. 94*, p.1; Simmons, C., 2013, Submission No. 100, p.2; Sunshine Coast Environmental Council, 2013, *Submission No. 102*, p.1; QYAC, 2013, Submission No. 115, p.1; Friends of Stradbroke Island, 2013, *Submission No. 119*.

³⁵ Drake, E., 2013, *Submission No. 32*, p.1; Martin, B. & Martin, S., 2013, *Submission No. 39*, p.4; Barham, D. 2013, *Submission No. 40*, p.1; Renn, D., 2013, *Submission No. 45*; Roe, B., 2013, *Submission No. 62*, p.2; Eyles, D., 2013, *Submission No. 89*, p.1; Simmons, C., 2013, Submission No. 100, p.2; Queensland Conservation Council, 2013, *Submission No. 103*, p.1; Aldenhoven, L., 2013, *Submission No. 123*; Aldenhoven, J., 2013, *Submission No. 125*, p.2.

³⁶ Wildlife Preservation Society of Qld, 2013, *Submission No. 52*, p.2; Storor, D. & Barram, M., 2013, *Submission No. 94*, p.1; National Parks Association of Qld, 2013, *Submission No. 107*, p.1; Wight, W., 2013, *Submission No. 113*, p.1; Aldenhoven, J., 2013, *Submission No. 125*, p.2; Bolzenius, J., 2013, *Submission No. 126*, p.2; Taylor, M., 2013, Submission No. 131.

³⁷ Burns, D., 2013, *Submission No. 24*, p.1; Eyles, D., 2013, *Submission no. 89*, p.2; Simmons, C., 2013, *Submission No. 100*, p.2; National Parks Association of Qld, 2013, Submission No. 107, p.1.

³⁸ Cooper, J., 2013, *Submission no. 15*, p.2; Copeman, R., 2013, *Submission no. 25*, p.1; McPhee, J.D., 2013, *Submission No. 93*, p.1.

³⁹ Burns, D., 2013, *Submission No. 24*, p.2; Shooter, P., 2013, *Submission No. 59*; Bolzenius, J., 2013, *Submission No. 126*, p.2.

⁴⁰ Jackson, R., 2013, *Submission No. 55*, p.2; Truman, J., 2013, *Submission No. 69*.

⁴¹ National Parks Association of Qld, 2013, *Submission No. 107*, p.1.

⁴² Ruska, D., 2013, Submission No. 118; QYAC, 2013, Submission No. 115, p.1; Friends of Stradbroke Island, 2013, *Submission No. 119*.

⁴³ Environmental Defenders Office Queensland, 2013, Submission No. 122, p.1.

⁴⁴ Department of Natural Resources and Mines, *Correspondence*, 4 November 2013.

In relation to environmental concerns:

...the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.

In relation to concerns about impacts on Ramsar wetlands:

In relation to ...concerns about the Ramsar wetlands and areas of National Park, and having regard to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards. These safeguards include:

- o Exclusions from operating within the Ramsar wetland;*
- o Environmental monitoring and reporting requirements;*
- o Management intervention where there are trigger level exceedances; and*
- o Rehabilitation conditions requiring the disturbed land to be returned to natural conditions.*

Monitoring bores and piezometers have been installed to monitor the amount and quality of the water that will flow into the groundwater supply and ultimately the wetland. The result of this monitoring, as required by condition G20 of the proposed environmental authority, is submitted to the Department of Environmental and Heritage Protection annually. An expert hydrologist from the Department of Science Information Technology, Innovation and the Arts has reviewed the annual environmental report and subsequent monitoring information and has not identified any current or potential impacts on the Ramsar wetlands.

In relation to concerns about amending the environmental authority:

...a review of conditions commonly used within Environmental Authorities has resulted in the development of model conditions. Conditions such as A5 within the existing Environmental Authority were considered redundant due to it being adequately covered by the offence provisions at Section 437 and Section 438 of the Environmental Protection Act 1994. Condition G1 in the proposed Environmental Authority is the model mining condition which is now commonly applied by the Department.

...the requirement to manage Class 1, Class 2 and Class 3 weeds is regulated under the Land Protection (Pest and Stock Route Management) Act 2002. There is no requirement to have an additional condition which relates to this protection. The primary goal is to achieve the rehabilitation outcomes required by conditions L15-L17. In order to achieve these outcomes, the mine operator will need to manage weeds throughout the rehabilitation process.

...in developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.

The proposed Environmental Authority has the appropriate environmental controls to protect environmental values.

The proposed Environmental Authority only authorises mining activity within the proposed project area. Blue Lake is not within the mining lease or proposed project area, as such any significant impact to the Lake is not permitted. It should be noted that the closest area within the proposed project area is about two kilometres from Blue Lake.

The proposed Environmental Authority excludes the operator from operating in Category A (eg. National Parks) and B (eg. endangered regional ecosystems) environmentally sensitive areas by including them in the buffer zones.

In relation to concerns about national park impacts:

The extension of sand mining won't impact on joint management of national parks on NSI. The existing national parks, which make up around 50 per cent of NSI, will remain and continue to be jointly managed by Queensland Parks and Wildlife Service and the Quandamooka Yoolooburrabee Aboriginal Corporation pursuant to the Indigenous Management Agreement. In addition, it was the previous Government that made commitments under the NSI vision that 80 per cent of the Island would be National Park by 2027. The current Government has made no future commitments to National Park targets, and is not required under the ILUA or the IMA to meet that target.

In relation to concerns about hydrology impacts:

...the Environmental Studies Report which incorporated the Environmental Baseline Report was comprehensive for Area A within the proposed project area. This report included findings on groundwater impacts and was reviewed by a Third Party and a Departmental Project Group. Since the report was compiled, the department and where appropriate the Government's expert Hydrologist, have reviewed the Annual Environmental Report as well as the monitoring plans. Departmental officers have determined that the ESR and subsequent reports are sufficient to make a decision on the proposed Environmental Authority amendments.

In relation to concerns about the rehabilitation of mined areas:

...the rehabilitation criteria within the proposed Environmental Authority was developed approximately 10 years ago in consultation with the mine operator, stakeholders and the Centre for Mine Rehabilitation at the University of Queensland.

The mine operator conducts a study to identify the subsurface profile prior to commencing operations. Studies completed in rehabilitated areas indicate that the subsurface profile has developed layers. Whilst it is not exactly the same profile that existed prior to mining, it is similar to natural systems.

Rehabilitation of surface ecosystems can be effective in redeveloping natural process when done properly. The techniques conducted by the mine operator have been reviewed by departmental officers who have endorsed the methodology. Additionally, the rehabilitation program and compliance is assessed by reputable third party auditors, namely the Centre for Mine Rehabilitation at the University of Queensland.

Studies done on the rehabilitation demonstrate that it is effective in returning the impacted areas back to natural systems and processes. Whilst it is not exactly the same profile that existed prior to mining, it is similar to natural systems.

In relation to concerns about economic benefits:

...further, the government undertook an economic regional impact report on the impact of mineral sands mining and this report has been provided to the Committee. This report shows that extending the Enterprise mining leases from 2019 to 2035 will provide considerable economic benefits to North Stradbroke Island and the state through increased economic activities in terms of production, value added, royalties and jobs, in particular:

- o extra mineral production of \$1.50 billion*
- o value added to the GRP/GSP of \$0.95 billion*
- o royalties to the State revenue of around \$75.74 million, and*
- o jobs retained is 107 FTE from 2015 to 2035.*

In relation to concerns about impacts on alternative industries:

...there are many factors at play in relation to alternative industries. The longer transition time provided for by the Bill represents a balance between how long it will take to develop

and establish alternative industries on the Island and ensuring that sand mining continues until further industries are established.

In relation to concerns about impacts on nature tourism:

...nature based tourism is only one of many possible alternative industries. Employment relating to tourism and hospitality is seasonal and is very dependent on visitors to the Island during its peak times.

In relation to concerns about impacts on the ILUA:

The areas covered by the Bill fall outside the protected areas or indigenous joint management areas on North Stradbroke Island.

...the government is committed to fulfilling its obligations and responsibilities under the ILUA. In addition, the Department is confident that there is nothing in the ILUA which would prevent the extension of mining leases taking place.

Implementation of the ILUA began in 2011 and joint management arrangements were put in place by the then Department of Environment and Resource Management. Joint management of national parks on North Stradbroke Island is between the State (now the Department of National Parks, Recreation, Sport and Racing) and QYAC. The State, through the Department of Natural Resources and Mines is still progressing tenure related actions as part of implementation of the ILUA.

In 2012, a land use planning study began and is being led by the Department of State Development, Infrastructure and Planning. The Department of Natural Resources and Mines has also been working with QYAC to progress tenure related issues as part of the implementation of the ILUA in an open and consultative manner.

In addition, the QYAC and senior government representatives (from a range of departments) participate in quarterly round table discussions. This provides an opportunity for members of QYAC, Quandamooka Elders and the government to discuss matters relating to implementation of the ILUA in an open and consultative manner.

The Department is confident that the provisions of the Bill do not breach the State's indigenous land use agreement with the Quandamooka Yoolooburrabee Aboriginal Corporation.

The Department is aware that the Quandamooka Yoolooburrabee Aboriginal Corporation tabled correspondence from Crown Law before the Committee which suggested that the ILUA would be breached and a new ILUA prepared. That advice is not current and does not relate to the proposal being implemented by this Bill.

Indeed, this Bill is a result of the challenge by the Minister for Natural Resources and Mines to Sibelco to come up with a proposal for the continuation of mining that did not breach the ILUA or native title laws.

In relation to concerns about impacts on native title rights:

...the native title determination the Quandamooka people have does not specify any end date for mining, nor does it impede the renewal of mining leases, either under the NSIPS Act or otherwise. The timeframes to end mining in the NSIPS Act were previous government policy and they are able to be changed without breaching the consent determination.

The Department has received advice in relation to whether the proposed amendments are in breach of native title. The Department is confident that the Bill does not breach the Commonwealth Native Title Act 1993.

The Department is satisfied that the acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act, for example by

falling within the definition of a 'future act', the rights under that Act, such as appeal rights or rights to compensation apply and are completely unaffected by the Bill.

...both the Commonwealth Native Title Act 1993 and the Aboriginal Cultural Heritage Act 2003 detail what consultation is required and when in relation to actions that affect native title rights and cultural heritage respectively. The Department is confident that it has complied with the requirements of those Acts.

In relation to concerns about human rights under the UN convention:

...the Department does not consider that a breach of the UN convention has occurred. As stated previously this Bill is a result of the challenge by the Minister for Natural Resources and Mines to Sibelco to come up with a proposal for the continuation of mining that did not breach the ILUA or native title laws.

In relation to concerns about racial discrimination:

...the Department does not regard the Bill as racially discriminating. All relevant legislation in relation to native title and cultural heritage rights have been complied with.

...in addition, the provision for the extension of mining on North Stradbroke Island is being done by the government for the benefit of the economy of the Island. Indigenous residents will share in those benefits as outlined in the Report 'North Stradbroke Island – economic impact of mineral sands mining.'

In relation to comments that the Bill unreasonably favours a foreign owned private company over the rights of Traditional Owners:

...the Bill is not intended to favour the interests of one party over the other. Rather, the Bill is designed to minimise the area on which sand mining can occur whilst at the same time implementing the government's policy position that sand mining should continue for a further period in order to allow time for other industries to establish and fill the economic void that cessation will leave in the Island and regional economy.

Committee comment

The committee notes the Government's commitment, as outlined by Minister Cripps to the House on 17 October 2013, to transitioning the economy of North Stradbroke Island away from mining and towards nature based recreation, tourism and education.

The committee notes the Minister's warning that fundamental errors have rendered the *North Stradbroke Island Protection and Sustainability Act 2011* introduced by the former government ineffective in achieving this objective. The Committee also notes the Minister's assurances that amendments contained in the Bill will correct those errors.

It is the role of government to tackle the difficult questions, to adopt and implement policies that provide the best balance between competing interests, and to weigh up the costs and benefits for the State as a whole.

The committee notes the compelling economic arguments for supporting the delayed closure of sand mining operations on North Stradbroke Island at this time. Despite the compelling economic arguments, submissions to the inquiry from North Stradbroke Island residents, and residents from other areas, have raised a range of concerns about the proposed amendments to the *North Stradbroke Island Protection and Sustainability Act 2011*. The Department of Natural Resources and Mines has responded comprehensively to the points raised.

Based on the department's comprehensive advice and the Minister's further assurances, the committee is satisfied that the Bill is soundly based, that environmental risks will be managed and mitigated appropriately, and that the extension of sand mining on North Stradbroke Island is in the best interests of the citizens of the island and the surrounding region.

The committee encourages the Government to establish processes now for all levels of government, businesses, the traditional owners and the wider community to prepare and plan for the future transition of the island's economy after the end of sand mining.

Recommendation1

The committee recommends that the Government establish processes to ensure cooperation and proper planning across all levels of government and in consultation with the traditional owners, other residents and businesses on North Stradbroke Island, to assist the transition of the economy of the region from reliance on the mining industry to other industries.

Clause 4 Amendment of s 2 (Object of Act)

Clause 4 amends the objects of the *North Stradbroke Island Protection and Sustainability Act 2011* to provide for the limited extension of sand mining activities on the island to 2035 and to allow for rehabilitation of the leases until 2040. This clause would also be amended to include a new subclause as follows about assisting the economy to transition:

(c) to assist the transition of the economy of the region from reliance on the mining industry to other industries.

Comments by submitters:

The Wildlife Preservation Society – Sunshine Coast & Hinterland proposed a shorter extension periods for the mining leases:

1(a) Mining lease should only be renewed from 2019 to 2024, a time period of five years, for the sole purpose of rehabilitation under a non-winning condition.

1(b) Restricted mine path and non-winning condition over part of the Enterprise mine should remain. Significant vegetation of high conservation value should be protected as this was the intention of the NSIPS Act.

1(c) Renewal of the Yarraman mine lease should only be for a period of five years from 2015, under a non-winning condition, in order to rehabilitate the site⁴⁵

DNRM advice:

In its comments on the submission from the Wildlife Preservation Society – Sunshine Coast & Hinterland, the department has noted that the proposal is inconsistent with the Government's policy position.

Committee comment

The committee is satisfied with the advice provided by DNRM.

Clause 9 Insertion of new ss 11A-11J

Clause 9 inserts a number of new clauses (sections) into the *North Stradbroke Island Protection and Sustainability Act 2011*.

New section 11C - Application for renewal of mining leases

New section 11C entitles the holder of mining leases 1105, 1109, 1117 or 1120 (currently Sibelco) to apply to the Minister for the renewal of the leases. The effect of the clause is that renewal of the

⁴⁵ Wildlife preservation Society of Qld – Sunshine Coast & Hinterland, 2013, *Submission No. 9*, p.1.

leases does not occur automatically and is predicated upon the making of a properly made application.

The new section 11D allows the Minister discretion to decide appropriate conditions on the lease renewals.

Comments by submitters:

The Wildlife Preservation Society – Sunshine Coast & Hinterland submitted that this proposed amendment overrides any requirements of the *Mineral Resources Act 1989* on renewals of mining leases which are negated and bypassed.⁴⁶

DNRM advice:

The department has noted in its comments on the submission that the appeal rights have been excluded in relation to the Minister's power to renew relevant mining leases because the Government has formed the view that it is in the public interest to do so. According to the department:

The clause is justified by the need to balance the rights of an individual against the needs of the North Stradbroke Island community and region as a whole.

Committee comment

The committee accepts the advice provided by DNRM.

New section 11F - Limitation of review and appeal

New section 11F excludes any challenge, appeal, or review of the decision of the Minister to grant a renewal, or the conditions attached to that renewal under the new section 11D.

Comments by submitters:

The Wildlife Preservation Society – Sunshine Coast & Hinterland and the Environmental Defenders Office Queensland (EDOQ) commented on this proposed new section.

The Wildlife Preservation Society – Sunshine Coast & Hinterland commented that neither the power nor the appropriate review is sufficiently defined as to what constitutes 'appropriate review.'⁴⁷

Both the Wildlife Preservation Society – Sunshine Coast & Hinterland and EDOQ also suggested that the proposed section is in breach of section 4(3)(a) of the *Legislative Standards Act 1992*. In their submission, EDOQ stated that the proposed new section:

... is inconsistent with fundamental principles and the operation of the rule of law in a free and fair democracy

And

In an attempt to give certainty to Sibelco and reduce 'sovereign risk' the Government has eroded fundamental checks and balances on administrative power.⁴⁸

The EDOQ also submitted that justification for these provisions is not supported because consultation did not occur on the Bill, Sibelco's interests are being placed above those of the community and the administrative power of the Minister is not sufficiently defined.

This is discussed further in Part 4 of this report in relation to fundamental legislative principles.

⁴⁶ The Wildlife Preservation Society of Qld - Sunshine Coast & Hinterland, 2013, *Submission No. 9*, p.3.

⁴⁷ The Wildlife Preservation Society of Qld - Sunshine Coast & Hinterland, 2013, *Submission No. 9*, p.3.

⁴⁸ Environmental Defenders Office Queensland, 2013, *Submission No. 122*, p.5.

New section 11G - Continuation of leases while application being dealt with

New section 11G provides for the continuation of a mining lease while a properly made application for renewal of the mining lease under this Act is being dealt with.

Comments by submitters:

The Wildlife Preservation Society – Sunshine Coast & Hinterland raised concerns that this section would allow for the original lease to continue past its end date, under its original conditions, due to delays in the processing of the new application.⁴⁹

DNRM advice:

The department has advised:

New section 11G is identical to section 286C of the Mineral Resources Act 1989, which applies to the renewal of mining leases in Queensland. It is a necessary provision designed to ensure that a mining company that has validly lodged a mining lease renewal application within the statutory timeframes, does not, through no fault of its own, have the lease lapse due to delays caused by the government's processing of the application.

Committee comment

The committee is satisfied with the advice provided by DNRM.

New section 11J – Application of Mineral Resources Act not limited

New section 11J clarifies that the renewal of a mining lease under new section 11D does not limit the application of the MRA to the renewed lease despite the renewal of the lease occurring under this Act.

Comments by submitters:

The Wildlife Preservation Society – Sunshine Coast & Hinterland raised concerns that this proposed new section appears to be in conflict with the new section 11C.⁵⁰

DNRM advice:

According to the department:

The clause is not in conflict with new section 11C. New clause 11C related to renewal of the mining leases, which is done under the North Stradbroke Island Protection and Sustainability Act 2011 as amended by the Bill.

In contrast, new section 11J covers the period after renewal. In other words, after the lease is renewed, it will become subject to the provisions of the Mineral Resources Act 1989.

Committee comment

The committee is satisfied with the advice provided by DNRM.

Clause 11 Amendment of s 15 (Purpose of div 3)

Clause 11 amends section 15 to identify that the purpose of the division is to provide for the replacement and further amendment of a particular authority for mining on NSI.

⁴⁹ The Wildlife Preservation Society of Qld - Sunshine Coast & Hinterland, 2013, *Submission No. 9*, p.4.

⁵⁰ The Wildlife Preservation Society of Qld - Sunshine Coast & Hinterland, 2013, *Submission No. 9*, p.4.

Comments by submitters:

The Wildlife Preservation Society – Sunshine Coast & Hinterland submitted that clause 15 also omits the definition of ‘environmental authority’ in the Dictionary, and expressed concern that this means further erosion of environmental protection measures and safeguards.⁵¹

DNRM advice:

The structure of new section 17 and its provision that the new authority is taken to be an environmental authority for the Environmental Protection Act 1994 means that the definition previously included in the Dictionary is no longer required for interpretation purposes.

The obligations under the Environmental Protection Act 1994 and the Environmental Protection Regulation will apply in addition to those imposed under the environmental authority.

Committee comment

The committee is satisfied with the advice provided by DNRM.

Clause 12 Replacement of ss 16 to 21

Clause 12 omits sections 16 to 21 and inserts a new section 17 (Replacement of environmental authority MIN 100971509). The clause replaces the existing environmental authority with the new environmental authority inserted at Schedule 2A which provides for increased protection for the environment surrounding the Enterprise Mine. The amendment clarifies that the replacement of the environmental authority in no way limits the application of the EPA Act.

Comments by submitters:

The Wildlife Preservation Society – Sunshine Coast & Hinterland expressed concern about the public consultation process being omitted in the replacement environmental authority:

*...it is imperative that such matters be the subject of public consultation under the provisions of the Legislative Standards Act 1992 s 4(3) not lightly dismissed by the statement that: it will be open to the public to make comment on it.*⁵²

This is discussed further in Part 4 of this report in relation to fundamental legislative principles.

Clause 14 Insertion of new sch 2A

Clause 14 inserts the new environmental authority for mining activities on NSI into Schedule 2A of the Act.

Comments by submitters:

A number of submitters raised concerns about this clause, principally about the novel inclusion of the environmental authority in legislation.

The Queensland Resources Council (QRC) also queried in their submission whether there is a clerical error in the environmental authority suggesting it mistakenly includes reference to mining leases which are no longer in existence. QRC further submitted that they would like the ability for amendments to the EA in future to be included in the Bill or the Explanatory Notes.⁵³

⁵¹ The Wildlife Preservation Society of Qld - Sunshine Coast & Hinterland, 2013, *Submission No. 9*, p.4.

⁵² The Wildlife Preservation Society of Qld - Sunshine Coast & Hinterland, 2013, *Submission No. 9*, p.3.

⁵³ Queensland Resources Council, 2013, *Submission No. 12*, p.3.

The EDOQ submitted that, as a consequence of including the EA in a schedule to the Bill, the new EA conditions will not have to go through a public notification process which is usually required for all EAs relating to mining leases in Queensland. According to EDOQ, this denies the public an opportunity to properly scrutinise the new conditions of the EA, and the EA is also not subject to the Land Court objection process. They also note that the Department of Environment and Heritage Protection's *Guidelines to Model Mining Conditions* provides that public notification must be repeated if the model conditions are to be used but public consultation was completed on the basis of different draft conditions. EDOQ believe the arguments used by the Government to defend its approach are unsatisfactory.⁵⁴

EDOQ also question the meaning of 'sufficient magnitude' in the Explanatory Notes (p 8) when it refers to whether an EA application needs to go through public notification, and it has been determined, by whom, and on what basis, and submitted:

*If protection of the environment is a matter for the EP Act, and NSI mining is to be no different, then the new EA should go through the same process as all other resource EAs under that Act.*⁵⁵

The Australia Conservation Foundation (ACF), and Mr Wallace Wight of Gaythorne, submitted that the replacement EA reduces environmental protections. The ACF suggested that key requirements are removed, namely:

- *environmental harm not to occur beyond the mining tenements adjoining National Parks and Ramsar sites (A5, A6)*
- *mining not to occur on Category a or Category B environmentally sensitive areas, except for ML 1109 (A7 (see G3))*
- *baseline environmental studies and an environmental studies Report (A10 – 13)*
- *investigation of harm to perched water bodies (A31)*
- *rehabilitated areas to be free of declared weeds (H22).*⁵⁶

DNRM advice:

In relation to the QRC comments, DNRM advised:

The Department undertook the decision not to remove the reference to cancelled mining leases within the proposed Environmental Authority. This decision was made due to the fact that rehabilitation requirements still need to be met within those leases.

The proposed Environmental Authority will operate and be administered under the Environmental Protection Act 1994 once the amended North Stradbroke Island Protection and Sustainability Bill 2013 takes effect.

In relation to the EDOQ comments, DNRM advised:

Making the proposed Environmental Authority into the legislation is the most practical approach. This is in line with the current government policy designed to reduce red tape and unnecessary regulatory burden.

It was considered that the operator, prior to the introduction of the North Stradbroke Island Protection and Sustainability Act 2011, had completed the necessary investigations into the suitability of the site for mining.

⁵⁴ Environmental Defenders Office Queensland, 2013, *Submission No. 122*, p.2.

⁵⁵ Environmental Defenders Office Queensland, 2013, *Submission No. 122*, p.3.

⁵⁶ Australian Conservation Foundation, 2013, *Submission No. 112*, p.1.

This included the production of the environmental studies report in 2003 which is considered to be similar to an environmental impact statement, including a public notification process, for the proposed project area.

In relation to the comments by Mr Wight and the ACF, DNRM advised:

The proposed Environmental Authority incorporates effective conditions to protect the environmental values of North Stradbroke Island.

The proposed Environmental Authority includes conditions that protect areas of high conservation value by defining a proposed project area for mining within the Enterprise Mine and conditions to exclude the operator from undertaking mining activities within Category A (National Parks) and B (e.g. endangered regional ecosystems) environmentally sensitive areas.

And

The proposed Environmental Authority only authorises mining activity within the proposed project area. It does not authorise environmental harm beyond the proposed project area and therefore any harm caused would be unlawful and an offence under the Environmental Protection Act 1994. A condition duplicating a legislative provision is unnecessary.

The proposed Environmental Authority excludes the operator from operating in Category A (eg. National Parks) and B (eg. endangered regional ecosystems) environmentally sensitive areas by including them in the buffer zones. A further condition protecting Category A and B environmentally sensitive areas within the Enterprise Mine proposed project area is not necessary.

For areas where baseline environmental studies have not previously been carried out, the proposed Environmental Authority requires a management plan. This involves a detailed study on environmental values, development of risk controls, trigger levels and stakeholder engagement.

The perched lake condition referenced in the enquiry required investigations to be completed by 2008. The investigations were completed to the satisfaction of the administering authority and the condition is no longer relevant.

Declared weeds are regulated by the Land Protection (Pest and Stock Route Management) Act 2002 which places obligations on the land owner, in this case the Mine operator. The operator will be required to manage weeds in accordance with the Land Protection legislation as well as achieve the rehabilitation outcomes prescribed by the proposed Environmental Authority.

Committee comment

The committee is satisfied with the advice provided by DNRM that the proposed environmental authority incorporates effective conditions to protect the environmental values of North Stradbroke Island.

Part 3 Amendment of Vegetation Management Framework Amendment Act 2013

The Bill contains amendments to the *Vegetation Management Framework Amendment Act 2013* that are minor and technical in nature to remove unnecessary duplications of provisions. As explained by Minister Cripps in his introductory speech for the Bill:

While a number of provisions came into effect on assent, a range of provisions, including two new relevant purposes for clearing of native vegetation for high-value agriculture and irrigated high-value agriculture, are proposed to commence in November 2013.

Since March the department has been working hard to implement these reforms. In doing so, it has been identified that several provisions in the act associated with high-value agriculture and irrigated high-value agriculture will duplicate requirements within the state development assessment provisions that will be prescribed under the Sustainable Planning Regulation 2012; namely, the requirement to minimise and mitigate the effects of clearing and the provision of an environmental offset for the clearing of vegetation. These provisions in the act which require landholders to demonstrate how they have minimised and mitigated the adverse effects of clearing and to provide a significant beneficial impact for the clearing of endangered and of-concern regional ecosystems are unnecessary and clearly represent duplication. Amendments in this bill will address that duplication by omitting these requirements from the Vegetation Management Act.

Comments by submitters:

A small number of submissions addressed the proposed amendments to the *Vegetation Management Framework Amendment Act 2013*.

Canegrowers in their submission strongly supported the amendments in the Bill to the *Vegetation Management Framework Act 2013* (VMFAA), noting that the amendments will remove duplication of regulatory requirements without undermining environmental protection.⁵⁷ Agforce similarly supported the VMFAA amendments and commented on the current review of the offsets regulation and the lack of information about a future offsets policy. Agforce advised that it looks forward to information on how the policy may operate⁵⁸:

the offsets regulations are also currently undergoing reform with no date set publicly for a finalisation of the reviews. This left the DNRM, the IWG⁵⁹ members and the landholders wanting to undertake High Value and Irrigated High Value Agriculture (HV and IHVA respectively) in an impossible position in knowing what might be expected of them in the future, or what would be an appropriate process to implement without being duplicitous or a 'double dip'.

Submissions that opposed the Bill suggested that the amendments erode the purpose of the Vegetation Management Framework and reduce the protection of North Stradbroke Island⁶⁰ and appeared to provide minimal protection against the clearing of regional ecosystem vegetation classified as 'endangered' or 'of concern'.⁶¹

DNRM advice:

In response to the points raised by submitters, DNRM reiterated that the provisions from the VMFAA will remove duplication between provisions contained in the Act and development assessment provision contained in the State Development Assessment Module (SDAP): Native Vegetation Clearing under the *Sustainable Planning Act 2009*. The department also advised that retaining these duplicate provisions will result in unintended negative consequences for landholders, and that the amendments will not diminish or erode the impacts and required outcomes of clearing of endangered and of concern regional ecosystems.⁶²

⁵⁷ Canegrowers, 2013, *Submission No. 106*.

⁵⁸ Agforce, 2013, *Submission No. 116*, p.2.

⁵⁹ 'IWG' - Vegetation Management Reforms Industry Working Group.

⁶⁰ Wight, W.V., 2013, *Submission No. 113*, p.2.

⁶¹ The Wildlife Preservation Society of Qld - Sunshine Coast & Hinterland, 2013, *Submission No. 9*, p.5.

⁶² Department of Natural Resources and Mines, *Correspondence*, 6 November 2013 (a).

Committee comment

The committee is satisfied that the proposed amendments to the *Vegetation Management Framework Amendment Act 2013* to reduce duplication with provisions in the *Sustainable Planning Act 2009* are soundly based and will not erode critical environmental protections.

Point for clarification

The committee invites the Minister to inform the House how the offsets policy in the vegetation management framework will operate, and about arrangements between his department; the Department of Environment and Heritage Protection; and the Department of National Parks, Recreation, Sport and Racing for its implementation.

Should the Bill be Passed?

Standing Order 132(1) requires the committee to recommend whether the Bill should be passed. After examining the form and policy intent of the Bill, the committee determined that the Bill should be passed.

Recommendation 2

The committee recommends that the North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013 be passed.

3. Consultation

Consultation by the Government on the Bill

Thirty-two of the 133 submissions the committee accepted on the Bill commented on the lack of public consultation by the Government about the proposed changes to the NSIPS Act, and about the limited opportunity provided by the committee for lodging written submissions about these provisions of the Bill. In particular, submitters commented on the adequacy of efforts by the Government to consult with the traditional owners, the Quandamooka People, during the Bill's development, despite holding meetings with representatives of Sibelco Australia Limited. For instance, the Wildlife Preservation Society noted in its submission:

*We deplore the lack of consultation on the Bill and there should have been opportunities for all interested parties to discuss the ramifications of the Bill.*⁶³

It was also submitted that the Government's decision to meet with Sibelco while not consulting with other interested parties implied bias.⁶⁴

The Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) submission noted:

*Quandamooka People do not believe that this submission process is adequate to constitute "consultation" on the proposed amendments and this submission, and our participation in the hearing does not constitute any form of consent from the Quandamooka People to the proposed Bill.*⁶⁵

The department confirmed that it did not undertake any public consultation, nor consultation with the traditional owners of North Stradbroke Island in relation to the drafting of the Bill.⁶⁶ The department stated, however, that it did meet with QYAC on 18 October 2013 following the introduction of the Bill.⁶⁷ In separate advice, the department advised that Minister Cripps met with QYAC in May 2013 to outline the proposal to extend sand mining and to encourage QYAC to enter into discussions separately with Sibelco.⁶⁸

The department also noted in its comments on submissions that:

*...the government's election commitment in relation to extending sand mining on North Stradbroke Island was well known to all parties. It was done in order to facilitate an orderly economic transition. The department is implementing that commitment by this Bill.*⁶⁹

The Environmental Defenders Office Queensland commented in its submission that the election commitment was vague and therefore gave no mandate, and suggested that a comprehensive consultation process should be introduced starting with a public policy discussion paper from the relevant government department.⁷⁰

Issues about consultation are discussed further in Part 4 of this report in relation to fundamental legislative principles.

⁶³ Wildlife Preservation Society of Qld – Sunshine Coast & Hinterland, 2013, *Submission No. 9*, p.3.

⁶⁴ Drake, E., 2013, *Submission No. 32*, p.1.

⁶⁵ Quandamooka Yoolooburrabee Aboriginal Corporation, 2013, *Submission No. 115*, p.2.

⁶⁶ Department of Natural Resources and Mines, *Correspondence*, 31 October 2013.

⁶⁷ Bray, N., 2013, *Proof Public Briefing Transcript*, Thursday 31 October, p.2.

⁶⁸ Department of Natural Resources and Mines, *Correspondence*, 6 November 2013 (a).

⁶⁹ Department of Natural Resources and Mines, *Correspondence*, 6 November, 2013 (a).

⁷⁰ Environmental Defenders Office Queensland, 2013, *Submission No. 122*, p.1.

Consultation by the committee

A number of submitters, including the Queensland Resources Council⁷¹, expressed their concern about the short period allowed by the committee for people to prepare and lodge written submissions on the Bill, and the short time allowed for committee deliberations.

The referral of the Bill on 17 October for report by 14 November 2013 effectively allowed the committee 28 calendar days to conduct the inquiry of which 20 days were working days.

On 17 October 2013, the day the Bill was introduced and referred to the committee, the committee met, discussed the inquiry and adopted its inquiry timetable. As part of the inquiry timetable, the committee agreed to accept written submissions until Monday 28 October 2013. Also on 17 October 2013, the committee posted information calling for submission on the committee's website.

The following day, Friday 18 October 2013, the committee wrote to likely stakeholders for the Bill and notified the committee's email subscribers of the inquiry and the call for submissions. Given the inclusion in the Bill of amendments to the recently passed *Vegetation Management Framework Amendment Act 2013*, the committee also wrote to every submitter to the Vegetation Management Framework Amendment Bill 2013 inquiry conducted by the State Development, Infrastructure and Industry Committee earlier in 2013. Also on Friday 18 October, the committee wrote to the Department of Natural Resources and Mines advising of its decisions for the inquiry and requesting background information on the Bill.

Committee comment

The committee notes the concerns expressed by submitters about the lack of consultation by the Government about the Bill, and the limited time afforded by the committee for submitters to lodge written submissions.

The committee notes that there has been public discussion and debate about the interconnected issues of mining, Aboriginal land rights and the environment on NSI for many years and that the Government's intentions have been communicated by the Government including whilst in opposition. The committee also notes that the best available data would suggest that the policy to delay the end of sand mining on NSI to which the Bill is designed to give effect is supported by the majority of residents of the island.

In relation to the limited time allowed for lodging submissions on the Bill, the committee notes and accepts the concerns raised. The short timeframe for lodging written submissions of eleven days after the introduction of the Bill was necessary to ensure the committee met the reporting deadline set by the Parliament.

The committee is pleased to note that more than 130 submitters lodged written submissions in the time available. They included many detailed submissions with comprehensive analyses of the issues. The committee thanks submitters for their efforts.

⁷¹ Queensland Resources Council, *Submission No. 12*, p.3.

4. Fundamental legislative principles

Section 4 of the *Legislative Standards Act 1992* states that ‘fundamental legislative principles’ are the ‘principles relating to legislation that underlie a parliamentary democracy based on the rule of law’. The principles include that legislation has sufficient regard to:

- the rights and liberties of individuals, and
- the institution of parliament.

The committee sought advice from DNRM in relation to a number of possible fundamental legislative principles issues. The following sections discuss the issues raised by the committee and the advice provided by the department.⁷²

Aboriginal tradition and Island custom

Part 2 (clauses 3 to 15)

Does the bill have sufficient regard to Aboriginal tradition and Island custom?

The Bill provides for the renewal of mining leases on land which is covered by an Indigenous Land Use Agreement (ILUA) between the State and the Quandamooka People who are the recognised native title holders on North Stradbroke Island.

Potential FLP issues

Section 4(3)(j) of the *Legislative Standards Act 1992* provides that legislation should have sufficient regard to Aboriginal tradition and Island custom.

On 4 July 2011 the Quandamooka People were recognised by the Federal Court as native title holders of 54,408 hectares of land and waters on and surrounding North Stradbroke Island including unallocated state land, areas of national parks and reserves.⁷³ Dowsett J made two consent determinations recognising that the Quandamooka People had native title rights to this area.⁷⁴ The consent determinations finalised the claims lodged by the Quandamooka People in 1995 and 1999.

The Federal Court recognised that the Quandamooka People hold exclusive native title rights⁷⁵ in relation to 2,264 hectares of land and non-exclusive rights⁷⁶ to 22,639 hectares of onshore areas and 29,505 hectares of off shore areas.⁷⁷ The non-exclusive rights allow the Quandamooka People to live and be present in this area to conduct traditional ceremonies; take, use, share and exchange traditional natural resources; and maintain areas of importance and areas of significance.

As part of the settlement of the native title claim, the Quandamooka People entered into two Indigenous Land Use Agreements (ILUA)⁷⁸ with the State of Queensland (registered 8 December 2011)⁷⁹ and Redland City Council (registered 9 December 2011)⁸⁰ over the land and waters the subject of the court’s ruling.

⁷² Department of Natural Resources and Mines, *Correspondence*, 6 November 2013 (b).

⁷³ *Delaney on behalf of the Quandamooka People v State of Queensland* [2011] FCA 741.

⁷⁴ National Native Title Tribunal, 2011, *Native title recognition for the Quandamooka People*, <http://www.nntt.gov.au/News-and-Communications/Media-Releases/Pages/NativetitleRecognitionfortheQuandamookaPeople.aspx>, accessed 6 November 2013.

⁷⁵ The right to possess and occupy an area to the exclusion of all others. Exclusive possession is recognised over limited parts of Australia, for example, unallocated or vacant crown land.

⁷⁶ There is no right to use, or control access to, an area. Non-exclusive possession could include the right to live on the area, teach law and custom, hunt or fish.

⁷⁷ National Native Title Tribunal, *Native title recognition for the Quandamooka People*.

⁷⁸ An Indigenous Land Use Agreement (ILUA) is an agreement between people who hold, or may hold, native title in the area in question and other people, organisations or government. An ILUA must meet the requirements of the *Native Title Act 1993* (Cwlth).

⁷⁹ National Native Title Tribunal, *Register of Land Use Agreements*, <http://www.nntt.gov.au/Indigenous-Land-Use-Agreements/Search-Registered-ILUAs/Pages/Search.aspx>, accessed 6 November 2013.

At its public hearing the committee sought clarification from the department as to whether the terms of the ILUA between the Quandamooka People and the State Government were confidential.

Mrs MADDERN: *I would just like to ask a basic question about the ILUA. As I understood in your previous briefing, that agreement is commercial-in-confidence; right?*

Mr Bray: *Correct.*

Mrs MADDERN: *So we do not have any capacity really to see what is in that ILUA. All we have is what you can tell us as independent departmental officers and/or what Quandamooka is saying about the ILUA. But we as a committee do not have any real capacity to make a judgement on that.*

Mr Bray: *Correct. It is an agreement that both parties keep in confidence.*

Mrs MADDERN: *Have agreed to and it is in confidence.*

Mr Bray: *There is confidentiality, yes.*⁸¹

In presenting the Bill, the Minister for Natural Resources and Mines gave an assurance that the amendments contained in the Bill do not breach the requirements of the *Native Title Act 1993* or the ILUA with the Quandamooka People. The Minister advised:

*I would also like to assure members that the amendments in this bill are being made in accordance with the requirements of the Commonwealth Native Title Act 1993 and will not breach or necessitate any amendment to the current Indigenous land use agreement between the state and the Quandamooka people. This government is committed to meeting all its obligations and responsibilities under the ILUA.*⁸²

The Bill has significant implications for the Quandamooka People. The consultations that have occurred with the Quandamooka People and their representative bodies are relevant to the committee's consideration of whether in the Bill has sufficient regard to Aboriginal tradition and Island custom. From the Explanatory Notes and the statements made by departmental officers in their briefings, it appears that consultation with the Quandamooka only occurred after the Bill was introduced.

In its submission to the committee, the Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) submitted that the Bill was in breach of the ILUA between the Quandamooka People and the state government, and impacted on the Quandamooka People's native title rights. QYAC submitted:

*The Premier, the Minister and the local member have all asserted that nothing in the Bill affects the implementation of the ILUA, nor native title rights and interests. QYAC submits that the Bill clearly does breach the ILUA, and significantly affects their native title rights and interests.*⁸³

At the committee's public hearing, QYAC tabled correspondence from its legal representative to the Minister dated 30 October 2013 advising that the ILUA was entered into by the Quandamooka People on the basis that their native title rights were subject to non-renewable mining leases. A written undertaking was sought from the Minister that the renewal of any mining lease would not occur without 28 days written notice to QYAC and QYAC's legal representatives. If not, QYAC reserved its right to seek orders from the court.⁸⁴

⁸⁰ National Native Title Tribunal, *Register of Land Use Agreements*, <http://www.nntt.gov.au/Indigenous-Land-Use-Agreements/Search-Registered-ILUAs/Pages/Search.aspx>, accessed 6 November 2013.

⁸¹ Maddern, A. & Bray, N., 2013, *Proof Public Hearing Transcript*, 31 October, p. 5.

⁸² Queensland Parliament, 2013, *Record of Proceedings*, Brisbane, 17 October, p. 3420.

⁸³ Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC), 2013, *Submission No. 115*, p. 4.

⁸⁴ Costello, C., 2013, *Proof Public Hearing Transcript*, 30 October, p. 31.

QYAC made further comment at the committee's public hearing on the Bill's impact on the ILUA and the Quandamooka People's native title rights.

We believe that contempt has been shown for our native title agreement. We believe that it is a breach of our ILUA. The legislation that is proposed has not been done with any consultation with QYAC.

We submit that the bill should be rejected by the parliament for the following reasons: it breaches the contractual rights of the Quandamooka People under their ILUA; it invalidly affects the Quandamooka People's native title rights and interests, and neither the state nor Sibelco has sought their prior informed consent.⁸⁵

In light of the concerns expressed by QYAC, the committee sought advice from the department as to whether the Bill was in breach of the ILUA and the Quandamooka People's native title rights.

The Explanatory Notes (p.9) state that the Government is satisfied that the Bill does not breach the *Native Title Act 1993* (Cwlth) or the ILUA between the State and the Quandamooka People. However, it is unclear from the information provided in the Explanatory Notes how the department reached this conclusion.

Request for advice:

The committee requested advice as to:

- whether the Minister or the department consulted the Quandamooka People and/or their representatives on the legislation proposed in the Bill prior to its introduction into the parliament on 17 October 2013
- other work by the department to ensure the Bill has sufficient regard to Aboriginal tradition and Island custom

DNRM advice:

The government's election commitment was to deliver a framework for the orderly ending of the sand mining leases on North Stradbroke Island, which also required Sibelco to remediate to the highest environmental standards and allow the island more time to transition to a new economy.

The Minister met with QYAC in May of this year to outline the proposal to extend sand mining and to encourage QYAC to enter into discussions separately with Sibelco. The department met with QYAC immediately after the introduction of the Bill into Parliament.

The department did not undertake any consultation with the traditional owners of North Stradbroke Island in relation to the drafting of the Bill.

However, the government's election commitment in relation to extending sand mining on North Stradbroke Island was well known to all parties. The government considered it necessary to facilitate an orderly economic transition. The department is implementing that commitment by this Bill. The department engaged with the QYAC once government approved the Bill to enact its election commitment. Further, QYAC in this regard was afforded the same access as the mining proponent.

In relation to Aboriginal tradition and Island Custom, the government and department have worked to minimise impact on the Quandamooka as much as possible whilst still implementing the government's policy commitment. The initial policy option explored was to restore Sibelco to the same position that it was in prior to the passage of the North Stradbroke Island Protection and Sustainability Act 2011.

⁸⁵ Costello, C., 2013, *Proof Public Hearing Transcript*, 30 October, p. 30.

However the implementation of this proposal would have meant that the areas on which sand mining was proposed to be continued included areas jointly managed by the State and the Quandamooka people. As the proposal would have impacted upon the ILUA and would have required amendment of the ILUA and Indigenous Management Agreement it was considered not appropriate for progression.

The department has undertaken appropriate research and sought advice to ensure that the Commonwealth Native Title Act 1993 and the Aboriginal Cultural Heritage Act 1993 continue to apply in full to the sand mining activities on the Island and that no breaches of those Acts occur as a result of the Bill.

Request for advice:

The committee requested advice on the steps taken by the department to satisfy itself that the Bill does not breach the *Native Title Act 1993* (Cwlth) or the existing ILUA between the State and the Quandamooka People.

DNRM advice:

The department sought Crown Law advice on the draft Bill prior to its introduction into Parliament and is satisfied, in light of that advice, that the Bill does not breach the Native Title Act 1993 (Cwlth) or the existing ILUA between the State and the Quandamooka People.

And

The Department is aware that the Quandamooka Yoolooburrabee Aboriginal Corporation tabled correspondence from Crown Law before the Committee which suggested that the ILUA would be breached and a new ILUA prepared. That advice is not current and does not relate to the proposal being implemented by this Bill.

Indeed, this Bill is a result of the challenge by the Minister for Natural Resources and Mines to Sibelco to come up with a proposal for the continuation of mining that did not breach the ILUA or native title laws.

The areas covered by the Bill fall outside the protected areas or indigenous joint management areas on North Stradbroke Island.⁸⁶

Committee comment

The committee notes the Minister's assurance that the Bill does not breach the ILUA or the Quandamooka People's native title rights. The committee also notes that, before the Bill's introduction, the department obtained Crown Law advice confirming that the Bill is not in breach of the ILUA or the *Native Title Act 1993*. In light of the assurance provided by the Minister and the advice obtained from Crown Law, the committee is satisfied that the Bill does not breach the ILUA or the *Native Title Act 1993*.

The committee is not privy to the terms of the ILUA as the agreement is confidential between the parties. The committee acknowledges the concerns raised by QYAC but considers it appropriate that any dispute as to the Bill's effect on the ILUA and the Quandamooka People's native title rights is decided by the courts.

The committee is satisfied with the department's advice.

⁸⁶ Department of Natural Resources and Mines, *Correspondence*, 4 November 2013.

Request for advice:

The committee requested advice whether, as a result of the granting of an extension to a mining lease, the exercise of native title rights for that land is suspended, and whether this affects the rights of native holders under the federal Act.

DNRM advice:

The Quandamooka people's non-exclusive native title rights over those sites on which sand mining is continued under this Bill are suspended until the expiration of the mining leases concerned.

This does not, however, affect the rights of native title holders under the Commonwealth Native Title Act 1993. That Act continues to apply unaffected and the proceedings and remedies provided for in that Act are available to QYAC, such as, for example, compensation for future acts.

Committee comment

The committee is satisfied with the department's advice.

Administrative power

Clause 9 proposed new section 11F

Are rights, obligations and liberties of individuals dependent on administrative power only if the power is sufficiently defined and subject to appropriate review?

Clause 9 inserts proposed section 11F into the NSIPS Act which limits the right to review or appeal a decision of the Minister to renew a mining lease under proposed section 11D of that Act.

Clause 9 would provide that the Minister's decision to renew a mining lease cannot be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way, under the *Environmental Protection Act 1994* (EPA) or otherwise (whether by the Supreme Court, another court, a tribunal or another entity). Further, the decision is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground. The only exception to this is where there is a determination by the Supreme Court that the decision is affected by jurisdictional error (i.e. a decision made outside of power or an error in the process for reaching the decision).

Potential FLP issues

The Explanatory Notes (p.9) state that clause 9 is arguably a breach of section 4(3)(a) of the *Legislative Standards Act 1992* (LSA).

As a matter of fundamental legislative principle, exercises of administrative power are to be subject to appropriate review. The effect of clause 9 is that the exercise of administrative power to decide on the renewal of mining leases is not subject to appropriate review.

Clause 9 takes effect as a privative clause as it purports to:

...oust the inherent and statutory jurisdiction of the Supreme Court to review the legality of decisions and actions'.⁸⁷

The former Scrutiny of Legislation Committee (SLC) considered that privative clauses:

...should rarely be contemplated and even more rarely enacted. They represent a parliamentary attempt to deny the courts a central function of their judicial role, preventing courts pronouncing on the lawfulness of administrative action.⁸⁸

⁸⁷ Scrutiny of Legislation Committee, *Alert Digest 5 of 2009*, p.20.

The SLC further stated:

...in given circumstances, it is possible that removal of rights to access to courts and tribunals may be justified by significant legislative objectives. However, the committee notes that Australian courts have resisted parliamentary attempts to limit their powers and have given a restrictive interpretation to privative clauses. Principles to be taken into account by a court will include:

- *parliamentary supremacy which 'requires obedience to the clearly expressed wish of the legislature', and*
- *preservation of rights to access the courts.*

The EPA provides for the Land Court to review certain decisions about mining activities. The rationale for judicial review is, as explained by the SLC, related to the fact that 'judicial review differs in nature from, and provides an additional mechanism to, statutory rights of appeal or administrative review. Indeed, a determination of the legality of administrative action by way of judicial review represents an important protection of rights and liberties of individuals.

The removal of these rights may be justified by the overriding significance of the objectives of the legislation.⁸⁹ The Explanatory Notes (p.9) state that '... the amendments are justified by the need to balance the rights of an individual against the needs of the NSI community and region as a whole.' At the public briefing on the Bill, the department advised that:

In order to provide Sibelco with sufficient certainty to undertake further investment that is required to keep mining operational, it was determined that appeals should not be allowed so that that certainty would be provided.⁹⁰

A consequence of clause 9 is that a person aggrieved by the Minister's decision to renew a mining lease, including with or without conditions, has very limited means of recourse to have the decision reviewed or appealed. Clause 9 may, therefore, have a significant impact upon rights and liberties of individuals.

It is noted that similar provisions that limit review and appeal rights have been included in recent legislation, including the Health Legislation Amendment Bill 2013 and VMFAA.

The committee is concerned that the potential impact on the rights and liberties of individuals is not justified by the explanation provided in the Explanatory Notes or by the department at the public briefing on 23 October 2013, and therefore sought further assurances.

Request for advice:

The committee sought assurances that proposed section 11F has sufficient regard to the rights and liberties of individuals.

DNRM advice:

The department can assure the Committee that the proposed new section 11F of the Bill does has sufficient regard to the rights and liberties of individuals.

The Legislative Standards Act 1992 does not establish fundamental legislative principles as rules of law but rather as important guiding principles to be observed in drafting legislation.

In having regard to fundamental legislative principles, the purpose of the Legislative Standards Act 1992 to be achieved is that of ensuring Queensland legislation is of the highest standard.

⁸⁸ Scrutiny of Legislation Committee, 2009, p.20.

⁸⁹ Office of the Queensland Parliamentary Counsel, 2008, *Fundamental Legislative Principles: The OQPC Notebook*, p.19.

⁹⁰ Meadowcroft, R., 2013, *Proof Public Briefing Transcript*, 23 October, p.7.

Sometimes, the application of a fundamental legislative principle must be altered to achieve important policy objectives in the community's interest. That is the case in this instance.

The government has formed the view that it is in the public interest to ensure that sand mining continues on North Stradbroke Island for a further period in order to ensure a smooth transition of the Islands economy. The clause is justified by the need to balance the rights of an individual against the needs of the North Stradbroke Island community and region as a whole.

The study, 'North Stradbroke Island – economic impact of mineral sands mining' undertaken by the Department of State Development, Infrastructure and Planning clearly demonstrates that the early cessation of sand mining on North Stradbroke Island would have a severely detrimental effect on the Island and regional economies.

To ensure that this does not occur, it is essential to provide Sibelco with sufficient certainty to enable the company to make the necessary investment in infrastructure to continue sand mining at the Enterprise mine until 2035. Between 2035 and 2040 the mining leases are continued with conditions that only provide for rehabilitation of the mine site. This was necessary as currently there is no means of access to the mine site to carry out rehabilitation activities.

Committee comment

As stated in the *Legislative Standards Act 1992* section 4, fundamental legislative principles are the principles relating to legislation that underlie a parliamentary democracy based on the rule of law. The principles include requiring that legislation has sufficient regard to rights and liberties of individuals and the institution of Parliament.

The committee is satisfied with the department's advice that, based on the public interest test, the proposed clause 9 proposed new section 11F has sufficient regard for the rights and liberties of individuals.

Right and liberties of individuals

Clause 12

Does the bill have sufficient regard to the rights and liberties of individuals?

The *Environmental Protection Act 1994* (EPA) provides that an entity requires an environmental authority to carry out environmentally relevant activity, including mining activities. The EPA also provides for the application, public consultation and decision making process for the approval of environmental authorities.

Instead of following the provisions of the EPA, clause 12 inserts new schedule 2A into the NSIPS Act to provide for a new environmental authority for the majority of sand mining on North Stradbroke Island. The proposed environmental authority is at clause 14.

Making a replacement environmental authority by means of a schedule to the NSIPS Act, rather than under the EPA, means that the environmental authority will not be subject to the public notification requirements under the EPA. It also removes the right to request that a decision on an environmental authority be referred to the Land Court.

Potential FLP issues

Clause 12 raises potential FLP issues, as it:

- may fail to adequately ensure interested parties have the opportunity to comment on the environmental authority before its approval, and
- removes the right of a holder of a mining lease, or a person who has made a submission, to request that the Land Court review a decision on an environmental authority.

The Explanatory Notes (p.8) acknowledge that clause 12 raises potential FLP issues, however, it only addresses the issue of public consultation on the environmental authority. No mention is made of the removal of the right to request the Land Court to review a decision on an environmental authority.

The Explanatory Notes (p.8) state that the current environmental authority is being replaced to contemporise the environmental authority by removing redundant provisions and include new model conditions. The Explanatory Notes state that these matters are not of sufficient magnitude to necessitate public consultation.

At the public briefing, the department stated that the environmental authority was being replaced as a consequence of the removal of the restricted mine path and non-winning condition over part of the Enterprise Mine. The department also mentioned that an environmental studies report, which included some public notification, was conducted in 2003 with the report issued in 2004 over the same mining leases.⁹¹

The Explanatory Notes (p.8) note that the public may comment on the environmental authority during the committee's inquiry, and that the environmental authority will be subject to scrutiny by Members during the debate on the Bill.

The potential impact on the rights and liberties of individuals is dependent, to a large extent, on the scope of the changes being made to the environmental authority.⁹² If significant changes are being made to the environmental authority, then the removal of public consultation and review by the Land Court may have a significant impact on the rights and liberties of interested persons. The committee was told that the Environmental Authority MIN10097509 has a number of controls which are not replicated in the environmental authority proposed by the Bill, namely:

- no requirement for baseline environmental studies and environmental studies report;
- no requirement that there is no environmental harm beyond the boundary of the proposed mining tenements (there are direct boundaries with national parks and no buffer);
- no requirement that mining not occur on Category A or Category B environmentally sensitive areas, except for ML1109 – thereby allowing mining on environmentally sensitive areas on ML1117, ML1120, and ML1105 (see G3).
- no condition requiring the rehabilitated areas to be free of Class 1 and 2 declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002*;
- no condition requiring that none of the following species not be present in densities that prevent the rehabilitation criteria being achieved:
 - *Pinus* spp;
 - Poaceae spp, including signal grass, green panic, guinea grass, molasses grass, whiskey grass and red natal grass;
 - Class 3 declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002*

The committee was also told that removal of the prohibition of any environmental harm beyond the boundary of the mining tenements is a significant weakening of the conditions, because of the additional requirements of sections 16 and 17 of the *Environment Protection Act 1994 (Qld)* to demonstrate an economic impact for material or serious environmental harm.

⁹¹ Heyward, B., 2013, *Proof Public Briefing Transcript*, 23 October, pp.2 & 3.

⁹² The differences between the existing and proposed environmental authorities are summarised in attachment (9) provided by the department in response to questions taken on notice at the briefing on 23 October 2013. This document is available from the committee's inquiry page under 'related documents'.

Request for advice:

The committee sought advice as to whether the proposed changes to environmental authorities proposed in clause 12 of the Bill are significant.

DNRM advice:

Whilst the Environmental Authority (EA) as a whole is being replaced the objectives and outcomes of the existing environmental authority have not changed. The proposed environmental authority is conditioned to protect areas of high conservation value by defining a mining area for the Enterprise Mine, including buffer zones and conditions to exclude the operator from undertaking mining activities within Category A (eg. National Parks) and B (eg. endangered regional ecosystems) environmentally sensitive areas.

Additionally, the Department of Environment and Heritage Protection (EHP) has included EA conditions designed to protect the surrounding environmental values (e.g. monitoring and reporting against trigger levels and ensuring all measures, plant and equipment are in place to achieve compliance with the conditions of the environmental authority).

It should be noted that the EA still does not permit environmental harm to occur outside of the prescribed mining lease areas. This means that important environmental features such as Blue Lake and the Eighteen Mile Swamp will continue to be protected.

The increase in area from the Restricted Mine Path may be considered a significant increase in scale and intensity. However it is less than the area approved prior to the creation of the Restricted Mine Path.

Committee comment

The committee is satisfied with the department's advice that the proposed changes to the environmental authority are not significant.

Request for advice:

The committee sought advice on the normal publication requirements and comment period for environmental authorities under the *Environmental Protection Act 1994*. The committee understood that the applicant to a mining lease must publish a notice about the application pursuant to section 152 of the *Environmental Protection Act 1994*, and that the submission period for mining activities, pursuant to the provisions of s154 of the EPA and section 252A of the *Mineral Resources Act 1989*, must be at least 20 days after a certificate of application has been issued by the chief executive.

DNRM advice:

The Environmental Protection Act 1994 provides the following on publication requirements and comment period for environmental authorities.

Section 154 *Submission period for application—mining activities the submission period for an application for a mining activity must end on—*

- (a) if there is only 1 relevant mining tenure application—the last objection day under the Mineral Resources Act for the application; or*
- (b) if there is more than 1 relevant mining tenure application—the later of the last objection days under the Mineral Resources Act for the applications.*

Section 182 *Submitter may give objection notice*

- (1) This section applies if the administering authority decides to approve the application or makes a decision under section 170(2)(b).*

- (2) *A submitter may, by written notice (the objection notice) to the administering authority, request that its submission be taken to be an objection to the application.*
- (3) *The objection notice must—*
 - (a) *be given to the administering authority within 20 business days after the notice under section 181(1) is given; and*
 - (b) *state the grounds for the objection.*
- (4) *The objection notice ceases to have effect if the objection notice is withdrawn by giving written notice to—*
 - (a) *the administering authority; and*
 - (b) *the Land Court.*

Section 183 *Applicant may request referral to Land Court*

- (1) *The applicant may, by written notice to the administering authority, request that the administering authority refer the application to the Land Court.*
- (2) *The request must be given to the administering authority within 20 business days after the notice under section 181(1) is given.*
- (3) *This section does not apply for a decision made by the administering authority to refuse an application under section 173(1).*

Committee comment

The committee thanks the department for its advice.

Request for advice:

The committee also sought assurances that clause 12 does not unduly impinge on the rights and liberties of individuals given that the clause seeks to remove individuals' rights to request the Land Court to review a decision on an environmental authority.

DNRM advice:

This Bill allows for a reasonable reinstatement of previously approved and assessed mining approvals. At the time the Environmental Authority that was issued prior to the introduction of the North Stradbroke Island Protection and Sustainability Act 2011 the then Environmental Protection Agency sought advice from any interested parties by way of public notice (advertisement in the Courier Mail on 22 March 2003). All submissions were considered during the assessment process.

Committee comment

The committee is satisfied with the department's advice.

Institution of Parliament - Delegation of legislative power

Clause 17

Does the bill allow the delegation of legislative power only in appropriate cases and to appropriate persons?

Clause 17 amends new sections 22DAB(2)(d), 22DAB(3), 22DAC(1)(e) and 22DAC(1)(i) of the *Vegetation Management Framework Amendment Act 2013* to remove requirements for applicants to provide a significant beneficial impact and to demonstrate how the applicant will minimise and mitigate the effects of proposed clearing of vegetation.

The Explanatory Notes (p.6) state that these provisions have unintended consequences and are a duplication of provisions proposed within the State Development Assessment Provisions (the SDAP).

Potential FLP issues

The State Development Assessment Provisions (the SDAP) is provided for in the Sustainable Planning Regulation 2009 (the Regulation). While the SDAP is given effect by the Regulation, the SDAP is not itself subordinate legislation and is not, therefore, subject to the tabling and disallowance provisions in the *Statutory Instruments Act 1992*.

Providing that the requirements currently prescribed in the VMFAA about vegetation clearing will instead be included in the SDAP (which is not subordinate legislation) means that those requirements will not be subject to the same level of parliamentary scrutiny. It would also mean that any changes to the requirements or additional requirements about vegetation clearing would not be subject to the same level of parliamentary scrutiny they would receive if included in an Act.

The State Development, Infrastructure and Industry Committee (SDIIC) considered this matter as part of its examination of the Sustainable Planning Amendment Regulation (No.3) 2013.⁹³

The Department of State Development, Infrastructure and Planning (the department) advised that the SDAP cannot be changed or replaced unless the Regulation is amended to prescribe a new or amended version of the document by reference to a new date of issue. The department also gave a commitment that the explanatory notes tabled with regulations amending the SDAP will explain the object and scope of the changes.

On balance, clause 17 appears to have sufficient regard to the institution of Parliament. The committee notes, though, that changes to the SDAP must be made by amendments to the Regulation, and the department's commitment to explain any changes to the SDAP in the Explanatory Notes accompanying the amending regulation.

It is unclear, however, from the Explanatory Notes when the proposed amendments to the SDAP will be published. It will be important for the commencement of the amendments to the VMFAA and publication of amendments to the SDAP to be coordinated. A coordinated approach would help reduce any uncertainty about the requirements for vegetation clearing.

Request for advice:

The committee sought advice on the likely timeframe for publishing the amendments to SDAP: Module 8 Native vegetation clearing.

DNRM advice:

Amendments to SDAP Module 8: Native vegetation clearing are being coordinated by the Department of State Development, Infrastructure and Planning and it is anticipated, subject

⁹³ State Development, Infrastructure and Industry Committee, 2013, *Report No. 30: Subordinate legislation tabled between 5 June 2013 and 6 August 2013*.

to the approval of government, that the SDAP amendments will come into effect on 2 December 2013.

Committee comment

The committee is satisfied with the department's advice.

Impacts on individuals' rights to ecologically sustainable development

Part 2 (clauses 3 to 15)

The Explanatory Notes (p.9) state that the extension of mining on North Stradbroke Island until 2035 may impact on an individual's right to ecologically sustainable development. It is arguable; however, that ecologically sustainable development is a policy issue, rather than a right or liberty of an individual under fundamental legislative principles.

The following section outlines the relevant government agreements and strategies in relation to ecological sustainable development, and the Government's position as explained in the Explanatory Notes and proposed environmental protection measures.

Government agreements and strategies

The *Intergovernmental Agreement on the Environment (IGA)* sets out four principles of ecologically sustainable development:

- the precautionary principle
- intergenerational equity
- conservation of biological diversity and ecological integrity, and
- improved valuation, pricing and incentive mechanisms.⁹⁴

The *Australian National Strategy for Ecologically Sustainable Development* defines ecologically sustainable development as 'development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends'.⁹⁵

The Explanatory Notes (p.9) state that the Government supports ecological development on North Stradbroke Island. However, the Government considers that it is vital to ensure that it is not done to the detriment of the North Stradbroke Island and regional economies. The Explanatory Notes state that the reason mining is proposed to be extended on North Stradbroke Island is that there will not be sufficient alternative development to support the North Stradbroke Island economy until 2035.

Alternative sustainable development

The Government recently enacted the *Nature Conservation and Other Legislation Amendment Act 2012* and introduced the Nature Conservation and Other Legislation Amendment Bill (No.2) 2013 aimed at opening up national parks, promoting ecotourism and increasing access for tourists and the community. However, the Government considers that eco-tourism tourism facilities on NSI will take considerable time to develop.

Environmental protection measures

The Explanatory Notes (p.1) state that environmental matters will be dealt with under the EPA. The Explanatory Notes (p.7) also state that the Government is making every effort to limit environmental impacts by only extending mining on certain leases comprising the Enterprise mine, 'mostly on

⁹⁴ Department of the Environment, 1992, *Intergovernmental Agreement on the Environment 1992*, available at <http://www.environment.gov.au/node/13008>.

⁹⁵ Department of the Environment, 1992, *National Strategy for Ecologically Sustainable Development*, Australian Government Publishing Service, p.8.

already disturbed land and in areas of low ecological significance'. The Explanatory Notes clarify that mining will not occur in areas declared Indigenous Joint Management areas.

It is also noted that the proposed environmental authority at clause 14 (schedule 2A to the NSIPS Act) includes measures to protect the environment surrounding the Enterprise Mine. These measures include:

- buffer zones to protect some environmentally sensitive areas
- identification of areas in which disturbances can occur
- requirements for management plans
- conditions to protect surrounding environmental values
- requirements for an environmental monitoring program, and
- notifications of emergencies and incidents.

The proposed environmental authority also includes conditions requiring the rehabilitation and revegetation of the land after mining ceases and conditions about endangered wildlife and water quality.

Rehabilitation of land

Conditions L1 to L3 of the Environmental Authority provide for the rehabilitation of land after mining of the land has ceased. For example, Condition L2 provides that all land disturbed by mining activity must be rehabilitated as native bushland (defined in the authority to mean vegetation originating naturally on North Stradbroke Island) to ensure sustainable natural ecosystems.

The Bill provides for an opportunity to renew mining leases at Yarraman mine and Enterprise Mine for a period of five years after mining ceases, i.e. from 2015 to 2020 at the Yarraman Mine and 2035 to 2040 at the Enterprise Mine, with a non-winning condition (no mining for economic gain) during the five year period. The Explanatory Notes (p.5) state that this will provide the necessary mechanism to allow for rehabilitation of the mine sites.

The Explanatory Notes (p.12) state that:

Because mining operations continue until the time of the expiry of the lease, without renewal of the lease for an additional period, there will be no authority under which access to the lease for rehabilitation can occur.

It is noted that the decision to renew the mining lease at the Yarraman Mine until 2020 and Enterprise Mine until 2040 to rehabilitate the area is at the discretion of the mining lease holder. The Bill does not require them to do so.

It is acknowledged that the extension of mining on North Stradbroke Island will have an impact on the environment on the island. However, measures are proposed to limit the environmental impact and provide for the rehabilitation of the land once mining has ceased.

Request for advice:

The committee sought assurances that the legislative and other existing mechanisms, and the further mechanisms proposed in the Bill, will protect the Ramsar wetlands and others environmentally sensitive areas of North Stradbroke Island from adverse ecological impacts as a consequence of sand mining that is provided for in this Bill.

DNRM advice:

The proposed Environmental Authority (EA) has the appropriate environmental controls to protect the environmental values of North Stradbroke Island. Conditions within the proposed EA protect environmental values and the environmentally sensitive areas such as the Ramsar wetlands and National Parks that neighbour the mine. Monitoring bores and piezometers have been installed to monitor the amount and quality of the water that will

flow into the groundwater supply and ultimately the wetland. The results of this monitoring, as required by condition G20 of the proposed EA, are submitted to the Department of Environment and Heritage Protection annually.

An expert hydrologist from the Department of Science Information Technology, Innovation and the Arts has reviewed the annual environmental report and subsequent monitoring information and has not identified any current or potential impacts on the Ramsar wetlands. The proposed EA excludes the operator from operating in Category A (eg. National Parks) and Category B (eg. Endangered regional ecosystems) environmentally sensitive areas by including them in the buffer zones. Additionally, EHP conduct routine inspections as part of their Annual Compliance Plan program to ensure that operations at the sand mine are in compliance with the EA.

Committee comment

The committee is satisfied with the department's assurances that the legislative and other existing mechanisms, and the further mechanisms proposed in the Bill, will protect the Ramsar wetlands and others environmentally sensitive areas of North Stradbroke Island from adverse ecological impacts as a consequence of sand mining that is provided for in this Bill.

Request for advice:

The committee sought assurances that the Department of Natural Resources and Mines and the Department of Environment and Heritage Protection are adequately resourced to monitor and enforce the Environmental Authority proposed in the Bill.

DNRM advice:

The Department of Environment and Heritage Protection's Environmental Services and Regulation (ES&R) unit is responsible for regulatory assessment, permitting and compliance across a range of activities from dredging and quarrying through to mining and refining activities. The regulatory assessment business is supported by a state-wide proactive compliance and enforcement program and regionally responsive compliance activities to ensure performance standards are consistent with legislation. Teams also maintain a 24 hour response capability to respond to emergency incidents such as large spills of hazardous materials.

The ES&R unit produces the Southern Region Compliance Plan and Program (the program) annually. This objective of the program is to provide a framework for proactively managing and monitoring risks to Queensland's environment. The program is used to establish priority projects, set key performance indicators for regular compliance inspections and identify and allocate resources necessary to achieve the objectives of the program. This program is reviewed by ES&R's Regional Managers and approved by the Executive Director, Environmental Services and Regulation Division, Southern Region.

Committee comment

The committee is satisfied that the Department of Natural Resources and Mines and the Department of Environment and Heritage Protection are adequately resourced to monitor and enforce the environmental authority proposed in the Bill.

Appendix A – List of submitters

- 1 – Senator the Hon Ron Boswell
- 2 – Mr Steve Davies MP, Member for Capalaba
- 3 – Straddie Sandmining Community Fund
- 4 – Confidential
- 5 – Mr Michael Shilling
- 6 – Mr George Welland
- 7 – Confidential
- 8 – Confidential
- 9 – Wildlife Preservation Society of Queensland – Sunshine Coast & Hinterland
- 10 – Ms Barbara Brindley
- 11 – Redland City Chamber of Commerce
- 12 – Queensland Resources Council
- 13 – Confidential
- 14 – Straddie Chamber of Commerce
- 15 – Ms Jackie Cooper
- 16 – Confidential
- 17 – Sibelco Australia Limited
- 18 – Mr Ryan Adams
- 19 – Mr Daryll Bellingham
- 20 – Ms Lauren Stewart
- 21 – Ms Susan Perkins
- 22 – Ms Trish Lake
- 23 – Confidential
- 24 – Quandamooka Land Council
- 25 – Mr Richard C Copeman
- 26 – Mr Robin O’Rourke
- 27 – Mr Wayne and Mrs Anne Carne
- 28 – Mr David G. Christie
- 29 – Mr Michael Dawson
- 30 – Confidential
- 31 – Mr Haig Beck
- 32 – Ms Elinor Drake
- 33 – Ms Fran Quinn
- 34 – Confidential
- 35 – Ms Sonia Bryant
- 36 – Mr John Bryant
- 37 – Ms Lorraine Brosnan
- 38 – Ms Jan Buhmann
- 39 – Mr Bruce and Mrs Susan Martin
- 40 – Ms Daisy Barham
- 41 – Wildlife Preservation Society of Queensland – Logan
- 42 – Mr David P. Keogh
- 43 – Ms Karen Garrett
- 44 – Ms Melody Cooper
- 45 – Mr David Renn
- 46 – Ms Colleen Tully–Wilson
- 47 – Ms Tash Morton
- 48 – Mr Anthony Moloney
- 49 – Ms Paula Barrett
- 50 – Mr Munzur George Khan

List of submitters (continued)

- 51 – Ms Sue Yarrow and Ms Wendy Turner
- 52 – Wildlife Preservation Society of Queensland
- 53 – Ms Jane Hjelmqvist
- 54 – Mr Ian Carruthers
- 55 – Mr Ron Jackson
- 56 – Ms Helen Abrahams
- 57 – Ms Diana McPhee
- 58 – Ms Joanne Barkworth
- 59 – Mr Peter Shooter
- 60 – Confidential
- 61 – Dr Brett Roe
- 62 – Confidential
- 63 – Ms Sandra Bayley
- 64 – Mr Luke and Mrs Jean Daghish
- 65 – Mr Neale Brosnan
- 66 – Ms Natalie Green
- 67 – Mr Gil Scrine
- 68 – Mr Martin Taylor
- 69 – Ms Jennie Truman
- 70 – Ms Allyson Smith
- 71 – Ms Simone Pope
- 72 – Protect the Bush Alliance
- 73 – Ms Elizabeth Johnston
- 74 – Marine Rescue Stradbroke Island
- 75 – Ms Edith McPhee
- 76 – Ms Margaret Barram
- 77 – North Stradbroke Island Rugby League & Allsports Club Inc.
- 78 – Transit Systems
- 79 – Mr Bill Giles
- 80 – Ms Mary Pollard
- 81 – Ms Karly Grills
- 82 – Ms Genevieve Gall
- 83 – Ms Leigh Warneminde
- 84 – Ms Linda Walding
- 85 – Mr Greg Hoole
- 86 – Ms Samantha Searle
- 87 – Mr Zackari Watt
- 88 – Ms Cassie Wardle
- 89 – Associate Professor Darryl Eyles
- 90 – Ms Patricia Gibson
- 91 – Mr Peter Ronchese
- 92 – Ms Chelsea Rolfe
- 93 – Mr J. D. McPhee
- 94 – Dr David Storor and Ms. Mary Barram
- 95 – Mr Baz A. Brown
- 96 – Ms Suzanne Davison
- 97 – Mr Adrian Buzolic
- 98 – Ms Rebekah Bibby
- 99 – Ms Jennifer Freeman
- 100 – Ms Catherine Laura Simmons

List of submitters (continued)

- 101 – Mr Jonathan Patterson
- 102 – Sunshine Coast Environment Council
- 103 – Queensland Conservation
- 104 – Ms Sarah Chambers
- 105 – Mr Steve Darlington
- 106 – Canegrowers
- 107 – National Parks Association of Queensland
- 108 – Ms Roberta Bonnin
- 109 – Ms Kat Lowe
- 110 – Ms Jennifer Keys
- 111 – Dr Mark Robinson MP, Member for Cleveland
- 112 – Australian Conservation Foundation
- 113 – Mr Wallace V. Wight
- 114 – Indigenous Sand Miners of North Stradbroke Island
- 115 – Quandamooka Yoolooburrabee Aboriginal Corporation
- 116 – AgForce Queensland
- 117 – Mr Peter Forrest
- 118 – Mr Dale Ruska, Goorumpul sovereign original first nation owner
- 119 – Friends of Stradbroke Island Inc
- 120 – Mr Yusuke Akai
- 121 – Confidential
- 122 – Environmental Defenders Office Queensland Inc
- 123 – Ms Lisa Aldenhoven
- 124 – Ms Beth Pfeffer
- 125 – Dr Jan Aldenhoven, Green Cape Wildlife Films
- 126 – Mr Joel Bolzenius
- 127 – The Wilderness Society
- 128 – Ms Elizabeth Clouston
- 129 – Mr Peter Dowling MP, Member for Redlands
- 130 – Mr Lance Blemmings
- 131 – Mr Mark Taylor
- 132 – Ms Mandy Chen
- 133 – Mr Andrew Laming MP, Federal Member for Bowman

Appendix B – Briefing officers and hearing witnesses

Briefing officers – 23, 30 & 31 October 2013

Department of Natural Resources and Mines

Mr Brett Heyward	Director-General
Mr Neil Bray	A/Deputy Director-General, Policy and Program Support
Ms Bernadette Ditchfield	Executive Director, Lands and Mines Policy
Mr Rex Meadowcroft	Director, Legislative Support
Mr Graham Nicholas	Director, Vegetation Management Policy, Lands and Mines Policy
Mr Craig Watson	Mining Registrar, Southern Region
Mr Mark Kelly	Regional Director, Southern Region

Department of Environment and Heritage Protection

Mr Bryce Hertslet	Regional Manager , Southern Region – East, Environmental Services & Regulation Division
Mr Damon Cheyne	Principal Environmental Officer, Environmental Services & Regulation Division

Hearing witnesses 30 October 2013

Mr Peter Dowling MP, Member for Redlands
Mr Evan Hamman, Education Solicitor, Environmental Defenders' Office Queensland
Mr Campbell Jones, Chief Executive Officer, Sibelco Australia Limited
Mr Paul Smith, Sustainability Manager - Development, Sibelco Australia Limited
Mr Andrew Laming MP, Federal Member for Bowman
Mr Paul Donatiu, Executive Coordinator, National Parks Association of Queensland
Mr Lee Curtis, Coordinator, Protect the Bush Alliance
Mr David Thomson, Chairman, Straddie Chamber of Commerce
Ms Jennie Truman
Ms Jacqueline Cooper
Dr Jan Aldenhoven
Mrs Susan Martin
Auntie Jeannie Burns, Director, Quandamooka Yoolooburrabee Aboriginal Corporation
Mr Darren Burns, Quandamooka Senior Elder
Mr Cameron Costello, Chief Executive Officer, Quandamooka Yoolooburrabee Aboriginal Corporation
Uncle Gavin Costelloe, Quandamooka Senior Elder
Auntie Joan Hendriks, Chairperson, Quandamooka Yoolooburrabee Aboriginal Corporation
Auntie Evelyn Parkin, Quandamooka Senior Elder
Mr Dale Ruska, Goorumpul sovereign original first nation owner
Mrs Sue Ellen Carew, President, Friends of Stradbroke Island Inc.
Ms Mary Barram, Vice-President, Friends of Stradbroke Island Inc.

Appendix C – Summary of submissions

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
			Comments on Consultation for the Bill	
	9 Wildlife Preservation Society of Qld – Sunshine Coast & Hinterland		<i>“We deplore the lack of consultation on the Bill and there should have been opportunities for all interested parties to discuss the ramifications of the Bill” (sub 9, p3).</i>	<p>The department thanks the Wildlife Preservation Society of Queensland for their submission and notes the views expressed.</p> <p>The department did not undertake any public consultation in relation to the drafting of the Bill. However, the government’s election commitment in relation to extending sand mining on North Stradbroke Island was done in order to facilitate an orderly economic transition. As such, the government’s position has been known for some time. The department is implementing that commitment by this Bill.</p>
	12 Queensland Resources Council		<i>“strong concerns with the extremely short timeframe given for submissions to the Committee” (Sub 12, p3).</i>	<p>The department thanks the Queensland Resources Council for their submission and notes the views expressed relating to the short timeframes given for submissions to the Committee.</p> <p>The department is unable to respond to the QRC’s concern regarding the short timeframes of the Inquiry into the Bill. The timeframes are determined by the Committee of the Legislative Assembly and AREC.</p>
	15 Jackie Cooper		<p><i>“the time allowed for committee deliberations and public comment on the Bill is unacceptably, ridiculously short” (Sub 15, p 1)</i></p> <ul style="list-style-type: none"> • Bill was made without the consent of, or consultation with, the Quandamooka People. • there was no public or stakeholder consultation, apart from with the mining company 	<p>The department thanks the Ms Cooper for her submission and notes the views expressed.</p> <p>The department is unable to respond to Ms Cooper’s concern regarding the short timeframes of the Inquiry into the Bill. The timeframes are determined by the Committee of the Legislative Assembly and AREC.</p> <p>The department did not undertake any public consultation in relation to the drafting of the Bill. However, the government’s election commitment</p>

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
				<p>in relation to extending sand mining on North Stradbroke Island was done in order to facilitate an orderly economic transition. As such, the government's position has been known for some time. The department is implementing that commitment by this Bill.</p> <p>This Bill does not breach the Commonwealth <i>Native Title Act 1993</i>. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a 'future act', the rights under that Act, such as rights to compensation apply and are completely unaffected by the Bill.</p> <p>However, the Bill is drafted consistent with the government's policy position.</p>
	23 Confidential		<p>Is "very concerned that the government trampled over native title rights in order to make good favours to the mining company. The government has failed to consult with the Quandamooka People about the planned legislation but it met repeatedly with Sibelco ..." (sub 23, p1).</p>	<p>The department thanks Submitter No. 23 for their submission and notes their views.</p> <p>The department did not undertake any consultation with the traditional owners of North Stradbroke Island in relation to the drafting of the Bill.</p> <p>However, the government's election commitment in relation to extending sand mining on North Stradbroke Island was well known to all parties. It was done in order to facilitate an orderly economic transition. The department is implementing that commitment by this Bill. The department engaged with the QYAC once government approved the Bill to enact its election commitment.</p> <p>This Bill does not breach the Commonwealth <i>Native Title Act 1993</i>. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a 'future act', the rights under that Act, such as rights to</p>

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
				<p>compensation apply and are completely unaffected by the Bill.</p> <p>However, the Bill is drafted consistent with the government's policy position.</p>
	24 Darren Burns Quandamooka land council Chairperson		<i>"...a ridiculously short time has been given for public comment" (sub 24, p2).</i>	<p>The department thanks Mr Burns for his submission and notes the views expressed.</p> <p>The department is unable to respond to the Mr Burn's concern regarding the short timeframes of the Inquiry into the Bill. The timeframes are determined by the Committee of the Legislative Assembly and AREC.</p> <p>The department did not undertake any consultation with the traditional owners of North Stradbroke Island in relation to the drafting of the Bill.</p> <p>However, the government's election commitment in relation to extending sand mining on North Stradbroke Island was well known to all parties. It was done in order to facilitate an orderly economic transition. The department is implementing that commitment by this Bill. The department engaged with the QYAC once government approved the Bill to enact its election commitment.</p>
	32 Elinor Drake		<i>"... the 'consultation process' with only Sibelco [reveals] this government's bias in favour of Sibelco and its wishes" (Sub 32, p 1). Described the time allowed for submissions as "insultingly brief" (Sub 32, p 1)</i>	<p>The department thanks Ms Drake for her submission and notes the views expressed.</p> <p>The department did not undertake any public consultation in relation to the drafting of the Bill. However, the government's election commitment in relation to extending sand mining on North Stradbroke Island was done in order to facilitate an orderly economic transition. As such, the government's position has been known for some time. The department is implementing that commitment by this Bill.</p>
	34 Confidential		The government failed to consult with the Quandamooka People	The department thanks Submitter No. 34 for their submission and notes the views expressed in their

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
				<p>submission.</p> <p>The department did not undertake any consultation with the traditional owners of North Stradbroke Island in relation to the drafting of the Bill.</p> <p>However, the government's election commitment in relation to extending sand mining on North Stradbroke Island was well known to all parties. It was done in order to facilitate an orderly economic transition. The department is implementing that commitment by this Bill. The department engaged with the QYAC once government approved the Bill to enact its election commitment.</p> <p>This Bill does not breach the Commonwealth <i>Native Title Act 1993</i>. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a 'future act', the rights under that Act, such as rights to compensation apply and are completely unaffected by the Bill.</p> <p>The department also acknowledges that no public consultation occurred on the Bill.</p> <p>However, the Bill is drafted consistent with the government's policy position.</p>
	39 Bruce Martin and Susan Martin		<p>Object to the lack of consultation with NSI's environmental stakeholders and with the Quandamooka people.</p> <p>"absurd, hasty closure for (Committee) submissions" (Sub 39, p 2)</p> <p>"Your committee's inquiry process has been inadequate; possibly through no fault of your own other than you have been required by the government to move with undue haste which has not allowed for a proper submission process..." (Sub 39, p 2)</p>	<p>The department thanks Mr Bruce Martin and Ms Susan Martin for their submissions and the department has noted their comments.</p> <p>The department did not undertake any consultation with the traditional owners of North Stradbroke Island in relation to the drafting of the Bill.</p> <p>However, the government's election commitment in relation to extending sand mining on North Stradbroke Island was well known to all parties. It was done in</p>

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
				<p>order to facilitate an orderly economic transition. The department is implementing that commitment by this Bill. The department engaged with the QYAC once government approved the Bill to enact its election commitment.</p> <p>This Bill does not breach the Commonwealth <i>Native Title Act 1993</i>. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a ‘future act’, the rights under that Act, such as rights to compensation apply and are completely unaffected by the Bill.</p> <p>The department also acknowledges that no public consultation occurred on the Bill.</p> <p>However, the Bill is drafted consistent with the government’s policy position.</p>
	41, 42, 45, 46, 48, 50, 52, 54,		The government failed to consult with the Quandamooka People but it met repeatedly with Sibelco.	<p>The department thanks the Wildlife Preservation Society of Queensland – Logan, Mr Keogh, Mr Renn, Ms Tully-Wilson, Mr Moloney, Mr Khan, Wildlife Preservation Society of Queensland, and Mr Carruthers for their submission and notes the views expressed in their submissions.</p> <p>The department did not undertake any consultation with the traditional owners of North Stradbroke Island in relation to the drafting of the Bill.</p> <p>However, the government’s election commitment in relation to extending sand mining on North Stradbroke Island was well known to all parties. It was done in order to facilitate an orderly economic transition. The department is implementing that commitment by this Bill. The department engaged with the QYAC once government approved the Bill to enact its election commitment.</p>

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
				<p>This Bill does not breach the Commonwealth <i>Native Title Act 1993</i>. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a ‘future act’, the rights under that Act, such as rights to compensation apply and are completely unaffected by the Bill.</p> <p>The department also acknowledges that no public consultation occurred on the Bill.</p> <p>However, the Bill is drafted consistent with the government’s policy position.</p>
	44 Melody Cooper		<p>Questions why such a short time has been allocated for public comment.</p> <p>Notes that Government consulted with Sibelco but failed to consult with the Quandamooka People.</p>	<p>The department thanks Ms Cooper for their submission and notes the views expressed.</p> <p>The department is unable to respond to the QRC’s concern regarding the short timeframes of the Inquiry into the Bill. The timeframes are determined by the Committee of the Legislative Assembly and AREC.</p> <p>The department did not undertake any consultation with the traditional owners of North Stradbroke Island in relation to the drafting of the Bill.</p> <p>However, the government’s election commitment in relation to extending sand mining on North Stradbroke Island was well known to all parties. It was done in order to facilitate an orderly economic transition. The department is implementing that commitment by this Bill. The department engaged with the QYAC once government approved the Bill to enact its election commitment.</p> <p>This Bill does not breach the Commonwealth <i>Native Title Act 1993</i>. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a ‘future</p>

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				<p>act', the rights under that Act, such as rights to compensation apply and are completely unaffected by the Bill.</p> <p>The department also acknowledges that no public consultation occurred on the Bill.</p> <p>However, the Bill is drafted consistent with the government's policy position.</p>
	60 Confidential		Lack of consultation with Traditional Owners.	<p>The department thanks Submitter No. 60 for their submission and notes the views expressed.</p> <p>The department did not undertake any consultation with the traditional owners of North Stradbroke Island in relation to the drafting of the Bill.</p> <p>However, the government's election commitment in relation to extending sand mining on North Stradbroke Island was well known to all parties. It was done in order to facilitate an orderly economic transition. The department is implementing that commitment by this Bill. The department engaged with the QYAC once government approved the Bill to enact its election commitment.</p> <p>This Bill does not breach the Commonwealth <i>Native Title Act 1993</i>. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a 'future act', the rights under that Act, such as rights to compensation apply and are completely unaffected by the Bill.</p> <p>The department also acknowledges that no public consultation occurred on the Bill.</p> <p>However, the Bill is drafted consistent with the government's policy position.</p>
	62 Confidential		Lack of consultation with Traditional Owners <i>"who are already</i>	The department thanks Submitter No. 62 for their

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			<i>making great strides with respect to land management and through building a number of viable businesses in order to service the growing tourism industry and the community” (sub 62, p1).</i>	<p>submission and notes the views expressed.</p> <p>The department did not undertake any consultation with the traditional owners of North Stradbroke Island in relation to the drafting of the Bill.</p> <p>However, the government’s election commitment in relation to extending sand mining on North Stradbroke Island was well known to all parties. It was done in order to facilitate an orderly economic transition. The department is implementing that commitment by this Bill. The department engaged with the QYAC once government approved the Bill to enact its election commitment.</p> <p>This Bill does not breach the Commonwealth <i>Native Title Act 1993</i>. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a ‘future act’, the rights under that Act, such as rights to compensation apply and are completely unaffected by the Bill.</p> <p>The department also acknowledges that no public consultation occurred on the Bill. However, the Bill is drafted consistent with the government’s policy position.</p>
	76 Margaret Barram		Concern about short time frame given to make submissions	<p>The department thanks Ms Barram for her submission and the department has noted her comments.</p> <p>The department is unable to respond to the Ms Barram’s concern regarding the short timeframes of the Inquiry into the Bill. The timeframes are determined by the Committee of the Legislative Assembly and AREC.</p>
	84 Linda Walding		Government consulted with Sibelco but failed to consult with the Quandamooka People	<p>The department thanks Ms Walding for her submission and the department has noted her comments.</p> <p>The department did not undertake any consultation</p>

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				<p>with the traditional owners of North Stradbroke Island in relation to the drafting of the Bill.</p> <p>However, the government's election commitment in relation to extending sand mining on North Stradbroke Island was well known to all parties. It was done in order to facilitate an orderly economic transition. The department is implementing that commitment by this Bill. The department engaged with the QYAC once government approved the Bill to enact its election commitment.</p> <p>This Bill does not breach the Commonwealth <i>Native Title Act 1993</i>. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a 'future act', the rights under that Act, such as rights to compensation apply and are completely unaffected by the Bill.</p> <p>The department also acknowledges that no public consultation occurred on the Bill.</p> <p>However, the Bill is drafted consistent with the government's policy position.</p>
	86 Samantha Searle		One week (for submissions to the committee) is an insufficient public consultation period	<p>The department thanks Ms Searle for her submission and has noted her comments.</p> <p>The department is unable to respond to Ms Searle's concern regarding the short timeframes of the Inquiry into the Bill. The timeframes are determined by the Committee of the Legislative Assembly and AREC.</p>
	89 Associate Professor Darryl Eyles		"The government has failed to consult with the Quandamooka People about the planned legislation but it met repeatedly with Sibelco, as revealed in the ABC 7.30 program (18.7.13) and in Estimates (19.7.13)." (Sub 89, p.1)	<p>The department thanks Associate Professor Eyles for his submission and the department has noted his comments.</p> <p>The department did not undertake any consultation with the traditional owners of North Stradbroke Island in relation to the drafting of the Bill.</p>

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				<p>However, the government's election commitment in relation to extending sand mining on North Stradbroke Island was well known to all parties. It was done in order to facilitate an orderly economic transition. The department is implementing that commitment by this Bill. The department engaged with the QYAC once government approved the Bill to enact its election commitment.</p> <p>This Bill does not breach the Commonwealth <i>Native Title Act 1993</i>. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a 'future act', the rights under that Act, such as rights to compensation apply and are completely unaffected by the Bill.</p> <p>The department also acknowledges that no public consultation occurred on the Bill.</p> <p>However, the Bill is drafted consistent with the government's policy position.</p>
	90 Patricia Gibson		"Rushing legislation through without due consideration to public debate and proper consideration is becoming the normal course of action (Sub 90, p 1). Extremely short public consultation period	<p>The department thanks Ms Gibson for her submission and has noted her comments.</p> <p>The department is unable to respond to Ms Gibson's concern regarding the short timeframes of the Inquiry into the Bill. The timeframes are determined by the Committee of the Legislative Assembly and AREC.</p>
	94 David Storor & Mary Barram		Concerned that "this legislation is being rushed through without time for proper consultation with all stakeholders. The consequences of this Bill will have extremely significant, detrimental and long term effects on all aspects of the Island's environment, society and economy. There is no emergency that requires this legislation to be forced through without proper consultation with Queensland's citizens." (Sub 94, p 3)	<p>The department thanks Mr Storor and Ms Barram for their submission and notes their comments.</p> <p>The department acknowledges that no public consultation occurred on the Bill. The department further understands that the government decided that consultation occurred at the time of the election. The government made an election commitment and the department is implementing that commitment by this</p>

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				<p>Bill.</p> <p>However, the Bill is drafted consistent with the government's policy position.</p>
	100 Catherine Laura Simmons		Government consulted with Sibelco but failed to consult with the Quandamooka People.	<p>The department thanks Ms Simmons for her submission and has noted her comments.</p> <p>The department did not undertake any consultation with the traditional owners of North Stradbroke Island in relation to the drafting of the Bill.</p> <p>However, the government's election commitment in relation to extending sand mining on North Stradbroke Island was well known to all parties. It was done in order to facilitate an orderly economic transition. The department is implementing that commitment by this Bill. The department engaged with the QYAC once government approved the Bill to enact its election commitment.</p> <p>This Bill does not breach the Commonwealth <i>Native Title Act 1993</i>. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a 'future act', the rights under that Act, such as rights to compensation apply and are completely unaffected by the Bill.</p> <p>The department also acknowledges that no public consultation occurred on the Bill.</p> <p>However, the Bill is drafted consistent with the government's policy position.</p>
	103 Queensland Conservation		In our view there has been completely inadequate consultation on the development of this bill. Even the Quandamooka people, who have native title rights have been largely excluded. The only party that seems to have been fully consulted and briefed is the mining company. (Sub 103, p.2)	<p>The department thanks the Queensland Conservation Council for their submission and has noted their comments.</p> <p>The department did not undertake any consultation</p>

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				<p>with the traditional owners of North Stradbroke Island in relation to the drafting of the Bill.</p> <p>However, the government's election commitment in relation to extending sand mining on North Stradbroke Island was well known to all parties. It was done in order to facilitate an orderly economic transition. The department is implementing that commitment by this Bill. The department engaged with the QYAC once government approved the Bill to enact its election commitment.</p> <p>This Bill does not breach the Commonwealth <i>Native Title Act 1993</i>. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a 'future act', the rights under that Act, such as rights to compensation apply and are completely unaffected by the Bill.</p> <p>The department also acknowledges that no public consultation occurred on the Bill.</p> <p>However, the Bill is drafted consistent with the government's policy position.</p>
	112 Australian Conservation Foundation		"Despite many promises, the Quandamooka people were not consulted over this Bill" (Sub 112, p 2).	<p>The department thanks the Australian Conservation Foundation for their submission and notes their comments.</p> <p>The department did not undertake any consultation with the traditional owners of North Stradbroke Island in relation to the drafting of the Bill.</p> <p>However, the government's election commitment in relation to extending sand mining on North Stradbroke Island was well known to all parties. It was done in order to facilitate an orderly economic transition. The department is implementing that commitment by this Bill. The department engaged with the QYAC once</p>

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				<p>government approved the Bill to enact its election commitment.</p> <p>This Bill does not breach the Commonwealth <i>Native Title Act 1993</i>. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a ‘future act’, the rights under that Act, such as rights to compensation apply and are completely unaffected by the Bill.</p> <p>The department also acknowledges that no public consultation occurred on the Bill.</p> <p>However, the Bill is drafted consistent with the government’s policy position.</p>
	115 Quandamooka Yoolooburrabee Aboriginal Corporation		<p><i>Quandamooka People do not believe that this submission process is adequate to constitute “consultation” on the proposed amendments and this submission, and our participation in the hearing does not constitute any form of consent from the Quandamooka People to the proposed Bill” (sub 115, p2).</i></p>	<p>The department thanks the Quandamooka Yoolooburrabee Aboriginal Corporation for their submission and notes the views expressed.</p> <p>The department did not undertake any consultation with the traditional owners of North Stradbroke Island in relation to the drafting of the Bill.</p> <p>However, the government’s election commitment in relation to extending sand mining on North Stradbroke Island was well known to all parties. It was done in order to facilitate an orderly economic transition. The department is implementing that commitment by this Bill. The department engaged with the QYAC once government approved the Bill to enact its election commitment.</p> <p>This Bill does not breach the Commonwealth <i>Native Title Act 1993</i>. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a ‘future act’, the rights under that Act, such as rights to</p>

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				<p>compensation apply and are completely unaffected by the Bill.</p> <p>The department also acknowledges that no broader public consultation occurred on the Bill.</p> <p>The Bill is drafted consistent with the government's policy position.</p>
	120 Yusuke Akai		Government consulted with Sibelco but failed to consult with the Quandamooka People.	<p>The department thanks Mr Akai for his submission and notes his comments.</p> <p>The department did not undertake any consultation with the traditional owners of North Stradbroke Island in relation to the drafting of the Bill.</p> <p>However, the government's election commitment in relation to extending sand mining on North Stradbroke Island was well known to all parties. It was done in order to facilitate an orderly economic transition. The department is implementing that commitment by this Bill. The department engaged with the QYAC once government approved the Bill to enact its election commitment.</p> <p>This Bill does not breach the Commonwealth <i>Native Title Act 1993</i>. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a 'future act', the rights under that Act, such as rights to compensation apply and are completely unaffected by the Bill.</p> <p>The department also acknowledges that no public consultation occurred on the Bill.</p> <p>However, the Bill is drafted consistent with the government's policy position.</p>
	122 Environmental Defenders Office (Qld)		<p>No public consultation.</p> <p>"The 'election commitment' was vague and therefore gave no</p>	<p>The department thanks the EDO Queensland for their submission and notes their comments.</p>

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	Inc.		mandate. A comprehensive consultation process should be introduced starting with a public policy discussion paper from the relevant government department" (Sub 122, p 1)	
	127 The Wilderness Society		<i>"Finally, the fact that the public has only been given a little over a week to comment on complex legislation that has many ramifications for the island community, the environment, the Quandamooka People and the People of Queensland is unacceptable"</i> (sub 127, p2).	<p>The department thanks the Wilderness Society for their submission and notes the views expressed.</p> <p>The department is unable to respond to the QRC's concern regarding the short timeframes of the Inquiry into the Bill. The timeframes are determined by the Committee of the Legislative Assembly and AREC. The department did not undertake any consultation with the traditional owners of North Stradbroke Island in relation to the drafting of the Bill.</p> <p>However, the government's election commitment in relation to extending sand mining on North Stradbroke Island in order to facilitate an orderly economic transition. The department is implementing that commitment by this Bill.</p> <p>This Bill does not breach the Commonwealth <i>Native Title Act 1993</i>. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a 'future act', the rights under that Act, such as rights to compensation apply and are completely unaffected by the Bill.</p> <p>The department also acknowledges that no public consultation occurred on the Bill.</p> <p>However, the Bill is drafted consistent with the government's policy position.</p>
	130 Lance Blemmings JP		Insufficient time to address an issue of such importance	<p>The department thanks Mr Blemmings JP for his submission and notes the views expressed.</p> <p>The department also acknowledges that no public consultation occurred on the Bill. The department further understands that the government decided that</p>

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				consultation occurred at the time of the election. The government made an election commitment and the department is implementing that commitment by this Bill. However, the Bill is drafted consistent with the government's policy position.
			Comments on Explanatory Notes	
	55 Ron Jackson		"Explanatory notes do not provide any real analysis of the effects of extending the time frame and extensions to the lease areas on the economy of the island and its natural features. Most of the arguments put forward for the Bill simply reflect the aspirations of Sibelco and could have been obtained from the company's publicity statements " (sub 55, p1).	The Department thanks Mr Jackson for his submission and notes his views in relation to the sufficiency of the Explanatory Notes. It is noted that further economic analysis has been provided to the Committee and is publicly available on the Committee website. The Bill is drafted consistent with the government's policy position.
			General comments in support the Bill	
	1 Senator the Hon. Ron Boswell		Supports the Bill on economic grounds (i.e. jobs, community grants and donations from mining, transport fuel and facilities supplied because of mining) and gives time for transitioning economy from mining.	The Department thanks Senator Boswell for his submission and support.
	2 Mr Steve Davies MP		Supports the Bill on economic grounds (jobs – nearly 300 on the island and 230 on the mainland, contribution to Island economy - \$130 million each year) and helps Stradbroke Island (SI) community groups grow.	The Department thanks Mr Davies MP for his submission and support.
	3 Straddie Sand Mining Community Fund		Support the bill. "Continuation of mining is essential for Sibelco to provide funds to the organisation and to give sufficient time for the economic transition of the island to occur" (sub 3, p2).	The Department thanks the Straddie Sand Mining Community Fund for their submission and support.
	4 Confidential		Believes "sand mining on North Stradbroke Island is a vital part of the local community and a must if people are going to continue to live" there (sub 4). Company employs "a large amount of the local people and supports the majority of events and clubs on NSI" (sub 4).	The Department thanks Submitter No. 4 for their submission and support.
	5. Michael Shilling		Supports the Bill. Works for Sibelco. Notes the importance of sand mining for sustaining local businesses and providing employment, and notes that extending the mining life to 2035 would allow time for the community and economy of North	The Department thanks Mr Shilling for his submission and support.

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			Stradbroke to evolve successfully so that it could then become sustainable without mining.	
	6. George Welland		Supports the Bill. Works for Sibelco – makes the same points as sub 5.	The Department thanks Mr Welland for his submission and support.
	7. Confidential		Supports the Bill. Works for Sibelco. Believes the continuation of sandmining will ensure continued employment and income to pay the mortgage and other costs for his family to remain on the island.	The Department thanks Submitter No. 7 for their submission and support.
	8. Confidential		Supports the Bill. Works for Sibelco and is a Quandamooka traditional owner. Acknowledges that the money earned in his job with the company has given his family a good living.	The Department thanks Submitter No. 8 for their submission and support.
	11 Redland City Chamber of Commerce Inc.		Supports the Bill on the basis that it provides certainty regarding Sibelco's operations on North Stradbroke Island (NSI) which will "encourage further business and investment in Redland City" (Sub 11, p 2). (Sibelco is a "major business in Redland City" (Sub 11, p 1)). Sand mining provides jobs and "the economic platform for local businesses" (p 1) on NSI. The mine makes the barge service effective and lowers the cost of travel to/from the island for all. The submitter contends that tourism has a limited ability to replace sand mining in an economic sense, "particularly given seasonal variances and the limited ability for value added services" (Sub 11, p 1).	The Department thanks the Redland City Chamber of Commerce Inc. for their submission and support.
	12 Queensland Resources Council		Supports the Bill on the basis that it: <ul style="list-style-type: none"> • resolves the potential sovereign risk problem for Queensland resources investment created by the North Stradbroke Island Protection and Sustainability Act 2011 • acknowledges the importance of the sand mining industry to the NSI and Queensland economy (employment, infrastructure, support for community groups, royalty payments) • provides time to transition to other industries. 	The Department thanks the Queensland Resources Council for their submission and support.
	13 Confidential		Long-time resident of the island. Supports the Bill. Works in the mines and considers that Sibelco contributes to community. Tourism is not a sustainable way to keep the island open.	The Department thanks Submitter No. 13 for their submission and support.
	14 Straddie Chamber of Commerce		Supports the changes in the legislation. "Sand Mining industry has provided the direct employment opportunities for the residents and the critical mass for business sustainability on the island" (sub 14, p1). "Support is driven by the need to have time to develop and	The Department thanks the Straddie Chamber of Commerce Inc for their submission and support.

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	16 Confidential		implement transition industries to replace mining” (sub 14, p2). Full time resident on island and land owner since 1979. Full support for the proposed amendments. Company has made positive contributions to the environment, community and economy. “Proper planning and balanced legislation is required to extend mining to ensure a smooth economic transition, to maintain prosperity and promote a healthy community, to improve transportation systems, address various issues involved with people who choose to live in the bush, and to identify and implement long term strategies to promote tourism on various fronts” (sub 16, p 1-2).	The Department thanks Submitter No. 16 for his submission and support.
	17. Sibelco Australia Limited		“With the certainty this legislation brings, Sibelco will be able to make investment decisions worth millions of dollars. Investment that will; provide certainty for workforce, reduce the interaction between mining activities , residents and visitors, reduce our footprint and environmental impact, and support the island community’s long term aspirations. Sand mining has underpinned the economy of North Stradbroke island for over 60 years and the previous government’s plan t cease all mining activity by 2019 did not allow sufficient time for an alternative economy to develop. Sibelco continues to work hard to be a good neighbour and ensure our operations do not impact on the Indigenous Joint management Areas and are respectful of the native Title Rights of the Quandamooka people. By continuing sand mining, we are delivering job security for a large number of indigenous and non-indigenous families on North Stradbroke island. We also remain committed to maintaining our high standard of environmental rehabilitation.” (Sub 17, p.1)	The Department thanks Sibelco Australia Limited for their submission and support.
	28 Mr David G Christie		Supports the Bill on economic grounds – employment and flow on effects (eg enabling other businesses to remain viable) – and social grounds (eg maintain numbers at local primary school, enable the local rugby club to continue its junior teams; financial support for island activities (eg. primary school, football club, Island Vibes Jazz Festival, indigenous elders, etc)). Income from tourism will be insufficient to replace that of mining. Mining only covers a small fraction of NSI and is invisible to most residents.	The Department thanks Mr Christie for his submission and support.
	35 Ms Sonia Bryant		Owner of a small business.	The Department thanks Ms Bryant for her submission

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			<p>“Business relies on the consistent custom provided by the employees and their families of Sibelco. The island economy suffers from the ups and downs of tourism peaks and troughs; therefore the consistent nature of business the sandmining provides, helps us to weather these storms” (sub 35, p1).</p> <p>“It is important to acknowledge the support that Sibelco gives to the community. They provide financial and resource assistance to a lot of projects and groups on the island” (sub 35, p1).</p>	and support.
	36 Mr John Bryant		<p>Long term resident of 50 years.</p> <p>“Employment depends directly on the continuation of mining on Stradbroke Island” (sub 36).</p> <p>“... understand that mining is finite, sufficient time needs to be given to develop replacement industries” (sub 36).</p>	The Department thanks Mr Bryant for her submission and support.
	43 Ms Karen Garrett		<p>If the mine were to close, it would mean the loss of her husband’s job. A similar scenario would be played out in many households, especially in the Dunwich area. There would be a flow-on effect elsewhere on NSI, with other businesses maybe having to lay off staff.</p> <p>Sibelco undertakes good rehabilitation.</p>	The Department thanks Ms Garrett for her submission and support.
	50 Mr Munzur George Khan		<p>“The Island went from strength to strength based on the injection of funds from the Mining Industry” (sub 50, p2).</p> <p>“Young people had more opportunities to work in the mines, complete apprenticeships/traineeships” (sub 50, p2).</p> <p>“Mining has provided many benefits to the Island and has been the main source of financial support. This needs to continue to ensure the full potential of the Island resources both in tourism and mining is achieved in orderly and timely manner” (sub 50, p3).</p>	The Department thanks Mr Khan for his submission and support.
	70 Paul and Allyson Smith		<p>Without work at the mine, the submitter and his family would not have had the opportunities they would have had. Without the mine, ferry services would be lessened and everything would be more expensive, similar to Moreton Island.</p> <p>If the Bill is passed, it will “generate confidence in NSI and certainty for the economy” (Sub 70, p 1). It will give time for the new economy to develop.</p>	The Department thanks Mr and Mrs Smith for their submission and support.
	74 Marine Rescue Stradbroke Island		<p>Supports the continuation of mining because of its funding of the organisation.</p> <p>Many island community groups dependent on Sibelco’s donations.</p> <p>Mining needs to continue to allow time to transition to alternative industries.</p>	The Department thanks Marine Rescue Stradbroke Island for their submission and support.

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	77 North Stradbroke Island Rugby League & Allsports Club Inc.		Supports the continuation of mining on the Island. “We have had a long history with the various companies who have held the mining leases and have enjoyed both sponsorship and support since our inception in 1986” (sub 77). “With a large number of our members being employed by the Mines, the closure of this industry would leave a vast hole in our community, with a flow on effect to most businesses, including ours” (sub 77).	The Department thanks the North Stradbroke Island Rugby League & All sports Club Inc. for their submission and support.
	78 Transit Systems		Support the Bill. Owner and operator of vehicle ferry to NSI and owner of high speed water taxi to the island. Estimates that 40% of the volume carried on the ferries is commercial traffic (servicing the mine and the associated resident community), as distinct from tourist vehicles. The commercial traffic includes “rubbish removal off the Island, petrol and diesel for the mine and community, food and dry goods plus the general cargo for a community of permanent residents and visitors” (sub 78, p 1). Can only maintain regular frequent services because of the commercial traffic. Without it, the ferry company could not operate either the current timetable or fare structure. Eg Moreton Island – only one return trip per day and more expensive. Many services on NSI are enhanced because of the mine.	The Department thanks Transit Systems for their submission and support.
	79 Mr Bill Giles		Resident of the island “Consequently I have witnessed not only the development of techniques and practice for the rehabilitation of mined land but also the benefits the presence of sand miners have brought to the community”. “The majority of island residents accepts that there must be an end to sand mining on the island. All we ask is the time and resources to prepare for that time. The task of ensuring an enduring economic future for the island is an extremely complex one and will require years of research and planning. What the LNP is offering is a time frame within which to do that and during which we will have the continuing support of Sibelco. Please do not deny us that” (sub 79).	The Department thanks Mr Giles for his submission and support.
	80 Mary Pollard		Supports the Bill because: <ul style="list-style-type: none"> the company contributes to NSI’s economy (employment, donations to community groups) when mining finishes there will be a negative impact on ferry services (may drop to 1 service per day) 	The Department thanks Ms Pollard for her submission and support.

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			<ul style="list-style-type: none"> when mining finishes the value of houses and land will drop, retail businesses will be negatively impacted and may become unviable it provides a longer period to transition the economy 	
	85 Mr Greg Hoole		<p>Supports the Bill</p> <p>“Company employs approx. 300 local residents 20 per cent of whom are indigenous.</p> <p>The company donate a lot of the island’s community organisations</p> <p>The sand mining company is also one of the first to offer help if there is a bush fire on the island.</p> <p>My concern when mining finishes is the impact on ferry services to the island. The ferry company has already stated that there is a real possibility of only running one service a day to the island.</p> <p>The shops on the island will take a blow as numbers decrease and viability will become questionable” (sub 85).</p>	The Department thanks Mr Hoole for his submission and support.
	106 CANEGROWERS		<p>CANEGROWER’s submission comments only on the proposed amendments to the VMFAA.</p> <p>“strongly supports” the proposed amendments to the VMFAA – remove duplication of regulatory requirements, without undermining environmental protection.</p>	The Department thanks Canegrowers for their submission and support.
	111 Dr Mark Robinson MP		<p>Supports the Bill</p> <p>“When the previous government announced their intention in mid-2010 without consulting the more than 2000 residents, the community was outraged. Since July 2010 the residents have been surveyed and petitioned.</p> <p>A survey conducted by my office in July-September 2010 was sent to all residents. About 700 responses from local residents were received. A huge majority (more than 80%) rejected the former governments plan and clearly advocated a re-instatement of the understood timelines for sandmining” (sub 111).</p>	The Department thanks Dr Robinson MP for his submission and support.
	114 Indigenous sand miners of NSI		<p>If the Bill passed it will “provide certainty to the Indigenous and wider NSI community” (Sub 114, p 1).</p> <p>It will also:</p> <ul style="list-style-type: none"> provide training and employment, directly supporting 60 Indigenous families provide a smoother transition to tourist-based economy provide “[o]pportunities for long term sustainable land management outcomes” (Sub 114, p 1). 	The Department thanks The Indigenous Sand Miners of NSI for their submission and support.
	116 AgForce		AgForce’s submission comments only on the proposed amendments	The Department thanks AgForce’s submission and

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			to the Vegetation Management Framework Amendment Act 2013 (VMFAA). AgForce “wholeheartedly” (Sub 116, p 3) supports the proposed amendments to the VMFAA. i.e. the omissions of ss 22DAB(2)(d) and (3) and 22DAC(1)(e) and (1)(i). AgForce “looks forward to further information on how the offsets policy may operate” (Sub 116, p 2)	support.
	124 Ms Beth Pfeffer		The Bill gives the NSI business community time to develop new ventures and increase tourism and eco products. Sand mining is not damaging to the island as the mined areas can be successfully rehabilitated. Sibelco is a good citizen and the reason that there is a golf club, football club, etc.	The Department thanks Ms Pfeffer for her submission and support.
	129 Mr Peter Dowling MP		Significant project in Redland City. Provides jobs and real careers and has been a source of steady employment for locals on and off on the island (sub 129).	The Department thanks Mr Dowling MP for his submission and support.
	133 Andrew Laming MP, Federal Member for Bowman		Supports the Bill and notes: <ul style="list-style-type: none"> It will boost economic confidence on the island and secure its future for a generation Imperative that governments transition to a post-sandmining economy in a considered, strategic and sensitive way Continuation of sand mining until 2035 provides the transition period needed to develop alternative economic activities on NSI His community survey on the island in 2012 with a questionnaire posted to every post office box on the island suggests strong support – an overwhelming 87% of NSI residents supported the continuation of sand mining operations beyond 2019 A separate opinion poll showed 84% support for sand mining “The 2012 Queensland state election also delivered the LNP a state wide mandate to extend sand mining operations beyond 2019.” (Sub 133, p.1) The introduction of the legislation fulfils a key commitment by the LNP at state and federal levels. Failure by the Queensland Government to do this would be seen as a breach of faith with Queenslanders. Sand mining is a key employer on NSI, and the loss of the industry would have an acute impact on the island. Sand mining is highly integrated with other industries across the island magnifying the impacts of a rapid cessation of the industry on the entire NSI economy – loss of jobs and reduced economic 	The Department thanks the Federal Member for Bowman, Mr Andrew Laming MP for his submission and support.

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			<p>activity and reduced property values would do great long term harm t the community</p> <ul style="list-style-type: none"> • A study in 2010 found that early ending of sand mining would result. In \$125 million per annum loss to the NSI economy of which \$77.5 million would be value added loss. • Notes the recent study by the Department of State Development , Infrastructure and Planning that noted economic gains to NSI and Queensland to be around \$1.5 billion in mineral production, \$950 million in value added to gross regional/state product and royalties of \$75.4 million to the state. • Noted localised impacts on NSI with 40% of children attending schools on the island from sand mining families. "...reducing the number of students attending NSI schools will impact on the future viability of educational services." (Sub 133, p.2) • The viability of other essential services are also put at risk by shrinking NSI population – health, ferry, vehicle transport, retail, hospitality and tourism services will all be detrimentally impacted • Sand mining operations have co-existed with tourism and other industries since mining on the island commenced in 1949. "There is no evidence to suggest that sandmining has impeded the creation or expansion of other industries." (Sub 133, p.2) • '...there is yet to be a realistic strategy proposed by any stakeholder that would ameliorate the significant social economic impacts of ending sandmining early as was proposed by the former Labor administration." (Sub 133, p.2) • All of the environmental risks posed by sand mining appear to be managed by the mine operator in accordance with best practice and Sibelco Australia Limited undertakes environmental rehabilitation and remediation to world-class standards." (Sub 133, p.3) • The new EA will continue the stringent environmental protections already in place, and contemporize the current EA by removing redundant provisions." (Sub 133, p.3) • An investigation by Queensland Health in July 2012 found no elevated health risks posed to residents and employees by the mining, production and transportation process • "...the early cessation of sand mining and loss of royalty payments, with no replacement income, will also impact the 	

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			<p>local Indigenous community.” (Sub 133, p.3)</p> <ul style="list-style-type: none"> “Any future changes to sandmining operations should only be made in accordance with the terms of the ILUA and with the consent of the Quandamooka people.” (Sub 133, p.4) 	
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			General comments opposing the Bill	
	9 Wildlife Preservation Society of Qld – Sunshine Coast & Hinterland		Object to the proposed amendments to the North Stradbroke Island Protection and Sustainability Act 2011.	<p>The Department thanks the Wildlife Preservation Society of Queensland (Sunshine Coast and Hinterland) for their submission and the department notes their submission.</p> <p>However, the Bill is drafted consistent with the government’s policy position.</p>
	10 Ms Barbara Brindley		<ul style="list-style-type: none"> opposes the prolonging of mining on NSI because of habitat and wildlife loss. concerned that future generations will not be able to experience the beauty of NSI. 	<p>The Department thanks Ms Brindley for her submission and the department notes her views.</p> <p>In relation to Ms Brindley’s concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.</p> <p>The Bill is drafted consistent with the government’s policy position.</p>
	15 Ms Jackie Cooper		<p>Opposed to the Bill because:</p> <ul style="list-style-type: none"> Bill was made without the consent of, or consultation with, the Quandamooka People. there was no public or stakeholder consultation, apart from with the mining company Government access was granted to Sibelco following its support for the now Premier during the election; all Sibelco’s requirements are incorporated into the Bill - sovereign risk argument for supporting the bill is invalid because the miner was aware that “it was operating at Enterprise on expired leases prior to the Bligh 	<p>The Department thanks Ms Cooper for her submission and the department notes the issues as raised in her submission.</p> <p>The department acknowledges that no public consultation occurred on the Bill. The department further understands that the government decided that consultation occurred at the time of the election. The government made an election commitment and the department is implementing that commitment by this Bill.</p>

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			<p>government's renewal of expired leases to permit mining to extend until 2019" (Sub 15, p 1).</p> <ul style="list-style-type: none"> • Sibelco is currently before the courts • mining is a "declining industry on NSI" (Sub 15, p 2) – resources are becoming exhausted/uneconomic and employment at the mine now less – 173 mining jobs in 2001 cf 112 in 2011, and a drop in the percentage of residents employed by the mine (decrease of 35% over 10 years). • mining is a threat to the long-term economy of NSI because it destroys the environment on which certain other businesses depend • it is not possible to restore the environment to its original state • enabling mining to continue delays NSI's transition to "nature-based and other industries and businesses" (Sub 15, p 2) • Sibelco does not have as significant an impact on the NSI economy as it purports to have • the transition to other industries based on "existing natural and other assets and capacities" (Sub 15, p 3) can start now and will not require decades to be implemented • extending mining will mean that additional areas will be destroyed - mining leaves fragments of habitats and areas disturbed by mining "are prone to weeds and other pests such as cane toads" (Sub 15, p 3) and foxes • the government will only receive \$5 million per year in royalties • "Extending the Enterprise mine path along the 18 Mile Swamp escarpment would risk damaging the internationally-listed wetland, as well as the catchment to the Blue Lake" (Sub 15, p 3) • the Bill would "weaken environmental controls that govern mining, reducing buffer areas and removing conditions preventing off-lease harm" (Sub 15, p 3) • the Bill "puts the interests of mining before the conservation of NSI's remaining natural assets on which the island's environmental resilience – and economic future – depend". 	<p>In relation to Ms Cooper's concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.</p>

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	18, 19, 21, 37, 65, 66, 92, 97, 105		<p>Sand mining is Straddie's past, not its future. The island's future requires a sustainable and diverse economy based on Stradbroke's natural values, including tourism, education, arts and culture. Prolonged mining will only damage Stradbroke's unique nature brand.</p> <p>As the second largest sand island in the world, North Stradbroke Island already attracts between 300,000 and 400,000 people each year.</p> <p>The potential cost in lost tourism income from continuing sand mining is not worth the income from mining royalties, which over the life of the mines represent less than 0.2% of the Queensland Government's income this year alone.</p> <p>Worryingly, this Bill only serves the interests of big mining companies – to the detriment of our precious natural environment.</p> <p>During the 2012 State Election, Belgian miner, Sibelco, spent over \$90,000 to get Campbell Newman elected in Ashgrove.</p> <p>The Newman Government has since granted Sibelco exclusive access to political staff to discuss "making or amendment of legislation" without any Departmental officers present.</p> <p>Meanwhile, the Newman Government has ridden roughshod over native title agreements and failed to consult with the native titleholders, the Quandamooka People.</p> <p>This Bill, which extends sand mining on the island until 2035, represents an unfair deal that sells out the future of North Stradbroke Island for small economic gain.</p> <ul style="list-style-type: none"> • in the future, SI needs "a sustainable and diverse economy based on Stradbroke's natural values" (Sub 19, p 1) (eg tourism, education, arts and culture). • if sand mining continues, the potential loss of tourist income will not be offset from royalties from mining. • the Bill "only serves the interests of big mining companies" (Sub 19, p 1) to the detriment of the environment • the Government failed to consult with the native title holders (the Quandamooka People) • the Bill "represents an unfair deal that sells out the future of North Stradbroke Island for small economic gain" (Sub 19, p 2) 	<p>The department thanks Mr Adams; Mr Bellingham; Ms Perkins, Mr Brosnan, Ms Brosnan, Ms Green, Ms Rolfe, Mr Buzolic and Mr Darlington for their submissions. The department has noted their views.</p> <p>The department did not undertake any public consultation in relation to the drafting of the Bill. However, the government's election commitment in relation to extending sand mining on North Stradbroke Island was done in order to facilitate an orderly economic transition. As such, the government's position has been known for some time. The department is implementing that commitment by this Bill.</p> <p>There are many factors at play in relation to alternative industries. The longer transition time provided for by the Bill represents a balance between how long it will take to develop and establish alternative industries on the Island and ensuring that sand mining continues until further industries are established.</p> <p>Further, the government undertook an economic regional impact report on the impact of mineral sands mining and this report has been provided to the Committee.</p> <p>This report shows that extending the Enterprise mining leases from 2019 to 2035 will provide considerable economic benefits to North Stradbroke Island and the state through increased economic activities in terms of production, value added, royalties and jobs, in particular:</p> <ul style="list-style-type: none"> • extra mineral production of \$1.50 billion; • value added to the GRP/GSP of \$0.95 billion; • royalties to the State revenue of around \$75.74 million; and • jobs retained is 107 FTE from 2015 to 2035.
	22 Ms Trish Lake		Long-term resident. Completely oppose the Bill	The department thanks Ms Lake for her submission and

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			<p>“NSI should be protected from all forms of mining and it should be a natural reserve with the majority of the island national park, and all leases returned to national park in consultation with the Quandamooka Traditional Owners” (sub 22, p1).</p> <p>“Community members who rely on mining for jobs should be supported by the State Government to re-train to be employed in sustainable tourism ventures, and national parks on the island” (sub 22, p1).</p> <p>“The Bill lowers the bar on environmental controls. It removes buffers for Ramsar and national park and allows mining disturbance into plant communities previously protected under the provisions of the NSIPS Act 2011” (sub 22, p1).</p> <p>“There are question marks over the lack of EPBC Act approval for Enterprise mine and the Commonwealth is investigating” (sub 22, p1).</p>	<p>the department notes her views.</p> <p>The department did not undertake any public consultation in relation to the drafting of the Bill. However, the government’s election commitment in relation to extending sand mining on North Stradbroke Island was done in order to facilitate an orderly economic transition. As such, the government’s position has been known for some time. The department is implementing that commitment by this Bill.</p> <p>In relation to concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.</p>
	23 Confidential		<p>Long term resident. Completely opposes the amendment to the Bill.</p> <p>“ .. mining only employs approx.13% of the Island’s workers and many of these are looking at retirement or will move on well before these transitional years” (sub 23, p1).</p> <p>“There are plenty of jobs on the island already if people want them and there are plenty of opportunities for people to utilise what is already here to build a new business or improve on their current businesses” (sub 23, p1).</p>	<p>The Department thanks Submitter No.23 for their submission and the department has noted the points raised in their submission.</p> <p>However, the Bill is drafted consistent with the government’s policy position.</p>
	24 Mr Darren Burns, Chairperson, Quandamooka Land Council		<p>Completely opposes the Bill.</p> <p>“The Bill will allow mining into areas completely surrounded by the National Park.... The NSIPS Act 2011 provided for 80% of the island is to become national park, jointly managed by the Quandamooka People” (sub 24, p1).</p> <p>“The Quandamooka people voted to accept the NT consent determination deal which included the Mining deadlines this bill seeks to undo.</p> <p>“The Newman government should be ashamed to be so mean as to introduce a Bill which removes protective measures aimed at preserving Cultural resources which were sought for by Quandamooka people’s who had had their cultural resources mined for over 60 years during which time they also endured the White</p>	<p>The department thanks Mr Burns for his submission on the North Stradbroke Island Protection and Sustainability and Another Amendment Bill 2013.</p> <p>The extension of sand mining won’t impact on joint management of national parks on NSI. The existing national parks, which make up around 50% of NSI, will remain and continue to be jointly managed by Queensland Parks and Wildlife Service and the Quandamooka Yoolooburrabee Aboriginal Corporation pursuant to the Indigenous Management Agreement.</p> <p>In addition, it was the previous Government that made</p>

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			Australian policy as well as the assimilation policy" (sub 24, p2).	<p>commitments under the NSI vision that 80% of the Island would be National Park by 2027. The current Government has made no future commitments to National Park targets, and is not required under the ILUA or the IMA to meet that target.</p> <p>The native title determination the Quandamooka people have does not specify any end date for mining, nor does it impede the renewal of mining leases, either under the NSIPS Act or otherwise.</p> <p>The timeframes to end mining in the NSIPS Act were previous government policy and they are able to be changed without breaching the consent determination.</p>
	25 Mr Richard C. Copeman		<p>Contents that the Bill should not be proceed because:</p> <ul style="list-style-type: none"> • Sibelco is being investigated for non-compliance with the Environmental Protection and Biodiversity Conservation Act • the Bill removes the requirement for "ongoing environmental studies of largely old growth forest in the proposed extended mine path" (Sub 25, p 1) • long term jobs based on NSI's environment are likely to be jeopardised if mining continues and damages the environment • NSI is more valuable as a natural resource for tourism and recreation than for the short term gain from mining • the Bill "fails to restore the rights of Queenslanders to object to a mining extension and challenge a renewal in court. That right is available to them under the Mineral Resources Act which applies everywhere else in Queensland" (Sub 25, p 1), hence preferential treatment. • a case involving the mining company is currently underway. 	<p>The Department thanks Mr Copeman for his submission and the department notes the points raised.</p> <p>In relation to concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.</p> <p>There are many factors at play in relation to alternative industries. The longer transition time provided for by the Bill represents a balance between how long it will take to develop and establish alternative industries on the Island and ensuring that sand mining continues until further industries are established.</p> <p>Further, the government undertook an economic regional impact report on the impact of mineral sands mining and this report has been provided to the Committee.</p> <p>This report shows that extending the Enterprise mining leases from 2019 to 2035 will provide considerable economic benefits to North Stradbroke Island and the</p>

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				<p>state through increased economic activities in terms of production, value added, royalties and jobs, in particular:</p> <ul style="list-style-type: none"> • extra mineral production of \$1.50 billion; • value added to the GRP/GSP of \$0.95 billion; • royalties to the State revenue of around \$75.74 million; and • jobs retained is 107 FTE from 2015 to 2035.
	26 Ms Robin O'Rourke		<p>Strong opposed to the Bill.</p> <p>Excerpt of Fraser island used to highlight "Queensland Government has corrected past misjudgements" and been forced to realised that the value of places such as Fraser Island and North Stradbroke Island lies not in the resources that can be extracted but the unquantifiable beauty of the natural environment if it is protected" (sub 26, p2).</p>	<p>The Department thanks Ms O'Rourke for her submission and the department notes her views.</p> <p>In relation to Ms Cooper's concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.</p> <p>In conclusion, the Bill is drafted consistent with the government's policy position.</p>
	27 Mr Wayne Carne & Mrs Anne Carne		<p>Opposed to the Bill because:</p> <ul style="list-style-type: none"> • Sibelco is a private Belgian company that makes undisclosed profits from mining on NSI. • very few jobs result from mining on NSI • destruction of habitat that cannot be properly rehabilitated • uncertainty about long term impact on aquifers 	<p>The Department thanks Mr and Mrs Carne for her submission and the department notes her views.</p> <p>In relation to their concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.</p>
	29 Mr Michael Dawson		<p>"Extending mining up to the borders of the National park and the Ramsar Wetlands removes the previous safety barriers" (sub 29).</p>	<p>The Department thanks Mr Dawson for his submission and the department notes his views.</p> <p>In relation to Mr Dawson's concerns about the Ramsar wetlands and areas of National Park, and having regard</p>

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				<p>to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards.</p> <p>These safeguards include:</p> <ul style="list-style-type: none"> - Exclusions from operating within the Ramsar wetland; - Environmental monitoring and reporting requirements; - Management intervention where there are trigger level exceedances; and - Rehabilitation conditions requiring the disturbed land to be returned to natural conditions. <p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p>
	30 Confidential		<p>Completely opposes the Bill.</p> <p>Particularly concerned about the ability of Sibelco to mine to the edge of Ramsar listed wetlands with no buffer. Mining permanently destroys dune landscapes and habitats, and impacts on NSI's aquifers, Ramsar wetlands and endangered species (eg koalas, acid frogs and swamp orchids). The Bill will allow mining in areas surrounded by National Park and destroy land "earmarked future national park" (Sub 30, p 1). Sibelco is before the courts and is being investigated under the EPBC Act. The Bill retards NSI's development of a sustainable future based on its natural beauty.</p> <p>"... most concerned that on North Stradbroke Island, the Newman Government intends to allow the mining company Sibelco to mine right up to the Ramsar-listed wetland with no buffer at all" (Sub 30, p1).</p>	<p>The Department thanks Submitter No. 30 for their submission and the department notes their view.</p> <p>In relation to Mr Dawson's concerns about the Ramsar wetlands and areas of National Park, and having regard to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards.</p> <p>These safeguards include:</p> <ul style="list-style-type: none"> - Exclusions from operating within the Ramsar wetland; - Environmental monitoring and reporting requirements; - Management intervention where there are trigger level exceedances; and - Rehabilitation conditions requiring the disturbed land to be returned to natural conditions.

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			“The Bill would hold the island back from a genuinely sustainable future” (sub 30, p1).	In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.
	31 Mr Haig Beck		As a permanent resident, opposes the Bill. Considers that the “Bill disrespects the traditional owners of North Stradbroke Island, the Quandamooka People. They have not been consulted.... Unilateral action by the government to enact legislation exclusively favouring the mining company’s interests vitiates the ILUA signed in 2011 as part of the native title determination” (sub 31, p1). “This Bill cannot deliver economic stability to NSIMining is ending on NSI. The industry contributes a decreasing portion to the island’s economy while other sectors show an increase” (sub 31, p1).	The Department thanks Mr Beck for his submission and the department notes his point of view. The government is committed to fulfilling its obligations and responsibilities under the ILUA. In addition, the Department is confident that there is nothing in the ILUA which would prevent the extension of mining leases taking place. However, the Bill is drafted consistent with the government’s policy position.
	32 Ms Elinor Drake		A transition period of nearly 30 years is “extravagant and completely unnecessary” (Sub 32, p 1) The sooner mining stops on NSI the better. NSI’s economic future is dependent on having “a sustainable, diverse economy which is rooted in the island’s natural assets and values, including tourism, education, arts and indigenous culture” (Sub 32, p 1) Mining destroys NSI’s environment and it is unable to be successfully rehabilitated. “Permitting continued and extended destruction of the environment (as would be the case with the proposed Bill) is at odds with a sustainable economy for NSI” (Sub 32, p 2) The Bill puts mining interests first, at the expense of the environment.	The Department thanks Ms Drake for her submission and the department notes her views. In relation to Ms Drake concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually. The Bill is drafted consistent with the government’s policy position.
	33 Ms Fran Quinn		“ ... aghast at the Newman Government’s disregard for ENVIRONMENTAL EVALUATION regarding the Stradbroke aquifer, PRIOR to any decision involving obvious significant damage” (sub 33). Lack of transparent environmental evaluation.	The department thanks Ms Quinn for her submission and her comments are noted. The Environmental Studies Report which incorporated the Environmental Baseline Report was comprehensive for Area A within the proposed project area. This report

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				included findings on groundwater impacts and was reviewed by a Third Party and a Departmental Project Group. Since the report was compiled, the department and where appropriate the Government's expert Hydrologist, have reviewed the Annual Environmental Report as well as the monitoring plans. Departmental officers have determined that the ESR and subsequent reports are sufficient to make a decision on the proposed Environmental Authority amendments.
	34 Confidential		<p>Opposed to the Bill because:</p> <ul style="list-style-type: none"> • mining destroys ancient dunes • the Enterprise mine affects Ramsar wetlands • the effect of mining on aquifers is unknown • rare and threatened species (eg swamp orchid and daisy, acid frogs, glossy black cockatoos) will be affected by further mining • koalas will be affected by mining old growth forests • the government failed to consult with the Quandamooka People • Sibelco is currently before the courts • the Commonwealth is investigating potential breaches of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) • "Sibelco employs only 13% of the island workforce and further mining will jeopardise the long term sustainable jobs associated with nature tourism" (Sub 34, p 1). 	<p>The Department thanks Submitter No. 34 for their submission and the department has noted their views.</p> <p>In relation to Submitter No. 34's concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.</p> <p>In relation to the Ramsar wetlands and areas of National Park, and having regard to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards.</p> <p>These safeguards include:</p> <ul style="list-style-type: none"> - Exclusions from operating within the Ramsar wetland; - Environmental monitoring and reporting requirements; - Management intervention where there are trigger level exceedances; and - Rehabilitation conditions requiring the disturbed land to be returned to natural conditions. <p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a</p>

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				<p>number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p> <p>There are many factors at play in relation to alternative industries. The longer transition time provided for by the Bill represents a balance between how long it will take to develop and establish alternative industries on the Island and ensuring that sand mining continues until further industries are established.</p> <p>Further, the government undertook an economic regional impact report on the impact of mineral sands mining and this report has been provided to the Committee.</p> <p>This report shows that extending the Enterprise mining leases from 2019 to 2035 will provide considerable economic benefits to North Stradbroke Island and the state through increased economic activities in terms of production, value added, royalties and jobs, in particular:</p> <ul style="list-style-type: none"> • extra mineral production of \$1.50 billion; • value added to the GRP/GSP of \$0.95 billion; • royalties to the State revenue of around \$75.74 million; and • jobs retained is 107 FTE from 2015 to 2035. <p>In conclusion, the Bill is drafted consistent with the government's policy position.</p>
	37 Ms Lorraine Brosnan		This submission is almost the same as Subs 18, 19 and 21. See summary for Sub 19.	<p>The department thanks Ms Brosnan for their submissions. The department has noted their views.</p> <p>The department acknowledges that no public consultation occurred on the Bill. The department further understands that the government decided that consultation occurred at the time of the election. The government made an election commitment and the</p>

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
				<p>department is implementing that commitment by this Bill.</p> <p>There are many factors at play in relation to alternative industries. The longer transition time provided for by the Bill represents a balance between how long it will take to develop and establish alternative industries on the Island and ensuring that sand mining continues until further industries are established.</p> <p>Further, the government undertook an economic regional impact report on the impact of mineral sands mining and this report has been provided to the Committee.</p> <p>This report shows that extending the Enterprise mining leases from 2019 to 2035 will provide considerable economic benefits to North Stradbroke Island and the state through increased economic activities in terms of production, value added, royalties and jobs, in particular:</p> <ul style="list-style-type: none"> • extra mineral production of \$1.50 billion; • value added to the GRP/GSP of \$0.95 billion; • royalties to the State revenue of around \$75.74 million; and • jobs retained is 107 FTE from 2015 to 2035.
	38 Ms Jan Buhmann		<p>"I am not against sand mining as such but I believe there should be proper safeguards against irreversible habitat destruction and a timeline and plan that see the short term mining economy give way to long term eco-tourism economy" (sub 38, p1).</p> <p>"Proposed amendments should not be made. The bill will remove any baseline environmental studies and increase environmental hardship beyond the mining lease...The bill removes restrictions on the mine path that were designed to protect the habitat of threatened species" (sub 38, p1).</p> <p>"The bill claims that it will help transition Stradbroke's economy away from mining towards nature based tourism, but there are no plans or investment commitments to do this. Can these please be added?" (sub 38, p1)</p>	<p>The Department thanks Ms Buhmann for her submission and the department has noted her view.</p> <p>In relation to Ms Buhmann's concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.</p> <p>There are many factors at play in relation to alternative industries. The longer transition time provided for by the Bill represents a balance between how long it will</p>

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				<p>take to develop and establish alternative industries on the Island and ensuring that sand mining continues until further industries are established.</p> <p>Further, the government undertook an economic regional impact report on the impact of mineral sands mining and this report has been provided to the Committee.</p> <p>This report shows that extending the Enterprise mining leases from 2019 to 2035 will provide considerable economic benefits to North Stradbroke Island and the state through increased economic activities in terms of production, value added, royalties and jobs, in particular:</p> <ul style="list-style-type: none"> • extra mineral production of \$1.50 billion; • value added to the GRP/GSP of \$0.95 billion; • royalties to the State revenue of around \$75.74 million; and • jobs retained is 107 FTE from 2015 to 2035. <p>In conclusion, the Bill is drafted consistent with the government's policy position.</p>
	39 Bruce Martin and Susan Martin		<p>Opposed to the Bill because:</p> <ul style="list-style-type: none"> • the ILUA is not being respected • NSI is valuable as a natural resource for tourism, recreation and education and its biodiversity • NSI is already ready to transition to new economy not based on mining • sceptical about rehabilitation by miner • many of the Quandamooka people are ready for sandmining to finish • Glossy Black Cockatoo is threatened as a result of mining • the Bill will lead to a loss of jobs because jobs in tourism will be lost if the environment is damaged • it fails to restore the rights of Queenslanders to object to a mining extension and challenge a renewal in court, which is available under the Mineral Resources Act everywhere else in Queensland. 	<p>The department thanks Mr and Mrs Martin for their submission and has noted their comments.</p> <p>In relation to concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.</p> <p>In relation to the Ramsar wetlands and areas of National Park, and having regard to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards.</p>

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			<ul style="list-style-type: none"> “it is inappropriate that favours are being granted to a company facing criminal charges” (Sub 39, p 4) 	<p>These safeguards include:</p> <ul style="list-style-type: none"> - Exclusions from operating within the Ramsar wetland; - Environmental monitoring and reporting requirements; - Management intervention where there are trigger level exceedances; and - Rehabilitation conditions requiring the disturbed land to be returned to natural conditions. <p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p> <p>In conclusion, the Bill is drafted consistent with the government’s policy position.</p>
	40 Ms Daisy Barham		<p>Opposed to the Bill because it:</p> <ul style="list-style-type: none"> • prioritises mining over the tourism industry when mining is finite and tourism is sustainable • will facilitate mining that destroys dune landscapes and impacts on aquifers, Ramsar wetlands and endangered species such as koalas, acid frogs and swamp orchids, and progresses into areas surrounded by the National Park. • enables mining that will destroy “earmarked future national park” (Sub 40, p 1) • lowers environmental controls – removes buffers for Ramsar listed wetlands and national park, and allows mining disturbance into plant communities currently protected under the provisions of the NSIPS Act 2011, and weakens conditions preventing off-lease harm and the requirement for robust environmental studies preceding new mine sites. • grants an unnecessarily long transition period <p>The government failed to consult with the Quandamooka People but it met repeatedly with Sibelco.</p> <p>Sibelco is before the courts and is being investigated by the</p>	<p>The Department thanks Ms Barham for her submission and the department has noted her comments on the Bill.</p> <p>In relation to Ms Barham’s concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.</p> <p>In relation to the Ramsar wetlands and areas of National Park, and having regard to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards.</p> <p>These safeguards include:</p> <ul style="list-style-type: none"> - Exclusions from operating within the Ramsar wetland;

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			<p>Commonwealth.</p> <p>Sibelco is being given everything it asked for at the expense of traditional owners and the environment, and NSI is being held back from a sustainable future.</p> <p>(See also Subs 39, 42, 43, 45 and 50)</p>	<ul style="list-style-type: none"> - Environmental monitoring and reporting requirements; - Management intervention where there are trigger level exceedances; and - Rehabilitation conditions requiring the disturbed land to be returned to natural conditions. <p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p> <p>In conclusion, the Bill is drafted consistent with the government's policy position.</p>
	41 Wildlife Preservation Society of Qld – Logan		<p>Opposes the Bill</p> <p>See sub 22</p>	<p>The Department thanks the Wildlife Preservation Society of Queensland for their submission and the department has noted their comments on the Bill.</p>
	42 Mr David Keogh		<p>This submission is very similar to Sub 41 (see summary above) but it also makes the point that tourism is one of the Government's four pillars, and it offers more jobs than mining, especially for young people who would otherwise have to leave the island to find work.</p> <p>(See also Subs 39, 43, 45 and 50)</p>	<p>The Department thanks Mr Keogh for his submission and the department has noted his view.</p> <p>There are many factors at play in relation to alternative industries. The longer transition time provided for by the Bill represents a balance between how long it will take to develop and establish alternative industries on the Island and ensuring that sand mining continues until further industries are established.</p> <p>Further, the government undertook an economic regional impact report on the impact of mineral sands mining and this report has been provided to the Committee.</p> <p>This report shows that extending the Enterprise mining leases from 2019 to 2035 will provide considerable economic benefits to North Stradbroke Island and the state through increased economic activities in terms of production, value added, royalties and jobs, in</p>

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				<p>particular:</p> <ul style="list-style-type: none"> extra mineral production of \$1.50 billion; value added to the GRP/GSP of \$0.95 billion; royalties to the State revenue of around \$75.74 million; and jobs retained is 107 FTE from 2015 to 2035. <p>In conclusion, the Bill is drafted consistent with the government's policy position.</p>
	44 Ms Melody Cooper		<p>This submission is very similar to Sub 41 and hence see summary for Sub 41. (See also Subs, 39, 41, 42, 43 and 50.) but also makes the point that the government does not have a mandate in relation to this issue simply because it won the election.</p>	<p>The Department thanks Ms Cooper for her submission and the department has noted her comments on the Bill.</p>
	45 Mr David Renn		<p>Existing provisions regarding transition time are generous and ensure long-term environmental protection. The Bill favours the mining company and their economic interests over all else. The remainder of the submission is very similar to Sub 41 and hence see summary for Sub 41. (See also Subs 39, 41, 42, 43, 45 and 50.)</p>	<p>The Department thanks Mr Renn for his submission and the department has noted the points raised in his submission.</p>
	46 Colleen Tully-Wilson		<p>This submission is very similar to Sub 121 (summarised above)</p>	<p>The Department thanks Ms Tully-Wilson for her submission and the department has noted the points raised in his submission.</p>
	47 Ms Tash Morton		<p>Opposed to the Bill because:</p> <ul style="list-style-type: none"> NSI needs "a sustainable and diverse economy based on Stradbroke's natural values, including tourism, education, arts and culture" (Sub 47, p 1) but mining damages the environment that it would be based on. potential lost tourist income will not be outweighed by mining royalties it "only serves the interests of big mining companies" (Sub 47, p 1) to the detriment of the environment <p>(See also Subs 18, 19, 21, 37, 50, 52 and 54).</p>	<p>The department thanks Ms Morton for her submission. The department has noted her views.</p> <p>The department acknowledges that no public consultation occurred on the Bill. The department further understands that the government decided that consultation occurred at the time of the election. The government made an election commitment and the department is implementing that commitment by this Bill.</p>
	48 Mr Anthony Moloney		<p>Opposed to the extension of the mining lease because:</p> <ul style="list-style-type: none"> "The mine has substantial long term intergenerational environmental impact and only benefits a single generation (Sub 48, p 1) future generations on NSI need a "sustainable and diverse 	<p>The Department thanks Mr Moloney for his submission and the department has noted her view.</p> <p>The Environmental Authority contains a range of conditions to ensure the environment is protected,</p>

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			economy" (Sub 48, p 1) based on the NSI's natural values <ul style="list-style-type: none"> • mining negatively impacts on tourism The Bill only benefits "an international mining entity" (Sub 48, p 1).	including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.
	49 Ms Paula Barrett		This submission is very similar to Sub 41 and hence see summary for Sub 41. (See also 39, 41, 42, 43 and 45, 50.)	The Department thanks Ms Barrett for her submission and the department has noted her view.
	51 Ms Susan Yarrow and Ms Wendy Turner		This submission is very similar to Sub 48 and hence see summary for Sub 48. (See also Subs 18, 19, 21, 37 and 54.)	The Department thanks Ms Yarrow and Ms Turner for their submission and the department has noted their views.
	52 Wildlife Preservation Society of Qld		Wildlife Queensland is totally opposed to the Bill. "The current Bill has failed to provide transparency and no consultation has occurred with a broad range of interested parties" (sub 52, p2). "Major concerns include ongoing threat to the biodiversity of North Stradbroke Island, potential harm of areas of high environmental significance to area and potential loss to future national parks and impacts on Traditional Owners the Quandamooka peoples" (sub 52, p2). "Revegetation can readily occur but restoration of an ecosystem is a different matter. Mining will continue to fragment much disturbed vegetation in places" (sub 52, p2). "Wildlife Queensland is also very concerned that inadequate consideration has been given to hydrological processes" (sub 52, p2). "The removal of environmental safeguards is another concern. With reliance on enforcement by another Department what guarantees are there that a rigorous compliance program will be in place to enforce regulations" (sub 52, p3). "The need to allow an extension of over 20 years to mining in order to effect an economic transition from mining is not substantiated by hard fact. Wildlife Queensland would be most interested to learn what other alternatives were even considered" (sub 52, p3)	<p>The department thanks the Wildlife Preservation Society of Queensland for their submission and notes their comments.</p> <p>The department did not undertake any consultation with the traditional owners of North Stradbroke Island in relation to the drafting of the Bill.</p> <p>However, the government's election commitment in relation to extending sand mining on North Stradbroke Island was well known to all parties. It was done in order to facilitate an orderly economic transition. The department is implementing that commitment by this Bill. The department engaged with the QYAC once government approved the Bill to enact its election commitment.</p> <p>This Bill does not breach the Commonwealth Native Title Act 1993. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a 'future act', the rights under that Act, such as rights to compensation apply and are completely unaffected by the Bill.</p> <p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a</p>

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				<p>number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p> <p>Further, the department also acknowledges that no broader public consultation occurred on the Bill. However, the Bill is drafted consistent with the government's policy position.</p>
	53 Ms Jane Hjelmqvist		<p>This submission is similar to Sub 48 and hence see summary for Sub 48.</p> <p>(See also Subs 18, 19, 21, 37 and 52.)</p>	<p>The Department thanks Ms Hjelmqvist for her submission and the department has noted her view.</p> <p>In relation to Ms Hjelmqvist's concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.</p>
	54 Mr Ian Carruthers		<p>"We are hugely disturbed by the announced draft Queensland legislation to continue sand mining for decades. This would have disastrous effects on the hydrology, ecology and indigenous values of the Island" (sub 54).</p>	<p>The Department thanks Mr Carruthers for his submission and the department has noted his view.</p> <p>In relation to Mr Carruthers' concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.</p>
	55 Mr Ronald Jackson		<p>Resident of Stradbroke Island. Strongly oppose the Bill.</p> <p>"There are no maps which show the boundaries and extent of the current mining leases, the proposed extended mining leases, indigenous joint management areas and the proposed national park. Their absence makes it impossible for Parliament and the public to understand the extent of the damage which inevitably follows present sand mining methods or indeed the intent of the Bill" (sub 55, p1).</p> <p>"The process was certainly not transparent and it is particularly galling to hear comments from parliamentarians to the effect that the party in power was given a mandate, based on the last election results, to change the NSIPS Act" (sub 55, p1).</p> <p>"There seems to be minimal research done in the preparation of this Bill and there is no evidence of checking the validity of some of the</p>	<p>The Department thanks Mr Jackson for his submission and the department has noted his comments on the Bill.</p> <p>To view maps which have been provided to the Committee Mr Jackson should visit www.parliament.qld.gov.au and follow the links to the AREC site, where under the tab "Related Publications" – Mr Jackson will find seven maps.</p> <p>Attachment 1 – Map showing National Park on NSI Attachments 2, 3, 4 & 5 – Maps showing Native Title (exclusive and non-exclusive possession) Attachment 7 – Mining Leases and Protected Areas</p>

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			supporting statements such as the total number of people employed by Sibelco" (sub 55, p1). "It may be argued that Sibelco's sole access to large areas of the island is hindering the development of alternative industries" (sub 55, p2).	Attachment 8 – Essential Habitat and Of Concern Dominant
	56 Ms Helen Abrahams		Property owner. Strongly opposed to the bill The provision which removes specific reference to no off-site impacts or environmental damage should be restored. The declaration of weed species on rehabilitated sites should remain as "the risk of weed species spreading to national parks is high and so a precautionary principle should be adopted and uniform weed control should be adopted for the entire island" (sub 56).	The department thanks Ms Abrahams for her submission and has noted her comments. A review of conditions commonly used within Environmental Authorities has resulted in the development of model conditions. Conditions such as A5 within the existing Environmental Authority were considered redundant due to it being adequately covered by the offence provisions at Section 437 and Section 438 of the Environmental Protection Act 1994. Condition G1 in the proposed Environmental Authority is the model mining condition which is now commonly applied by the Department. The requirement to manage Class 1, Class 2 and Class 3 weeds is regulated under the Land Protection (Pest and Stock Route Management) Act 2002. There is no requirement to have an additional condition which relates to this protection. The primary goal is to achieve the rehabilitation outcomes required by conditions L15-L17. In order to achieve these outcomes, the mine operator will need to manage weeds throughout the rehabilitation process.
	57 Ms Diama McPhee (Subs 99, 101 provides similar comments)		Objects to the bill. "I wish to object to the North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013 and strongly believe it should not proceed for the following reasons: 1. Because of the proximity of Ramsar listed wetlands to the Enterprise mine and scientific evidence of mining having a significant impact on those wetlands, the Federal Environment Department is investigating Sibelco's decade long non-compliance with the Environmental Protection and Biodiversity Conservation Act. The Bill should not proceed until this is resolved. 2. The Bill removes the requirement for ongoing environmental studies of the largely old growth forest in the proposed extended	The Department thanks Ms McPhee for her submission and the department has noted her comments on the Bill. In relation to the Ramsar wetlands and areas of National Park, and having regard to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards. These safeguards include: - Exclusions from operating within the Ramsar

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			<p>mine path. The habitat of Koalas and Glossy Black Cockatoos and other threatened animals needs to be protected.</p> <p>3. Long term sustainable jobs associated with nature tourism are likely to be sacrificed if damage to Stradbroke's environment continues for the sake of short term jobs in mining. The Bill will lead to loss of employment opportunities in the long term not a gradual transition as claimed.</p> <p>4. North Stradbroke Island is more valuable to Queenslanders retained forever as a natural resource for tourism and recreation than destroyed for quick profits by a privately owned Belgian mining company.</p> <p>5. The North Stradbroke Island Bill fails to restore the rights of Queenslanders to object to a mining extension and challenge a renewal in court. That right is available to them under the Mineral Resources Act which applies everywhere else in Queensland.</p> <p>6. Sibelco has been given preferential treatment by the government by way of a special law that bypasses the Mineral Resources Act.</p> <p>7. It is inappropriate that favours are being granted to a company currently facing criminal charges in the Queensland Magistrates Court. The Bill should be shelved until the case has concluded" (sub 57).</p>	<p>wetland;</p> <ul style="list-style-type: none"> - Environmental monitoring and reporting requirements; - Management intervention where there are trigger level exceedances; and - Rehabilitation conditions requiring the disturbed land to be returned to natural conditions. <p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p> <p>In relation to Mr Keogh's point about tourism - nature based tourism is only one of many possible alternative industries. Employment relating to tourism and hospitality is seasonal and is very dependent on visitors to the Island during its peak times.</p> <p>That said, there are many factors at play in relation to alternative industries. The longer transition time provided for by the Bill represents a balance between how long it will take to develop and establish alternative industries on the Island and ensuring sand mining continues until further industries are established.</p> <p>In conclusion, the Bill is drafted consistent with the government's policy position.</p>
	58 Mrs Joanne Barkworth		<p>Opposes the Bill.</p> <p>... (Govt) has failed to consult with the Quandamooka people who have the native title over this land .." (sub 58)</p>	<p>The department thanks Mrs Barkworth for her submission and has noted her comments.</p> <p>The department did not undertake any consultation with the traditional owners of North Stradbroke Island in relation to the drafting of the Bill.</p> <p>However, the government's election commitment in</p>

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				<p>relation to extending sand mining on North Stradbroke Island was well known to all parties. It was done in order to facilitate an orderly economic transition. The department is implementing that commitment by this Bill. The department engaged with the QYAC once government approved the Bill to enact its election commitment.</p> <p>This Bill does not breach the Commonwealth Native Title Act 1993. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a ‘future act’, the rights under that Act, such as rights to compensation apply and are completely unaffected by the Bill.</p>
	59 Mr Peter Shooter		<p>Opposes the Bill.</p> <p>Extraordinary features in a geological, biological, hydrological and anthropological sense are destroyed by mining to some degree. “Every area mined is permanently destroyed. Rehabilitation is commendable and essential, but it is cosmetic. The biodiversity cannot be recreated, nor can the geology and hydrology” (sub 59).</p>	<p>The department thanks Mr Shooter for his submission and his comments are noted.</p> <p>The rehabilitation criteria within the proposed Environmental Authority was developed approximately 10 years ago in consultation with the mine operator, stakeholders and the Centre for Mine Rehabilitation at the University of Queensland.</p> <p>The mine operator conducts a study to identify the subsurface profile prior to commencing operations. Studies completed in rehabilitated areas indicate that the subsurface profile has developed layers. Whilst it is not exactly the same profile that existed prior to mining, it is similar to natural systems.</p> <p>Rehabilitation of surface ecosystems can be effective in redeveloping natural process when done properly. The techniques conducted by the mine operator have been reviewed by departmental officers who have endorsed the methodology. Additionally, the rehabilitation program and compliance is assessed by reputable third party auditors, namely the Centre for Mine Rehabilitation at the University of Queensland.</p>

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				Studies done on the rehabilitation demonstrates that it is effective in returning the impacted areas back to natural systems and processes.
	60 Confidential		Opposes the Bill.	The department thanks Submitter No. 60 for their submission and has noted their comments.
	62 Confidential		<p>Strongly opposes the Bill.</p> <p>“The Island’s close proximity to Brisbane and the populations of South East Queensland positions it as a major contributor to nature-based recreation for the State, nationally and internationally” (sub 62, p2).</p> <p>“The value of mining to the Island’s community has been grossly exaggerated. Currently employment in industries such as tourism, hospitality and education well outstrips that of sandmining – despite a substantial part of the Island’s natural, educational and potential tourism assets being locked away on mining leases” (sub 62, p2).</p>	<p>The department thanks Submitter No. 62 for their submission and has noted their comments.</p> <p>There are many factors at play in relation to alternative industries. The longer transition time provided for by the Bill represents a balance between how long it will take to develop and establish alternative industries on the Island and ensuring that sand mining continues until further industries are established.</p> <p>Further, the government undertook an economic regional impact report on the impact of mineral sands mining and this report has been provided to the Committee.</p> <p>This report shows that extending the Enterprise mining leases from 2019 to 2035 will provide considerable economic benefits to North Stradbroke Island and the state through increased economic activities in terms of production, value added, royalties and jobs, in particular:</p> <ul style="list-style-type: none"> • extra mineral production of \$1.50 billion; • value added to the GRP/GSP of \$0.95 billion; • royalties to the State revenue of around \$75.74 million; and • jobs retained is 107 FTE from 2015 to 2035. <p>In conclusion, the Bill is drafted consistent with the government’s policy position.</p>
	62 Dr Brett Roe		<p>Opposed to mining continuing on NSI because:</p> <ul style="list-style-type: none"> • economic future for NSI lies with “tourism and related nature-based and sustainable industries and services” (Sub 62, p 1) and 	The department thanks Dr Roe for his submission and has noted his comments.

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			<p>further mining reduces the chances of it</p> <ul style="list-style-type: none"> • Bill only benefits a small group • mining brings only small amount of profit to Australia cf impact on priceless ecosystems and income generated by future tourism businesses • residents working at Sibelco are paid less than workers at mines on the mainland • rehabilitation of the mine site will not restore it to its original state • “The argument that NSI will become destitute without a sand mine is absurd” (Sub 62, p 2). The NSI economy will transition seamlessly (Sub 62, p 2) <p>Submitter endorses the submission made by Jan Aldenhoven.</p>	<p>There are many factors at play in relation to alternative industries. The longer transition time provided for by the Bill represents a balance between how long it will take to develop and establish alternative industries on the Island and ensuring that sand mining continues until further industries are established.</p> <p>Further, the government undertook an economic regional impact report on the impact of mineral sands mining and this report has been provided to the Committee.</p> <p>This report shows that extending the Enterprise mining leases from 2019 to 2035 will provide considerable economic benefits to North Stradbroke Island and the state through increased economic activities in terms of production, value added, royalties and jobs, in particular:</p> <ul style="list-style-type: none"> • extra mineral production of \$1.50 billion; • value added to the GRP/GSP of \$0.95 billion; • royalties to the State revenue of around \$75.74 million; and • jobs retained is 107 FTE from 2015 to 2035. <p>In conclusion, the Bill is drafted consistent with the government’s policy position.</p>
	63 Ms Sandra Bayley		Opposes the Bill.	The department thanks Ms Bayley for her submission and has noted her comments.
	64 Mr Luke and Ms Jean Daglish		<p>Opposes the Bill. See also sub 22</p> <p>“The Bill lowers the bar on environmental controls and removes buffers for Ramsar and national park and allows mining disturbance into plant communities previously protected under the provisions of NSIPS” (sub 64).</p>	<p>The department thanks Mr and Ms Daglish for their submission and has noted their comments.</p> <p>In relation to the Ramsar wetlands and areas of National Park, and having regard to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards.</p> <p>These safeguards include:</p> <ul style="list-style-type: none"> - Exclusions from operating within the Ramsar

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				<p>wetland;</p> <ul style="list-style-type: none"> - Environmental monitoring and reporting requirements; - Management intervention where there are trigger level exceedances; and - Rehabilitation conditions requiring the disturbed land to be returned to natural conditions. <p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p>
	67 Mr Gil Scrine		<p>Opposes the Bill See sub 57 “NSI is more valuable to Queenslanders retained forever as a natural resource for tourism and recreation than destroyed for quick profits by a privately owned Belgian mining company” (sub 67).</p>	<p>The Department notes Mr Scrine’s submission and has noted his comments.</p>
	68 Mr Martin Taylor		<p>Opposes the Bill. “The Stradbroke Island Sustainability and Protection Act 2011 put 80% of the island on track to become national park by 2026 with an orderly phase out of sand mining which had been long opposed by Indigenous and conservation interests. These national parks were to be jointly managed by the Quandamooka people under an agreement separately made, while the island would develop its new identity and economy as a nature tourism destination as Fraser and Moreton Islands also have done.</p> <p>This latest Bill by the Newman Government undermines that historic achievement and the apparently also the Indigenous Land Use Agreement with the Quandamooka people. The Bill pushes out the transition to national parks into the distant future, it removes restrictions on mining put in place to avoid threatened ecosystems and species and even proposes new mining leases.</p> <p>Alarming the Bill also removes yet more statutory protections from the Vegetation Management Act, contrary to the LNP’s 2012 election promise, by removing any need for revegetation of a watercourse or</p>	<p>The department thanks Mr Taylor for his submission and has noted his comments.</p> <p>The omission of this provision from the Vegetation Management Framework Amendment Act 2013 (VMFAA) will remove duplication between the VMFAA and the development assessment provisions contained in the State Development Assessment (SDAP): Module 8 Native Vegetation Clearing under the Sustainable Planning Act 2009. Retention of these provisions within both the VMFAA and the SDAP will result in unintended negative consequences for landholders.</p> <p>The duplication was an oversight, particularly given the objective of the vegetation management reforms which was to reduce red tape and streamline the vegetation clearing requirements. Importantly, the impacts and required outcomes of clearing of endangered and of concern regional ecosystems are not being diminished or eroded by the omission of this provision, rather the</p>

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			erosion control, or to minimise and mitigate the effects of a proposed clearing project, according to explanatory notes to the Bill.” (Sub 68, p.1)	amendment will enable the assessment of values impacted by the clearing of vegetation for high value agriculture and irrigated high value agriculture to be appropriately assessed under the State Development Assessment Provisions consistent with other assessable vegetation clearing activities.
	69 Ms Jennie Truman		<p>Resident and business owner. Opposed to the Bill.</p> <p>“It will not be beneficial to the island’s economic, social or environmental future to allow 20 more years of mining”.</p> <p>“The mining operations on Stradbroke are not sustainable –the mining industry is not the backbone of the economy of the Island. It is a fact that the accommodation tourism industry employs more people on the Island than Sibelco”.</p> <p>“A large percentage of mine workers now commute from the mainland giving no economic or social input into the Island community”.</p> <p>“The rehabilitation process carried out by Sibelco cannot replace flora or fauna biodiversity or the original profile of soils in the historical dune systems, leaving a very poor imitation”.</p> <p>“It is time that the potential for nature based tourism be explored in the areas that have been closed off – the perched lakes, hidden valleys, forests, wetlands and mountains that are in the areas south of the Tazi Road” (sub 69).</p>	<p>The department thanks Ms Truman for her submission and has noted her concerns.</p> <p>There are many factors at play in relation to alternative industries. The longer transition time provided for by the Bill represents a balance between how long it will take to develop and establish alternative industries on the Island and ensuring that sand mining continues until further industries are established.</p> <p>Further, the government undertook an economic regional impact report on the impact of mineral sands mining and this report has been provided to the Committee.</p> <p>This report shows that extending the Enterprise mining leases from 2019 to 2035 will provide considerable economic benefits to North Stradbroke Island and the state through increased economic activities in terms of production, value added, royalties and jobs, in particular:</p> <ul style="list-style-type: none"> • extra mineral production of \$1.50 billion; • value added to the GRP/GSP of \$0.95 billion; • royalties to the State revenue of around \$75.74 million; and • jobs retained is 107 FTE from 2015 to 2035. <p>Also, in developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental</p>

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	71 Ms Simone Pope		Opposes the Bill. See sub 57	<p>values that exist on North Stradbroke Island.</p> <p>The Department thanks Ms Pope for her submission and the department has noted her comments on the Bill.</p> <p>In relation to the Ramsar wetlands and areas of National Park, and having regard to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards.</p> <p>These safeguards include:</p> <ul style="list-style-type: none"> - Exclusions from operating within the Ramsar wetland; - Environmental monitoring and reporting requirements; - Management intervention where there are trigger level exceedances; and - Rehabilitation conditions requiring the disturbed land to be returned to natural conditions. <p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p> <p>In relation to tourism - nature based tourism is only one of many possible alternative industries. Employment relating to tourism and hospitality is seasonal and is very dependent on visitors to the Island during its peak times.</p> <p>That said, there are many factors at play in relation to alternative industries. The longer transition time provided for by the Bill represents a balance between how long it will take to develop and establish alternative industries on the Island and ensuring sand</p>

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				<p>mining continues until further industries are established.</p> <p>In conclusion, the Bill is drafted consistent with the government's policy position.</p>
	72 Protect the Bush Alliance		<p>Opposed to the Bill because it will have "dubious" (Sub 72, p 1) economic benefit, it will continue to foster ill-will between NSI residents, Sibelco is guilty of illegal activity, the "insulting lack of public consultation" (Sub 72, p 1), the government has ignored the ILUA, as well as have negative environmental impacts. The Bill will have negative impact on Ramsar listed wetlands.</p> <p>The proposed mine path presents a potential risk to the long-term viability of the ecosystem. Blue Lake, including the species that rely on it (eg Oxleyan Pygmy Perch), are at risk if the aquifer is not managed properly. Extending the mining lease will impact on vulnerable species such as the Beach Stone-Curlew by limiting access to undisturbed habitat. Further mining will reduce the quality of the land earmarked for national park.</p>	<p>The department thanks the Protect the Bush Alliance for their submission and has noted their concerns.</p> <p>There are many factors at play in relation to alternative industries. The longer transition time provided for by the Bill represents a balance between how long it will take to develop and establish alternative industries on the Island and ensuring that sand mining continues until further industries are established.</p> <p>Further, the government undertook an economic regional impact report on the impact of mineral sands mining and this report has been provided to the Committee.</p> <p>This report shows that extending the Enterprise mining leases from 2019 to 2035 will provide considerable economic benefits to North Stradbroke Island and the state through increased economic activities in terms of production, value added, royalties and jobs, in particular:</p> <ul style="list-style-type: none"> • extra mineral production of \$1.50 billion; • value added to the GRP/GSP of \$0.95 billion; • royalties to the State revenue of around \$75.74 million; and • jobs retained is 107 FTE from 2015 to 2035. <p>Also, in developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p>

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	73 Ms Elizabeth Johnston		<p>Opposes the Bill</p> <p>"Since I moved to the island permanently in 1991 I have seen the tourism industry grow at a great rate and the number of shops and cafes that have opened reflects this growth".</p> <p>"The last decade has seen a huge growth in the University of Queensland's Marine Research station on the island. Its location at Dunwich attracts scientists and students from all over the world".</p> <p>"Traditional owners now play a leading role now in running tourism ventures and their culture is unique to the island".</p> <p>"Laboratory tests have found that the organic jelly bush honey produced commercially on the island has a greater level of medical efficacy than even New Zealand manuka honey".</p> <p>"Several scientific studies have shown that the island's freshwater lakes, springs and aquifers are rare and sensitive to disturbance".</p> <p>"There is now a thriving autumn and winter festival season that ranges from chamber music to ephemeral art to world music events".</p> <p>"At the same time as these different economic activities have burgeoned on the island I have seen the mine withdraw from the township of Dunwich by selling its staff houses".</p> <p>"Mining trucks on the main road are large and they speed, despite assurances from Sibelco that this is not the case. This has a terrible effect on wildlife and is dangerous to cyclists who are coming in greater numbers than ever to visit" (sub 73).</p>	The department thanks Ms Johnston for her submission and has noted her comments.
	75 Ms Edith McPhee		Opposes the Bill See sub 57	The department thanks Ms McPhee for her submission and has noted her comments.
	76 Margaret Barram		<p>Opposed to the Bill because:</p> <ul style="list-style-type: none"> • will destroy 14sq km of old growth forest • Sibelco does not rehabilitate well, and do not return it to original state • people can't visit the areas controlled by Sibelco • Sibelco not law-abiding • mining destroys future land uses • it puts Sibelco outside Mineral Resources Act • it removes the requirement for studies of old growth forests • long-term jobs in nature tourism likely to be lost if land damaged due to mining • NSI valuable as a natural resource for tourism and recreation • Sibelco given preferential treatment • favours should not be granted to a company facing criminal 	The department thanks Ms Barram for her submission and has noted her comments.

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
			charges.	
	81 Ms Karly Grills		Opposes the Bill See sub 18	The department thanks Ms Grills for her submission and has noted her comments.
	82 Genevieve Gall		<p>Opposed to the Bill because:</p> <ul style="list-style-type: none"> • sufficient time has already been provided for phasing out mining • if too much of NSI is damaged by mining it will lose its tourist appeal • continuing mining for longer means there is no incentive to diversify or provide alternative employment, such as tidal energy development, marine research, etc. • Sibelco before the courts and being investigated for potential breaches of the EPBC Act. • it does not indicate what processes will be put in place to “protect and enhance Stradbroke Island’s natural values and report back to the people”. <p>The submitter endorses a number of the points made in the submission made by a number of others including Sub 101 (summarised above).</p>	The department thanks Ms Gall for her submission and has noted her comments.
	83 Leigh Warneminde		<p>“I believe the Parliamentary Committee should consider not proceeding with the North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013 ... for the following reasons -</p> <ol style="list-style-type: none"> 1. Because of the proximity of Ramsar listed wetlands to the Enterprise mine and scientific evidence of mining having a significant impact on those wetlands, the Federal Environment Department is investigating Sibelco’s decade long non-compliance with the Environmental Protection and Biodiversity Conservation Act. The Bill should not proceed until this is resolved. 2. The Bill removes the requirement for ongoing environmental studies of the largely old growth forest in the proposed extended mine path. The habitat of Koalas and Glossy Black Cockatoos and other threatened animals needs to be protected. 3. Long term sustainable jobs associated with nature tourism are likely to be sacrificed if damage to Stradbroke’s environment continues for the sake of short term jobs in mining. The Bill will lead to loss of employment opportunities in the long term not a gradual transition as claimed. 4. North Stradbroke Island is more valuable to Queenslanders retained forever as a natural resource for tourism and recreation 	<p>The department thanks Ms Warneminde for her submission and has noted her comments.</p> <p>In relation to the Ramsar wetlands and areas of National Park, and having regard to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards.</p> <p>These safeguards include:</p> <ul style="list-style-type: none"> - Exclusions from operating within the Ramsar wetland; - Environmental monitoring and reporting requirements; - Management intervention where there are trigger level exceedances; and - Rehabilitation conditions requiring the disturbed land to be returned to natural conditions. <p>In developing the proposed amended Environmental Authority, the Department of Environment and</p>

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			<p>than destroyed for quick profits by a privately owned Belgian mining company.</p> <p>5. The North Stradbroke Island Bill fails to restore the rights of Queenslanders to object to a mining extension and challenge a renewal in court. That right is available to them under the Mineral Resources Act, which applies everywhere else in Queensland.</p> <p>6. Sibelco has been given preferential treatment by the government by way of a special law that bypasses the Mineral Resources Act.</p> <p>7. It is inappropriate that favours are being granted to a company currently facing criminal charges in the Queensland Magistrates Court. The Bill should be shelved until the case has concluded.” (Sub 83, p.1)</p>	<p>Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p> <p>The Bill is drafted consistent with the government’s policy position.</p>
	84 Linda Walding		This submission is very similar to Sub 100 (summarised above).	The department thanks Ms Walding for her submission and has noted her comments.
	86 Samantha Searle		<p>The Bill should not be passed because:</p> <ul style="list-style-type: none"> • Queenslanders should have a right to object to a mining extension and challenge a renewal in court, as applies to all other Queensland mines • a private company should not be given preferential treatment by government, especially when being investigated by the Commonwealth and being prosecuted in the Magistrates Court • NSI has potential for long term sustainable economic development through ecotourism. 	The department thanks Ms Searle for her submission and has noted her comments.
	87 Mr Zackari Watt		Opposes the Bill See sub 18	The department thanks Mr Watt for his submission and has noted her comments.
	88 Cassie Wardle		This submission is very similar to Sub 121 (summarised above)	The department thanks Ms Wardle for her submission and has noted her comments.
	89 Associate Professor Darryl Eyles		<p>Opposes the Bill because: it</p> <ul style="list-style-type: none"> • will allow mining into areas completely surrounded by the National Park. In fact, mining will destroy earmarked future national park. The NSIPS Act 2011 provided for 80% of the island is to become national park, jointly managed by the Quandamooka People. • lowers the bar on environmental controls. • removes buffers for Ramsar and national park and allows mining disturbance into plant communities previously protected under the provisions of the NSIPS Act 2011. Conditions preventing off-lease harm, and the requirement for robust environmental studies preceding new mine sites, are weakened. 	<p>The department thanks Associate Professor Eyles for his submission and has noted his comments.</p> <p>In relation to the Ramsar wetlands and areas of National Park, and having regard to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards.</p> <p>These safeguards include:</p> <ul style="list-style-type: none"> - Exclusions from operating within the Ramsar wetland;

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			<ul style="list-style-type: none"> the extra 16 years of transition time on top of 8 years already granted for an industry that employs only 13% of the island's workers is preposterous <p>"I am very concerned the government trampled over native title rights in order to make good favours to the mining company. Sibelco is still before the courts facing charges for removing and selling sand from the island without permits. There are question marks over the lack of EPBC Act approval for Enterprise mine and the Commonwealth is investigating. I am I am concerned a multimillion dollar PR campaign run by Sibelco, including spending \$90,000 in Ashgrove to get Mr Newman elected, has bought influence in government. This has every appearance of being a very dodgy deal. It is not what I expect from a government and it's an assault on the democratic principles of government.</p> <p>The island's environment, the rights and interests of traditional owners and Stradbroke's nature brand are being sacrificed so the government can give Sibelco everything it asked for. This doesn't make economic sense. The Bill would hold the island back from a genuinely sustainable future." (Sub 89, p.2)</p>	<ul style="list-style-type: none"> Environmental monitoring and reporting requirements; Management intervention where there are trigger level exceedances; and Rehabilitation conditions requiring the disturbed land to be returned to natural conditions. <p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p> <p>There are many factors at play in relation to alternative industries. The longer transition time provided for by the Bill represents a balance between how long it will take to develop and establish alternative industries on the Island and ensuring that sand mining continues until further industries are established.</p> <p>The Bill is drafted consistent with the government's policy position.</p>
	90 Patricia Gibson		<p>The Bill should not currently be passed because:</p> <ul style="list-style-type: none"> the Bill removes the requirement for ongoing environmental studies of the "largely old growth forest in the proposed extended mine path" (Sub 90, p 1) likely to cause loss of jobs dependent on the environment eg. those in tourism Sibelco is being investigated by the Commonwealth for potential breaches of the EPBC Act Sibelco has been given preferential treatment the Bill bypasses the Mineral Resources Act favours should not be granted to a company facing criminal charges. 	<p>The department thanks Ms Gibson for her submission and the department has noted her comments.</p>
	91 Mr Peter Ronchese		<p>Opposes the Bill</p> <p>See sub 18</p>	<p>The department thanks Mr Ronchese for his submission and the department has noted his comments.</p>
	92 Chelsea Rolfe		<p>This submission is very similar to Sub 121 (summarised above).</p>	<p>The department thanks Ms Rolfe for her submission</p>

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	93 J.D. McPhee		<p>“Sand mining, especially on a large scale, is very destructive to the landscape despite later efforts at restoration. Sibelco at a public meeting indicated that, ideally, mining on North Stradbroke Island would cease about 2025 when the mines became uneconomic. Also, they indicated that by that time rehabilitation would also be uneconomic. It is obviously a disaster for this precious and beautiful island to extend the agreed mining period. The Mining Bill proposed is a clear breach of contract between the Government, Sibelco and the Quandamooka People.” (Sub 93, p.1)</p>	<p>and the department has noted her comments.</p> <p>The department thanks JD McPhee for their submission and the department has noted their comments.</p>
	94 David Storor & Mary Barram		<p>Bill should not be passed because:</p> <ul style="list-style-type: none"> • another 14 square km of NSI will be destroyed if mining continues until 2035. • a range of plant communities are in the proposed mine path including “significant areas of the special stunted ancient wallum heathlands” ... and significant stands of old growth woodlands (Sub 94, p 1). The latter are used by the endangered Glossy Black Cockatoo. • it will enable destruction of the habitat of the vulnerable koala population • rehabilitation of mining not successful in restoring habitats to original state • the Bill removes the requirement for ongoing studies of the largely old growth forest in the proposed extended mine path • there is scientific evidence indicating that the Enterprise mine is having a significant impact on adjacent Ramsar listed wetlands • there is concern about the impact of mining on the aquifer because of the extra amount of water that will be needed by the mine if it is to continue its operation for another 22 years • the Commonwealth is investigating Sibelco’s potential non-compliance with the EPBC Act • Sibelco has not met conditions of its approval or certain Queensland laws in the past eg control of feral pests on its property • NSI more valuable as a natural resource for tourism and recreation than destroyed, with profits to go overseas to owners of the private Belgian company. • Sibelco has been given preferential treatment • the Bill enables the Mineral Resources Act to be bypassed – 	<p>The department thanks Mr Storor and Ms Barram for their submission and the department has noted their comments.</p> <p>In relation to the Ramsar wetlands and areas of National Park, and having regard to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards.</p> <p>These safeguards include:</p> <ul style="list-style-type: none"> - Exclusions from operating within the Ramsar wetland; - Environmental monitoring and reporting requirements; - Management intervention where there are trigger level exceedances; and - Rehabilitation conditions requiring the disturbed land to be returned to natural conditions. <p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p> <p>The Bill is drafted consistent with the government’s policy position.</p>

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			<p>Queenslanders should be able to object to a mining extension and challenge a renewal in court</p> <ul style="list-style-type: none"> • Sibelco is facing court • “Long term sustainable jobs associated with nature tourism are likely to be sacrificed if damage to Stradbroke’s environment continues for the sake of short term jobs in mining” (Sub 94, p 3) 	
	95 Mr Baz A Brown		<p>Opposes the Bill.</p> <ul style="list-style-type: none"> • Is concerned about whether the mined and damaged areas can be adequately rehabilitated • Believes large, foreign-owned corporations with mining leases should be held responsible for providing a significant beneficial impact subsequent to damaging world-class lands and related water systems • opposes the Government’s approach to North Stradbroke Island as a whole 	<p>The department thanks Mr Brown for his submission and the department has noted his comments.</p> <p>The rehabilitation criteria within the proposed Environmental Authority was developed approximately 10 years ago in consultation with the mine operator, stakeholders and the Centre for Mine Rehabilitation at the University of Queensland.</p> <p>The mine operator conducts a study to identify the subsurface profile prior to commencing operations. Studies completed in rehabilitated areas indicate that the subsurface profile has developed layers. Whilst it is not exactly the same profile that existed prior to mining, it is similar to natural systems.</p> <p>Rehabilitation of surface ecosystems can be effective in redeveloping natural process when done properly. The techniques conducted by the mine operator have been reviewed by departmental officers who have endorsed the methodology. Additionally, the rehabilitation program and compliance is assessed by reputable third party auditors, namely the Centre for Mine Rehabilitation at the University of Queensland.</p> <p>Studies done on the rehabilitation demonstrates that it is effective in returning the impacted areas back to natural systems and processes.</p>
	96 Suzanne Davison		This submission is very similar to Sub 121 (summarised below).	The department thanks Ms Davison for her submission and the department has noted her comments.
	97 Mr Adrian Buzolic		Opposes the Bill. See sub 18.	The department thanks Mr Buzolic for his submission and the department has noted his comments.
	98 Rebekah Bibby		This submission is very similar to Sub 121 (summarised below).	The department thanks Ms Bibby for her submission

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				and the department has noted her comments.
	99 Ms Jennifer Freeman		Opposes the Bill. See sub 57.	The department thanks Ms Freeman for her submission and the department has noted her comments.
	100 Catherine Laura Simmons		<p>Opposed to the Bill because:</p> <ul style="list-style-type: none"> rehabilitation of sand mines not successful the mine negatively impacts on NSI's aquifers, Ramsar wetland and endangered species some mining areas will be surrounded by national park lowered environmental controls eg. removal of buffers, conditions preventing off-lease harm, requirement for robust environmental studies preceding new mine sites previous transition period was generous Sibelco before the courts and being investigated by the Commonwealth Bill will "hold the island back from a genuinely sustainable future" (Sub 99, p 2). <p>This submission is similar to others (see eg. 83)</p>	The department thanks Ms Simmons for her submission and the department has noted her comments.
	101 Mr Jonathan Patterson		Opposes the Bill. See sub 57.	The department thanks Mr Patterson for his submission and the department has noted his comments.
	102 Sunshine Coast Environment Council		<p>The Bill should not be passed because:</p> <ul style="list-style-type: none"> the proximity of the Enterprise Mine to Ramsar listed wetlands "poses significant and unacceptable risk to this Matter of National Environmental Significance" (Sub 102, p 1) negative impacts on wetlands by mining the Commonwealth is currently investigating potential breaches of the EPBC Act. This matter "brings into serious question this proponent's ability to exercise fundamental environmental stewardship and responsibility" (Sub 102, p 1) it removes the requirement for ongoing environmental studies of "the largely old growth forest in the proposed extended mine path" (Sub 102, p 1) employment associated with tourism are likely to be lost if mining continues to cause environmental damage, particularly with weakened protections, therefore more jobs lost as a result of extended transition NSI valuable as a resource for tourism and recreation it fails to restore rights of Queenslanders to object to mining extension and challenge in court (a right generally available under the Minerals Resources Act) 	<p>The department thanks the Sunshine Coast Environment Council for their submission and the department has noted their comments.</p> <p>In relation to the Ramsar wetlands and areas of National Park, and having regard to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards.</p> <p>These safeguards include:</p> <ul style="list-style-type: none"> Exclusions from operating within the Ramsar wetland; Environmental monitoring and reporting requirements; Management intervention where there are trigger level exceedances; and Rehabilitation conditions requiring the disturbed land to be returned to natural conditions.

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			<ul style="list-style-type: none"> Sibelco appears to have been given preferential treatment. 	<p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p> <p>The Bill is drafted consistent with the government's policy position.</p>
	103 Queensland Conservation		<p>QCC is opposed to the bill.</p> <p>"We have particular concerns about the impacts to Blue Lake. Plans to provide drinking water to the Redlands from this site were shelved due to the unacceptable risks posed by such activities, yet the bill will allow for mining to occur in close proximity" (sub 103, p1).</p> <p>"Having spoken with those involved with the previous transition consultation, there seems to be no report or explanation that has been provided to support this extension of the transition period" (sub 103, p1).</p>	<p>The department thanks the Queensland Conservation Council for her submission and the department has noted her comments.</p> <p>The proposed Environmental Authority only authorises mining activity within the proposed project area. Blue Lake is not within the mining lease or proposed project area, as such any significant impact to the Lake is not permitted.</p>
	104 Sarah Chambers		<p>Opposed to the Bill for the same reasons as summarised above for Sub 121 Yusuke Akai and because it limits the access of the Quandamooka people to certain land on NSI and for their land to be mined into the future.</p>	<p>The department thanks Ms Chambers for her submission and the department has noted her comments.</p>
	105 Mr Steve Darlington		<p>Opposes the Bill. See sub 18</p> <p>"The island's future requires a sustainable and diverse economy based on Stradbroke's natural values, including tourism, education, arts and culture.</p> <p>Prolonged mining will only damage Stradbroke's unique nature brand" (sub 105).</p>	<p>The department thanks Mr Darlington for his submission and the department has noted his comments.</p>
	107 National Parks Association of Queensland		<p>"NPAQ opposes the amendment on the grounds that continued mining will do long-term damage to the environmental future of the Island "(sub 107, p1).</p> <p>"NPAQ is concerned that mining will:</p> <ul style="list-style-type: none"> Directly affect the hydrological connections between, and aquifers feeding into, internationally listed wetlands found on the Island. Destroy Mt Corrie, a particularly scenic high point with 360 degree views across bush to the Pacific on the east and Moreton Bay to the west. Fragment future National Park and further delay the hand-back of 	<p>The Department thanks the National Parks Association of Queensland for their submission and has noted their comments.</p> <p>The proposed Environmental Authority has the appropriate environmental controls to protect environmental values.</p> <p>Monitoring bores and piezometers have been installed to monitor the amount and quality of the water that</p>

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			<p>the land to native titleholders.</p> <ul style="list-style-type: none"> • Ensure that the deepening scars from sand extraction will be visible from key scenic lookouts for decades to come. • Continue to destroy the internal structure of dunes created over millennia (it is the layering and indurations within dunes that guide the hydrology of the Island)” (sub 107, p1). <p>“In a recent report commissioned by the Friends of Stradbroke Island, Dr Errol Stock concluded that the Enterprise mine had a measurable impact on the island’s 18 Mile Swamp wetlands and had made a substantial change to the hydrological regime of the wetland. The proposed mine path now allows mining on the escarpment above 18-Mile Swamp. The potential risk to the long-term viability of this fragile ecosystem is enormous and puts several threatened flora and fauna species at risk” (sub 107, p2).</p> <p>“Recent studies have confirmed that Blue Lake is of enormous scientific significance, remaining untouched by changes in climate for 7,000 years. This body of water, should it be allowed to remain in its current pristine undisturbed state, could provide vital data about how ecosystems react to climate change at different time scales. It is unlikely that the authors considered mining in close vicinity to Blue Lake as proper management” (sub 107, p2).</p> <p>“Many species are already under threat of extinction and further mismanagement of the Island’s fragile and precious ecosystems will place additional strain on their survival” (sub 107, p3).</p> <p>Both species (of orchids) are vulnerable to off-trail bushwalking, changes in hydrology, land clearing, sand mining and illegal harvesting for the cut flower trade (sub 107, p3).</p> <p>The DEHP wetland information web portal clearly identifies threats to the Swamp Orchid as collecting, draining of habitat for housing, agriculture, sand mining and related infra-structure, peat mining, golf courses, etc”. (sub 107, p3).</p> <p>“NPAQ is very concerned that any mining in close proximity to existing National Park areas, and of future National Park areas constitutes a breach of the Cardinal Principle, and will seriously undermine the integrity, health and condition of an expanded National Park on North Stradbroke Island” (sub 107, p4).</p>	<p>will flow into the groundwater supply and ultimately the wetland. The result of this monitoring, as required by condition G20 of the proposed environmental authority, is submitted to the Department of Environmental and Heritage Protection annually. An expert hydrologist from the Department of Science Information Technology, Innovation and the Arts has reviewed the annual environmental report and subsequent monitoring information and has not identified any current or potential impacts on the Ramsar wetlands.</p> <p>The proposed Environmental Authority only authorises mining activity within the proposed project area. Blue Lake is not within the mining lease or proposed project area, as such any significant impact to the Lake is not permitted. It should be noted that the closest area within the proposed project area is about two kilometres from Blue Lake.</p> <p>The proposed Environmental Authority excludes the operator from operating in Category A (eg. National Parks) and B (eg. endangered regional ecosystems) environmentally sensitive areas by including them in the buffer zones.</p> <p>The rehabilitation criteria was developed about 10 years ago in consultation with the mine operator, stakeholders and the Centre for Mine Rehabilitation at the University of Queensland. The mine operator conducts a study to identify the subsurface profile prior to commencing operations. Studies completed in rehabilitated areas indicated that the subsurface profile has developed layers.</p> <p>Whilst it is not exactly the same profile the existed prior to mining, it is similar to natural systems. Rehabilitation of surface ecosystems can be effective in redeveloping natural processes when done properly. The techniques conducted by the mine operator have been reviewed</p>

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				by departmental officers who have endorsed the methodology. Additionally, the rehabilitation program and compliance is assessed by reputable third party auditors, namely the Centre for Mine Rehabilitation at the University of Queensland. Studies done on the rehabilitation demonstrates that it is effective in returning the impacted areas back to natural systems and processes.
	108 Roberta Bonnin		<p>Opposed to the Bill because mining will conflict with sustainable businesses.</p> <p>In 2011, extensive consultation undertaken to develop an economic transition strategy for NSI. The strategy contained “cost effective actions to stimulate existing and new business enterprises, build required infrastructure, undertaken necessary land use planning and support the social and community needs of the island’s resident population. Key areas of the economic transition strategy included tourism, small business initiatives, educational options for students coming to the island for specialised courses, training for residents and workers on the islands, and a range of Indigenous business ...” Sub 108, pp 1 - 2).</p> <p>Recommends that the Government “put in place an exciting program of economic actions based on a review of the economic transition strategy, affordability, environmental values, and the island’s strong local culture” (Sub 108, p 2).</p>	The department thanks Ms Bonnin for her submission and the department has noted her comments.
	109 Ms Kat Lowe		<p>Opposes the Bill. See sub 18</p> <p>“As the second largest sand island in the world, North Stradbroke Island already attracts between 300,000 and 400,000 people each year.</p> <p>The potential cost in lost tourism income from continuing sand mining is not worth the income from mining royalties, which over the life of the mines represent less than 0.2% of the Queensland Government’s income this year alone” (sub 109).</p>	The department thanks Ms Lowe for her submission and the department has noted her comments.
	110 Jennifer Keys		Opposed to the Bill because rehabilitation after sandmining is difficult and takes a long time, making the area unattractive to tourists. NSI’s natural attractions are the basis of long term prosperity, not mining.	The department thanks Ms Keys for her submission and the department has noted her comments.
	113 Wallace V. Wight (Sub 131 makes similar comments)		<p>Opposes the Bill</p> <p>“The hydrology of North Stradbroke Island as a mass sand island comprises a freshwater “lens”, the integrity of which is dependent on</p>	The department thanks Mr Wight and the department has noted his comments.

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			the integrity of the dune landscape. That landscape is being modified by the sand extraction activity which puts the integrity of the hydrologic processes at an unacceptable risk. Further mining will exacerbate that risk" (sub 113, p1).	
	115 Quandamooka Yoolooburrabee Aboriginal Corporation		<p>"QYAC submits that the Bill should be rejected by the Parliament:</p> <ul style="list-style-type: none"> • It breaches the contractual rights of the Quandamooka People under their ILUA; • It invalidly affects the Quandamooka People's native title rights and interests and neither the State nor Sibelco has sought their prior informed consent; • It impacts upon the human rights of the Quandamooka People recognised by the UN Declaration on the Rights of Indigenous Peoples; • It is racially discriminatory; • It unreasonably favours a foreign owned private company over the rights of Traditional Owners; • It impacts upon sensitive environmental areas, and areas proposed to become National Parks; • It significantly reduces environmental controls and increases the environmental impact of Enterprise Mine on the Moreton Bay Ramsar Area; • The justification for the legislation has no basis, in respect to the economic, employment, education or sovereign risk arguments put forward by the Government on Sibelco's behalf; and • There are real issues of probity, and corruption risks in the Premier and his Government progressing the demands of Sibelco through this Bill • Sibelco has a poor track record in terms of obtaining appropriate approvals for their activity and off lease impacts" (sub 115, p1). <p>"The Premier, the Minister and the local member have all asserted that nothing in the Bill affects the implementation of the ILUA, nor native title rights and interests. QYAC submits that the Bill clearly does breach the ILUA, and significantly affects their native title rights and interests" (sub 115, p4).</p> <p>"The removal of the non-winning, and restricted mining path from the Environmental Authority ML100971509 will increase the environmental impact of Enterprise Mine, in particular it will increase</p>	<p>The Department thanks the Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) for its submission and reaffirms its commitment to fulfilling its obligations and responsibilities under the ILUA.</p> <p>Implementation of the ILUA began in 2011 and joint management arrangements were put in place by the then Department of Environment and Resource Management. Joint management of national parks on North Stradbroke Island is between the State (now the Department of National Parks, Recreation, Sport and Racing) and QYAC. The State, through the Department of Natural Resources and Mines is still progressing tenure related actions as part of implementation of the ILUA.</p> <p>In 2012, a land use planning study began and is being led by the Department of State Development, Infrastructure and Planning. The Department of Natural Resources and Mines has also been working with QYAC to progress tenure related issues as part of the implementation of the ILUA in an open and consultative manner.</p> <p>In addition, the QYAC and senior government representatives (from a range of departments) participate in quarterly round table discussions. This provides an opportunity for members of QYAC, Quandamooka Elders and the government to discuss matters relating to implementation of the ILUA in an open and consultative manner.</p> <p>The ILUA The Department is confident that the provisions of the Bill do not breach the State's indigenous land use agreement with the Quandamooka Yoolooburrabee</p>

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			<p>the impact on the adjacent Moreton Bay Ramsar Area” (sub 115, p7). “The removal of the prohibition of any environmental harm beyond the boundary of the mining tenements is a significant weakening of the conditions, because of the additional requirements of sections 16 and 17 of the Environment Protection Act 1994 (Qld) to demonstrate an economic impact for material or serious environmental harm” (sub 115, p8).</p>	<p>Aboriginal Corporation.</p> <p>The Department is aware that the Quandamooka Yoolooburrabee Aboriginal Corporation tabled correspondence from Crown Law before the Committee which suggested that the ILUA would be breached and a new ILUA prepared. That advice is not current and does not relate to the proposal being implemented by this Bill.</p> <p>Indeed, this Bill is a result of the challenge by the Minister for Natural Resources and Mine’s to Sibelco to come up with a proposal for the continuation of mining that did not breach the ILUA or native title laws.</p> <p>The areas covered by the Bill fall outside the protected areas or indigenous joint management areas on North Stradbroke Island.</p> <p>Native Title The Department has received advice in relation to whether the proposed amendments are in breach of native title. The Department is confident that the Bill does not breach the Commonwealth Native Title Act 1993.</p> <p>The Department is satisfied that the acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act, for example by falling within the definition of a ‘future act’, the rights under that Act, such as appeal rights or rights to compensation apply and are completely unaffected by the Bill.</p> <p>Human rights under UN convention The Department does not consider that a breach of the UN convention has occurred. As stated previously this Bill is a result of the challenge by the Minister for Natural Resources and Mine’s to Sibelco to come up with a proposal for the continuation of mining that did</p>

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				<p>not breach the ILUA or native title laws.</p> <p>Both the Commonwealth Native Title Act 1993 and the Aboriginal Cultural Heritage Act 2003 detail what consultation is required and when in relation to actions that affect native title rights and cultural heritage respectively. The Department is confident that it has complied with the requirements of those Acts.</p> <p>Racial discrimination The Department does not regard the Bill as racially discriminating. All relevant legislation in relation to native title and cultural heritage rights have been complied with.</p> <p>In addition, the provision for the extension of mining on North Stradbroke Island is being done by the government for the benefit of the economy of the Island. Indigenous residents will share in those benefits as outlined in the Report 'North Stradbroke Island – economic impact of mineral sands mining.'</p> <p>It unreasonably favours a foreign owned private company over the rights of Traditional Owners The Bill is not intended to favour the interests of one party over the other. Rather, the Bill is designed to minimise the area on which sand mining can occur whilst at the same time implementing the government's policy position that sand mining should continue for a further period in order to allow time for other industries to establish and fill the economic void that cessation will leave in the Island and regional economy.</p> <p>The Department believes that the Report 'North Stradbroke Island – economic impact of mineral sands mining' does provide a basis to demonstrate the benefits to be derived from the extension of sand mining on the Island</p>

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				<p>General</p> <p>Given that matters concerning Sibelco are currently before the court, the Department is unable to comment on this matter.</p>
	117 Mr Peter Geoffrey Forrest and Ms Mary Elizabeth Forrest		<p>Opposes the Bill</p> <p>“There is scientific evidence that current mining operations at the Enterprise Mine site are already impacting the adjacent wetlands. There is no evidence that post-mining restoration of natural eco systems has been successful in South East Queensland.</p> <p>Long term sustainable jobs associated with nature tourism are likely to be sacrificed if damage to Stradbroke’s environment continues for the sake of short term jobs in mining. The Bill will lead to loss of employment opportunities in the long term not a gradual transition as claimed” (sub 117).</p>	<p>The department thanks Mr and Mrs Forrest for their submission and the department has noted their comments.</p> <p>In relation to the Ramsar wetlands and areas of National Park, and having regard to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards.</p> <p>These safeguards include:</p> <ul style="list-style-type: none"> - Exclusions from operating within the Ramsar wetland; - Environmental monitoring and reporting requirements; - Management intervention where there are trigger level exceedances; and - Rehabilitation conditions requiring the disturbed land to be returned to natural conditions. <p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p> <p>The rehabilitation criteria within the proposed Environmental Authority was developed approximately 10 years ago in consultation with the mine operator, stakeholders and the Centre for Mine Rehabilitation at the University of Queensland.</p> <p>The mine operator conducts a study to identify the subsurface profile prior to commencing operations.</p>

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				<p>Studies completed in rehabilitated areas indicate that the subsurface profile has developed layers. Whilst it is not exactly the same profile that existed prior to mining, it is similar to natural systems.</p> <p>Rehabilitation of surface ecosystems can be effective in redeveloping natural process when done properly. The techniques conducted by the mine operator have been reviewed by departmental officers who have endorsed the methodology. Additionally, the rehabilitation program and compliance is assessed by reputable third party auditors, namely the Centre for Mine Rehabilitation at the University of Queensland.</p> <p>In relation to tourism - nature based tourism is only one of many possible alternative industries. Employment relating to tourism and hospitality is seasonal and is very dependent on visitors to the Island during its peak times.</p> <p>That said, there are many factors at play in relation to alternative industries. The longer transition time provided for by the Bill represents a balance between how long it will take to develop and establish alternative industries on the Island and ensuring that sand mining continues until further industries are established.</p> <p>In conclusion, the Bill is drafted consistent with the government's policy position.</p>
	118 Mr Dale Ruska, Goorumpul sovereign original first nation owner		<p>Strongly opposes the Bill on the following grounds:</p> <ul style="list-style-type: none"> the destructive nature of sand mining the government's lack of a clear claimed mandate to extend sand mining the Bill gives Sibelco an extension totalling 28 years while at the same time denying Mr Ruska and others rights to challenge the renewal, as a direct result of Premier Newman failing to honour his election promise to restore rights. This restriction on rights to challenge renewals does not exist anywhere else in Queensland 	<p>The department thanks Mr Ruska for his submission and has noted his comments.</p> <p>In relation to Mr Ruska's concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.</p>

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			<ul style="list-style-type: none"> the Bill is unlawful because it conflicts with the native title rights of the Quandamooka people as set out in the judgement of Dowsett J of the federal Court of Australia. Under the Court's orders, consented to by The State of Queensland and Sibelco, native title rights were recognised, including over non-exclusive areas covered by mining leases, including ML1117. These native title rights are exercisable upon the expiry of the mining leases. The Bill proposes the unlawful extension of sand mining. The Bill extends the total area permitted to be mined to be cleared of vegetation for sand mining at the Enterprise Mine to approximately 14 square kilometres. The lease renewal for the mine includes the second half of the mine (2013 onwards) which was not covered by the company's Environmental Studies Report 2003. The dredge mining proposed consumes 300,000 year old sand dunes down to a depth of 100 metres. And is not comparable to the patchy dry mining which some land in the Enterprise Mine area was subjected to decades ago The Enterprise Mine does not have federal approval under the Environment Protection and Biodiversity Conservation Act 2000 (Cwth) (EPBC Act) The unresolved criminal charges against Sibelco The Bill's breaches fundamental legislative principles by its interference with Mr Ruska's rights and liberties; by extending the retrospective adverse impact on his judicial rights to challenge the renewal of expired mining leases; and by having no regard whatsoever for aboriginal tradition and custom – it seeks to permit major, permanent damage to aboriginal land and to suspend the exercise of native title rights to that land for 20 years. When the land is finally handed back it will be in a significantly degraded state. 	<p>The Environmental Studies Report which incorporated the Environmental Baseline Report was comprehensive for Area A within the proposed project area. This report included findings on groundwater impacts and was reviewed by a Third Party and a Departmental Project Group. Since the report was compiled, the department and where appropriate the Government's expert Hydrologist, have reviewed the Annual Environmental Report as well as the monitoring plans. Departmental officers have determined that the ESR and subsequent reports are sufficient to make a decision on the proposed Environmental Authority amendments.</p> <p>The government's election commitment in relation to extending sand mining on North Stradbroke Island in order to facilitate an orderly economic transition has been in the public domain since January 2012. The department is implementing that commitment by this Bill. The Bill is drafted consistent with the government's policy position.</p> <p>This Bill does not breach the Commonwealth Native Title Act 1993. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a 'future act', the rights under that Act, such as rights to compensation apply and are completely unaffected by the Bill.</p> <p>The rehabilitation criteria within the proposed Environmental Authority was developed approximately 10 years ago in consultation with the mine operator, stakeholders and the Centre for Mine Rehabilitation at the University of Queensland.</p> <p>The mine operator conducts a study to identify the subsurface profile prior to commencing operations. Studies completed in rehabilitated areas indicate that the subsurface profile has developed layers. Whilst it is</p>

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				<p>not exactly the same profile that existed prior to mining, it is similar to natural systems.</p> <p>Rehabilitation of surface ecosystems can be effective in redeveloping natural process when done properly. The techniques conducted by the mine operator have been reviewed by departmental officers who have endorsed the methodology. Additionally, the rehabilitation program and compliance is assessed by reputable third party auditors, namely the Centre for Mine Rehabilitation at the University of Queensland.</p> <p>In conclusion, the Bill is drafted consistent with the government's policy position.</p>
	119 Friends of Stradbroke Island Association Inc		<p>Strongly opposes the Bill on the following grounds:</p> <ul style="list-style-type: none"> • The Bill fails to protect North Stradbroke Island from major, permanent and irreversible environmental harm – starkly different to the protections of Fraser Island established by the Federal Government in 1976. • Mining is having a significant adverse impact on the 18 Mile swamp (based on the opinion of Dr Errol Stock) which is protected under Ramsar and the EPBC Act • The Bill hands Sibelco an extension to their mining leases for 28 years while also denying the community's rights to challenge expired mining lease ML1117 and other leases on the island • The Bill is unlawful because it conflicts with the native title rights of the Quandamooka people as set out in the judgement of Dowsett J of the Federal Court of Australia. • The Bill interferes with individual rights and liberties in breach of fundamental legislative principles • The Enterprise Mine may be unlawful under commonwealth law • The unresolved criminal charges against Sibelco 	<p>The Department thanks the Friends of Stradbroke Island Association for their submission and the department has noted their comments on the Bill.</p> <p>In relation to the Association's concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.</p> <p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p> <p>In relation to the Ramsar wetlands and areas of National Park, and having regard to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards.</p> <p>These safeguards include:</p>

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				<ul style="list-style-type: none"> - Exclusions from operating within the Ramsar wetland; - Environmental monitoring and reporting requirements; - Management intervention where there are trigger level exceedances; and - Rehabilitation conditions requiring the disturbed land to be returned to natural conditions. <p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p> <p>This Bill does not breach the Commonwealth Native Title Act 1993. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a ‘future act’, the rights under that Act, such as rights to compensation apply and are completely unaffected by the Bill.</p> <p>In conclusion, the Bill is drafted consistent with the government’s policy position.</p>
	121 Confidential		<p>Permanent resident. Opposed to the Bill.</p> <p>“Decades more mining will hold back our future and continue to damage the island’s ecology, hydrology, geology and cultural sites” (sub 121, p1).</p> <p>“I would like to see a proper independent economic analysis with real data that everyone can check to see what economic options the government considered and how it arrived at the conclusion we must have mining on the island until at least 2035. How much money generated by mining stays on the island to support the island economy, not the mainland, just what circulates on the island itself? Mining only represents 13% of the island workforce; 87% of people with a job on the island are not employed in mining. Mining jobs are</p>	<p>The Department thanks Submitter No. 121 for their submission and the department has noted their views.</p> <p>In relation to Submitter No. 121’s concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.</p> <p>The government undertook an economic regional impact report on the impact of mineral sands mining</p>

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			falling on the island and are at the mercy of external market forces" (sub 121, p2).	<p>and this report has been provided to the Committee.</p> <p>This report shows that extending the Enterprise mining leases from 2019 to 2035 will provide considerable economic benefits to North Stradbroke Island and the state through increased economic activities in terms of production, value added, royalties and jobs, in particular:</p> <ul style="list-style-type: none"> • extra mineral production of \$1.50 billion; • value added to the GRP/GSP of \$0.95 billion; • royalties to the State revenue of around \$75.74 million; and • jobs retained is 107 FTE from 2015 to 2035. <p>In conclusion, the Bill is drafted consistent with the government's policy position.</p>
	122 Environmental Defenders Office (Qld) Inc.		<p>Submitter is concerned that:</p> <ul style="list-style-type: none"> • "The Bill removes opportunities for public scrutiny of the new Environmental Authority (EA) conditions. ... A draft EA with new conditions should be publicly notified as would normally be required under the Environmental Protection Act 1994" (Sub 122, p 1). • "The Bill removes key review and appeal rights regarding the renewal of mining leases reducing transparency and accountability of Government decisions" (Sub 122, p 1). <p>Also concerned about:</p> <ul style="list-style-type: none"> • removal of buffer zones for national park and Ramsar wetlands • increased disturbance of protected areas; and • lack of public consultation - election 'mandate' is insufficient to give authority to legislate on broad 'election commitments' without public consultation • appears no Environmental Impact Statement was prepared before the mine was approved. Can the 2004 Environmental Studies Report be used for 2013 environmental conditions? • only having 7 days to make submissions about the Bill, including EA conditions, compared to the longer public notification period (20 business days) under the EP Act. <p>Submitter recommends:</p> <ul style="list-style-type: none"> • Bill should not be passed 	<p>The department thanks the Environmental Defenders Office (Qld) Inc. for their submission and the department has noted their comments.</p> <p>In relation to the Ramsar wetlands and areas of National Park, and having regard to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards.</p> <p>These safeguards include:</p> <ul style="list-style-type: none"> - Exclusions from operating within the Ramsar wetland; - Environmental monitoring and reporting requirements; - Management intervention where there are trigger level exceedances; and - Rehabilitation conditions requiring the disturbed land to be returned to natural conditions. <p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model</p>

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			<ul style="list-style-type: none"> comprehensive consultation should occur, commencing with a public policy discussion paper from relevant government department. Consultation should examine matters such as: <ul style="list-style-type: none"> 'orderly end' to mining on NSI possible future 'ecologically sustainable' uses of NSI rehabilitation impact on Native Title and indigenous cultural heritage. If EA is proposed to be changed, Sibelco should apply under the EP Act. "Alternatively, the Government should publicly notify the new draft EA and subject it to the Land Court statutory review process as required under the EP Act / Mineral Resources Act 1989. "Effective appeal rights must be available to ensure fundamental individual rights are maintained" (Sub 122, p 6). 	<p>mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p> <p>The Environmental Studies Report which incorporated the Environmental Baseline Report was comprehensive for Area A within the proposed project area. This report included findings on groundwater impacts and was reviewed by a Third Party and a Departmental Project Group. Since the report was compiled, the department and where appropriate the Government's expert Hydrologist, have reviewed the Annual Environmental Report as well as the monitoring plans. Departmental officers have determined that the ESR and subsequent reports are sufficient to make a decision on the proposed Environmental Authority amendments.</p> <p>The department acknowledges that no public consultation occurred on the Bill. The department further understands that the government decided that consultation occurred at the time of the election. The government made an election commitment and the department is implementing that commitment by this Bill.</p> <p>This Bill does not breach the Commonwealth Native Title Act 1993. The acts done under the Bill are valid under the Native Title Act. Further, where acts done under the Bill fall under the Native Title Act – for example – by falling within the definition of a 'future act', the rights under that Act, such as rights to compensation apply and are completely unaffected by the Bill.</p> <p>In conclusion, the Bill is drafted consistent with the government's policy position.</p>
	123 Ms Lisa Aldenhoven		<p>Completely opposes the Bill.</p> <p>"Unbelievably the Bill lowers the bar on environmental controls. It removes buffers for Ramsar and national park and allows mining</p>	<p>The department thanks Ms Aldenhoven for her submission and the department has noted her comments.</p>

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			<p>disturbance into plant communities previously protected under the provisions of the NSIPS Act 2011. Conditions preventing off-lease harm, and the requirement for robust environmental studies preceding new mine sites, are weakened" (sub 123).</p> <p>"It is a ridiculous assertion that an extra 16 years are needed for transition, on top of 8 years already granted, for an industry that currently employs only 13% of the island's workers" (sub 123).</p>	<p>In relation to Ms Aldenhoven's concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.</p> <p>In relation to the Ramsar wetlands and areas of National Park, and having regard to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards.</p> <p>These safeguards include:</p> <ul style="list-style-type: none"> - Exclusions from operating within the Ramsar wetland; - Environmental monitoring and reporting requirements; - Management intervention where there are trigger level exceedances; and - Rehabilitation conditions requiring the disturbed land to be returned to natural conditions. <p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p> <p>There are many factors at play in relation to alternative industries. The longer transition time provided for by the Bill represents a balance between how long it will take to develop and establish alternative industries on the Island and ensuring that sand mining continues until further industries are established.</p> <p>Further, the government undertook an economic</p>

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				<p>regional impact report on the impact of mineral sands mining and this report has been provided to the Committee.</p> <p>This report shows that extending the Enterprise mining leases from 2019 to 2035 will provide considerable economic benefits to North Stradbroke Island and the state through increased economic activities in terms of production, value added, royalties and jobs, in particular:</p> <ul style="list-style-type: none"> • extra mineral production of \$1.50 billion; • value added to the GRP/GSP of \$0.95 billion; • royalties to the State revenue of around \$75.74 million; and • jobs retained is 107 FTE from 2015 to 2035. <p>In conclusion, the Bill is drafted consistent with the government's policy position.</p>
	125 Ms Jan Aldenhoven		<p>Permanent resident. Oppose the Bill. Rejects the argument that the island needs a further 20 years to transition the economy.</p> <p>"No independent economic report to substantiate the need for a 29-year transition has been provided for public scrutiny. The flimsy economic analysis prepared for the Agriculture, Resources and Environment Committee 21 October 2013 is inadequate" (sub 125, p2).</p> <p>"There are no guarantees with mining jobs; they are subject to international market forces. The government is exposing the island economy to risk by placing so much emphasis on mining".</p> <p>"The revenue from mining cannot compensate for the damage to the islands, ecology, hydrology, geology and cultural heritage" (sub 125, p2).</p> <p>"Mining will occur in close proximity to 18 Mile Swamp and the catchment to Blue Lake, a unique pristine water body dubbed God's Bathtub. Both wetlands contain endangered species. Mining will operate right within the aquifers feeding these internationally listed wetlands. Permitted mining runs along Ramsar boundary to the east, with no buffer, and even crosses into Ramsar in one area (Herring Valley)" (sub 125, p3).</p> <p>"Plans to pump drinking water to the Redlands were shelved because</p>	<p>The department thanks Ms Aldenhoven for her submission and the department has noted her comments.</p> <p>There are many factors at play in relation to alternative industries. The longer transition time provided for by the Bill represents a balance between how long it will take to develop and establish alternative industries on the Island and ensuring that sand mining continues until further industries are established.</p> <p>Further, the government undertook an economic regional impact report on the impact of mineral sands mining and this report has been provided to the Committee.</p> <p>This report shows that extending the Enterprise mining leases from 2019 to 2035 will provide considerable economic benefits to North Stradbroke Island and the state through increased economic activities in terms of production, value added, royalties and jobs, in</p>

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			<p>the risks of interfering with the aquifer feeding Blue Lake were too great. Yet the Bill allows for mining to occur in closer proximity to Blue Lake than the bore field would have been. I serve on the community reference panel that deliberates on the water plan for the island" (sub 125, p3).</p> <p>"The areas now destined to be mined should be in national park because of their biological, scenic and cultural values. Rehabilitation does not restore the country to its original condition and therefore will compromises or negate its value for future national park" (sub 125, p3).</p>	<p>particular:</p> <ul style="list-style-type: none"> • extra mineral production of \$1.50 billion; • value added to the GRP/GSP of \$0.95 billion; • royalties to the State revenue of around \$75.74 million; and • jobs retained is 107 FTE from 2015 to 2035. <p>In relation to concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.</p> <p>In relation to the Ramsar wetlands and areas of National Park, and having regard to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards.</p> <p>These safeguards include:</p> <ul style="list-style-type: none"> - Exclusions from operating within the Ramsar wetland; - Environmental monitoring and reporting requirements; - Management intervention where there are trigger level exceedances; and - Rehabilitation conditions requiring the disturbed land to be returned to natural conditions. <p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p> <p>The rehabilitation criteria within the proposed</p>

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				<p>Environmental Authority was developed approximately 10 years ago in consultation with the mine operator, stakeholders and the Centre for Mine Rehabilitation at the University of Queensland.</p> <p>The mine operator conducts a study to identify the subsurface profile prior to commencing operations. Studies completed in rehabilitated areas indicate that the subsurface profile has developed layers. Whilst it is not exactly the same profile that existed prior to mining, it is similar to natural systems.</p> <p>Rehabilitation of surface ecosystems can be effective in redeveloping natural process when done properly. The techniques conducted by the mine operator have been reviewed by departmental officers who have endorsed the methodology. Additionally, the rehabilitation program and compliance is assessed by reputable third party auditors, namely the Centre for Mine Rehabilitation at the University of Queensland.</p> <p>In conclusion, the Bill is drafted consistent with the government's policy position.</p>
	126 Mr Joel Bolzenius		<p>Concerned about:</p> <ul style="list-style-type: none"> proposed removal of buffers between Ramsar listed wetland and mining (submission includes extract about buffer zones from Ramsar handbook) Herring Lagoon located on a mining lease. It is connected to the 18 Mile Swamp wetland system. mining occurring outside the lease area within Ramsar area cultural heritage (have impacts on it been considered?) <p>The submitter wants to know whether the mining disturbance areas under the Bill will be referred to the Federal Minister under the EPBC Act and undergo an environmental assessment and approval process. The submitter wants maps showing "overlays of environmentally sensitive areas, Ramsar areas, native title holdings and mining leases" (Sub 126, p 2) to be provided to the committee and the broader community.</p> <p>The submitter contends that "remnant vegetation classified as</p>	<p>The department thanks Mr Bolzenius for his submission and his comments are noted.</p> <p>In relation to the Ramsar wetlands and areas of National Park, and having regard to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards.</p> <p>These safeguards include:</p> <ul style="list-style-type: none"> Exclusions from operating within the Ramsar wetland; Environmental monitoring and reporting requirements; Management intervention where there are trigger level exceedances; and Rehabilitation conditions requiring the disturbed

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
			<p>'endangered' regional ecosystem is classed as being a category B environmentally sensitive area while 'of concern' regional ecosystems are not protected. This bill amendment along with Regional Ecosystem mapping indicates that approximately 110Ha of 'Of Concern' ... on mining lease 1105 and approximately 200Ha of 'Of Concern' ... on mining lease 117 is located in areas where mining disturbance can occur ... and removed much of the protection provided by the current legislation ..." (Sub 126, p 3).</p>	<p>land to be returned to natural conditions.</p> <p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p> <p>In conclusion, the Bill is drafted consistent with the government's policy position.</p>
	128 Ms Elizabeth Clouston		<p>Concerned about the Bill because:</p> <ul style="list-style-type: none"> • of the mine's proximity to Ramsar listed wetlands. • the Bill removes the requirement for continuing studies of old growth forests • tourism on NSI will be negatively impacted by further mining • the Bill "fails to restore the rights of Queenslanders to object to a mining extension and challenge a renewal in court. That right is available to them under the Mineral Resources Act which applies everywhere else in Queensland" • Sibelco appears to have received preferential treatment • Sibelco is facing criminal charges in the Magistrates Court 	<p>The department thanks Ms Clouston for her submission and the department has noted her comments.</p> <p>In relation to the Ramsar wetlands and areas of National Park, and having regard to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards.</p> <p>These safeguards include:</p> <ul style="list-style-type: none"> - Exclusions from operating within the Ramsar wetland; - Environmental monitoring and reporting requirements; - Management intervention where there are trigger level exceedances; and - Rehabilitation conditions requiring the disturbed land to be returned to natural conditions. <p>In relation to Ms Clouston's concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.</p> <p>In relation to Ms Clouston's point about tourism - nature based tourism is only one of many possible</p>

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
				<p>alternative industries. Employment relating to tourism and hospitality is seasonal and is very dependent on visitors to the Island during its peak times.</p> <p>That said, there are many factors at play in relation to alternative industries. The longer transition time provided for by the Bill represents a balance between how long it will take to develop and establish alternative industries on the Island and ensuring that sand mining continues until further industries are established.</p> <p>In conclusion, the Bill is drafted consistent with the government's policy position.</p>
	130 Mr Lance Blemmings JP		<p>Opposed to the Bill because:</p> <ul style="list-style-type: none"> • Bill extends for another 20 years areas of NSI (at least 2/3), including significant environmental features, for exclusive use of the miners • miner is a private company so is not accountable to shareholders, stakeholders, community groups • important to have more national park on NSI – this Bill may mean that future opportunities to expand the national park may be lost to mining • potential negative impact on water catchment for Redlands. 	<p>The Department thanks Mr Blemmings for his submission and the department has noted his comments on the Bill.</p> <p>In relation to Mr Blemmings' concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.</p> <p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p> <p>In relation to the Ramsar wetlands and areas of National Park, and having regard to the pre Act approval, mining operations up to the Ramsar wetlands mapped boundary was considered appropriate with the suitable safeguards.</p>

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
				<p>These safeguards include:</p> <ul style="list-style-type: none"> - Exclusions from operating within the Ramsar wetland; - Environmental monitoring and reporting requirements; - Management intervention where there are trigger level exceedances; and - Rehabilitation conditions requiring the disturbed land to be returned to natural conditions. <p>In conclusion, the Bill is drafted consistent with the government's policy position.</p>
	131 Mark Taylor		<p>Opposes the Bill because:</p> <ul style="list-style-type: none"> • North Stradbroke island is a natural asset of very high national and international environmental and geological significance and its value transcends any temporary economic value realised through sand mining • The modification of the due landscape puts at risk the integrity of the island's hydrological processes • The extension of sand mining is contrary to the expectations of Queenslanders that the lease area will be rehabilitated at an early stage and included in a national park • Deferring the rehabilitation is not in the best interest of Queenslanders • Continuance of the lease while the lease extension application is being dealt with increases the risk that harm is being caused by continued extraction activity and the risk that harm being done may not be capable of mitigation • The replacement of the Environmental Authority (Schedule 2A) is negligent in the extreme –the replacement authority reduces the level of protection of the flora, fauna, landform and hydrological processes, likely leading to a greater level of environmental harm • The amendment to the vegetation Management Framework Amendment Act of 2013 would further erode the purpose of the framework and would reduce protection of the natural vegetation heritage on North Stradbroke island and further threaten the habitat and ecological processes on which native species depend 	<p>The Department thanks Mr Taylor for his submission and the department notes his views.</p> <p>In relation to Mr Taylor's concerns about the environment, the Environmental Authority contains a range of conditions to ensure the environment is protected, including a monitoring program that must be conducted and results provided to the Department of Environment and Heritage Protection annually.</p> <p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. Importantly, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p> <p>The Environmental Studies Report which incorporated the Environmental Baseline Report was comprehensive for Area A within the proposed project area. This report included findings on groundwater impacts and was reviewed by a Third Party and a Departmental Project Group. Since the report was compiled, the department and where appropriate the Government's expert Hydrologist, have reviewed the Annual Environmental Report as well as the monitoring plans. Departmental officers have determined that the ESR and subsequent</p>

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
			<ul style="list-style-type: none"> Sibelco has not demonstrated its ability to operate within agreed terms. It is subject to ongoing legal action regarding the removal of material outside its operating licence – no further extension of their lease should be contemplated until this and other allegations are fully and adequately answered 	<p>reports are sufficient to make a decision on the proposed Environmental Authority amendments.</p> <p>The government's election commitment in relation to extending sand mining on North Stradbroke Island in order to facilitate an orderly economic transition has been in the public domain since January 2012. The department is implementing that commitment by this Bill. The Bill is drafted consistent with the government's policy position.</p> <p>The amendment to the Vegetation Management Framework Amendment Act will remove duplication between the VMFAA and the development assessment provisions contained in the State Development Assessment Provisions and remove unintended negative consequences for landholders.</p> <p>The duplication was an oversight, particularly given the objective of the vegetation management reforms which was to reduce red tape and streamline the vegetation clearing requirements. Importantly, the impacts and required outcomes of clearing of endangered and of concern regional ecosystems are not being diminished or eroded by the omission of this provision, rather the amendment will enable the assessment of values impacted by the clearing of vegetation for high value agriculture and irrigated high value agriculture to be appropriately assessed under the State Development Assessment Provisions consistent with other assessable vegetation clearing activities.</p>
	132. Confidential		"I do not against the mining, but all the environmental protection rules and regulation need to remain to keep this beautiful icon of Australia last for generations to come." (Sub 132, p.1)	The department thanks Submitter No. 132 for their submission and has noted their comments.
Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
			Comments on clauses (where clause numbers were noted by submitters)	
Part 1 Preliminary				
1		Short title		

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
Part 2 Amendment of North Stradbroke Island Protection and Sustainability Act 2011				
2		Commencement		
3		Act amended		
4	9 Wildlife Preservation Society of Qld – Sunshine Coast & Hinterland	Amendment of s 2 (Object of Act)	<p><i>“1(a) Mining lease should only be renewed from 2019 to 2024, a time period of five years, for the sole purpose of rehabilitation under a non-winning condition.</i></p> <p><i>1(b) Restricted mine path and non-winning condition over part of the Enterprise mine should remain. Significant vegetation of high conservation value should be protected as this was the intention of the NSIPS Act.</i></p> <p><i>1(c) Renewal of the Yarraman mine lease should only be for a period of five years from 2015, under a non-winning condition, in order to rehabilitate the site” (sub 9, p1).</i></p> <p>Considers that <i>‘the mining company has had time to restructure their operations to cover the closure of the Enterprise and Yarraman mines as it has been operating under the terms of the NSIPS Act since 2011’</i> (sub 9, p1).</p> <p>Rehabilitation process of two or three mines will provide opportunity for continuing employment (sub 9, p2).</p>	<p>The Department thanks the Wildlife Preservation Society of Queensland – Sunshine Coast and Hinterland for its comments in relation to the objects of the <i>North Stradbroke Island Protection and Sustainability Act 2011</i>.</p> <p>The suggestions made are not consistent with the government’s policy position that:</p> <ul style="list-style-type: none"> mining should continue on the Island for a period that provides a realistic timeframe in which North Stradbroke Island can transition to other industries such as nature based recreation, tourism and education.; and that the restricted mine path and non-winning condition over part of the Enterprise mine be removed in order to remove the harm done to Queensland’s reputation in relation to sovereign risk and leave environmental matters to the <i>Environmental Protection Act 1994</i>.
5		Amendment of s 5 (Meaning of North Stradbroke Island Region)		
6		Amendment of s 9 (Termination of mining lease 1109)		

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
7		Amendment of s 10 (Particular mining leases not to be renewed)		
8		Amendment of s 11 (Renewal of particular NSI mining leases)		
9		Insertion of new ss 11A-11J		
		<i>11A Mining lease 1120 no longer subject to particular condition for renewal</i>		
		<i>11B Mining leases 1105, 1109, 1117 and 1120 can be renewed</i>		
		<i>11C Application for renewal of mining leases</i>		
	9 Wildlife Preservation Society of Qld – Sunshine Coast & Hinterland		Notes that “this section overrides any requirement of the Mineral Resources Act 1989 on renewals of mining leases which are negated and bypassed” (sub 9, p3). Considers that “it makes a mockery of the MRA which is intended to provide checks and balances to ensure that mining activities are carried out in a sustainable manner in regards to environmental concerns” (sub 9, p4).	As stated in the Explanatory Notes to the Bill, appeal rights have been excluded in relation to the Minister’s power to renew relevant mining leases because the government has formed the view that it is in the public interest to do so. The clause is justified by the need to balance the rights of an individual against the needs of the North Stradbroke Island community and region as a whole. The study, ‘North Stradbroke Island – economic impact of mineral sands mining’ done the Department of State Development, Infrastructure and Planning clearly demonstrates that the early cessation of sand mining on North Stradbroke

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
				Island would have a severe effect on the Island and regional economies. To ensure that this does not occur, it is essential to provide Sibelco with sufficient certainty now to provide the necessary investment in infrastructure to continue mining at the Enterprise mine until 2035, with non-winning conditions applied from 2035 to 2040 to finalise rehabilitation of mine sites.
		11D Decision on application		
		11E Provisions about particular leases if renewed		
	9 Wildlife Preservation Society of Qld – Sunshine Coast & Hinterland	11F Limitation of review and appeal	Considers that neither the power nor the appropriate review is sufficiently defined, nor what constitutes “appropriate review”. Considers that the removal of appeal rights, notwithstanding the ‘rights’ of the NSI community, is in breach of section 4(3)(a) of the LSA. There must be allowable provisions for appeal, <i>to protect the rights and liberties of an individual.</i>	<p>The Department acknowledges that new section 11F, inserted by clause 9 of the Bill is a breach of section 4(3)(a) of the <i>Legislative Standards Act 1992</i>. The Legislative Standards Act 1992 does not establish FLPs as rules of law but rather as important guiding principles to be observed in drafting legislation.</p> <p>In having regard to fundamental legislative principles,, the purpose of the <i>Legislative Standards Act 1992</i> to be achieved is that of ensuring Queensland legislation is of the highest standard.</p> <p>Sometimes, the application of a fundamental legislative principle must be altered to achieve important policy objectives in the community interest. That is the case in this instance.</p> <p>The government has formed the view that it is in the public interest to do so. The clause is justified by the need to balance the rights of an individual against the needs of the North Stradbroke Island community and region as a whole.</p> <p>The study, ‘North Stradbroke Island – economic impact of mineral sands mining’ done the</p>

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
				Department of State Development, Infrastructure and Planning clearly demonstrates that the early cessation of sand mining on North Stradbroke Island would have a severe effect on the Island and regional economies. To ensure that this does not occur, it is essential to provide Sibelco with sufficient certainty now to provide the necessary investment in infrastructure to continue mining at the Enterprise mine until 2035, with non-winning conditions applied from 2035 to 2040 to finalise rehabilitation of mine sites.
	122 Environmental Defenders Office (Qld) Inc.		<p>Proposed new s 11F is “inconsistent with fundamental principles and the operation of the rule of law in a free and fair democracy” (Sub 122, p 5).</p> <p>“In an attempt to give certainty to Sibelco and reduce ‘sovereign risk’ the Government has eroded fundamental checks and balances on administrative power” (Sub 122, p 5).</p> <p>The justification for these provisions is not supported because consultation did not occur on the Bill, Sibelco’s interests are being placed above those of the community and the administrative power of the Minister is not sufficiently defined.</p>	<p>The Department thanks the Environmental Defender’s Office Queensland – Sunshine Coast and Hinterland for its comments in relation to clause 9, new section 11F of the Bill.</p> <p>The Department acknowledges that new section 11F, inserted by clause 9 of the Bill is a breach of section 4(3)(a) of the Legislative Standards Act 1992. The Legislative Standards Act 1992 does not establish FLPs as rules of law but rather as important guiding principles to be observed in drafting legislation.</p> <p>In having regard to fundamental legislative principles,, the purpose of the Legislative Standards Act 1992 to be achieved is that of ensuring Queensland legislation is of the highest standard.</p> <p>Sometimes, the application of a fundamental legislative principle must be altered to achieve important policy objectives in the community interest. That is the case in this instance.</p> <p>The government has formed the view that it is in the public interest to do so. The clause is justified by the need to balance the rights of an individual against the needs of the North Stradbroke Island community and region as a whole.</p>

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
				The study, 'North Stradbroke Island – economic impact of mineral sands mining' done the Department of State Development, Infrastructure and Planning clearly demonstrates that the early cessation of sand mining on North Stradbroke Island would have a severe effect on the Island and regional economies. To ensure that this does not occur, it is essential to provide Sibelco with sufficient certainty now to provide the necessary investment in infrastructure to continue mining at the Enterprise mine until 2035, with non-winning conditions applied from 2035 to 2040 to finalise rehabilitation of mine sites.
		11G Continuation of lease while application being dealt with		
	9 Wildlife Preservation Society of Qld – Sunshine Coast & Hinterland		Have concerns that this section allows for the <i>“original lease to continue past its end by date, under its original conditions, due to delays in the processing of the new application”</i> (sub 9, p4).	New section 11G is identical to section 286C of the <i>Mineral Resources Act 1989</i> , which applies to the renewal of mining leases in Queensland. It is a necessary provision designed to ensure that a mining company that has validly lodged a mining lease renewal application within the statutory timeframes, does not, through no fault of its own, have the lease lapse due to delays cause by the government’s processing of the application.
		11H When term of renewed lease starts		
		11I When new conditions of renewed lease start		
		11J Application of Mineral Resource Act not limited		
	9 Wildlife Preservation Society of Qld – Sunshine Coast & Hinterland		Notes that this <i>“section appears to be in conflict with new section 11C”</i> (sub 9, p4).	The clause is not in conflict with new section 11C. New clause 11C related to renewal of the mining leases, which is done under the <i>North Stradbroke Island Protection and Sustainability Act 2011</i> as amended by the Bill.

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
				In contrast, new section 11J covers the period after renewal. In other words, after the lease is renewed, it will become subject to the provisions of the <i>Mineral Resources Act 1989</i> .
10		Amendment of s 14 (Prohibition on grant on NSI mining interest)		
11		Amendment of s 15 (Purpose of div 3)		
	9 Wildlife Preservation Society of Qld – Sunshine Coast & Hinterland		Clause 15 also “omits the definition of ‘environmental authority’ in the Dictionary and concerned that this means further erosion of environmental protection measures and safeguards” (sub 9, p4).	<p>The structure of new section 17 and its provision that the new authority it taken to be an environmental authority for the <i>Environmental Protection Act 1994</i> means that the definition previously included in the Dictionary is no longer required for interpretation purposes.</p> <p>The obligations under the <i>Environmental Protection Act 1994</i> and the Environmental Protection Regulation will apply in addition to those imposed under the environmental authority.</p>
12	9 Wildlife Preservation Society of Qld – Sunshine Coast & Hinterland	Replacement of ss 16 to 21	<p>Concerned about the public consultation process being omitted in the replacement EA.</p> <p>“Feel that it is imperative that such matters be the subject of public consultation under the provisions of the Legislative Standards Act 1992 s 4(3) not lightly dismissed by the statement that: it will be open to the public to make comment on it...” (sub 9; p 3).</p>	<p>Consideration has been given to the public consultation and submissions conducted by the mine operator and the government as part of the previous approval process.</p> <p>The Bill is drafted consistently with the timing and policy decisions of the government.</p>
13		Insertion of new ss 23 and 24		
14		Insertion of new sch 2A		
	113 Mr Wallace V. Wight		<p>“The replacement of the Environment Authority (Schedule 2A) is negligent in the extreme. The replacement Environmental Authority reduces the level of protection of the flora, fauna, landform and hydrological processes which are impacted by the sand mining activity. This is likely to lead to a greater level of environmental harm being done” (sub 113, p1).</p>	<p>The proposed Environmental Authority incorporates effective conditions to protect the environmental values of North Stradbroke Island.</p> <p>The proposed Environmental Authority includes conditions that protect areas of high conservation value by defining a proposed project area for</p>

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
				mining within the Enterprise Mine and conditions to exclude the operator from undertaking mining activities within Category A (National Parks) and B (e.g. endangered regional ecosystems) environmentally sensitive areas.
	12 Queensland Resources Council		<p>A clerical error in the environmental authority (EA) – “it mistakenly includes references to mining leases which are no longer in existence” (Sub 12, p 3).</p> <p>The submitter would like the ability to apply for amendments to the EA in the future noted in the Bill or the Explanatory Notes.</p> <p>Concerned about the EA being included in legislation.</p>	<p>The Department undertook the decision not to remove the reference to cancelled mining leases within the proposed Environmental Authority. This decision was made due to the fact that rehabilitation requirements still need to be met within those leases.</p> <p>The proposed Environmental Authority will operate and be administered under the <i>Environmental Protection Act 1994</i> once the amended North Stradbroke Island Protection and Sustainability Bill 2013 takes effect.</p>
	112 Australian Conservation Foundation		<p>The Bill and the embedded new Environmental Authority remove the requirement for (Sub 112, p 1):</p> <ul style="list-style-type: none"> • environmental harm not to occur beyond the mining tenements adjoining National Parks and Ramsar sites (A5, A6) • mining not to occur on Category a or Category B environmentally sensitive areas, except for ML 1109 (A7 (see G3) • baseline environmental studies and an environmental studies Report (A10 – 13) • investigation of harm to perched water bodies (A31) • rehabilitated areas to be free of declared weeds (H22). 	<p>The proposed Environmental Authority has the appropriate environmental controls to protect environmental values.</p> <p>The proposed Environmental Authority only authorises mining activity within the proposed project area. It does not authorise environmental harm beyond the proposed project area and therefore any harm caused would be unlawful and an offence under the <i>Environmental Protection Act 1994</i>. A condition duplicating a legislative provision is unnecessary.</p> <p>The proposed Environmental Authority excludes the operator from operating in Category A (eg. National Parks) and B (eg. endangered regional ecosystems) environmentally sensitive areas by including them in the buffer zones. A further condition protecting Category A and B environmentally sensitive areas within the Enterprise Mine proposed project area is not necessary.</p>

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
				<p>For areas where baseline environmental studies have not previously been carried out, the proposed Environmental Authority requires a management plan. This involves a detailed study on environmental values, development of risk controls, trigger levels and stakeholder engagement.</p> <p>The perched lake condition referenced in the enquiry required investigations to be completed by 2008. The investigations were completed to the satisfaction of the administering authority and the condition is no longer relevant.</p> <p>Declared weeds are regulated by the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> which places obligations on the land owner, in this case the Mine operator. The operator will be required to manage weeds in accordance with the Land Protection legislation as well as achieve the rehabilitation outcomes prescribed by the proposed Environmental Authority.</p>
	122 Environmental Defenders Office (Qld) Inc.		<p>“..unprecedented move” to include the EA in a schedule to the Bill. “As a result, the new EA conditions will not have to go through a public notification process which is usually required for all EAs relating to mining leases in Queensland” (Sub 122, p 2). This “denies the public an opportunity to properly scrutinise the new conditions of the EA” (Sub 122, p 2). It is also not subject to the Land Court objection process. The arguments used by the Government to defend its approach are unsatisfactory.</p> <p>EDOQ questions what is mean by “sufficient magnitude” in the Explanatory Notes (p 8) when referred to whether an EA application needs to go through public notification. “How has it been determined? By whom? And on what basis?” (Sub 122, p 3)</p> <p>“If protection of the environment is a matter for the EP Act, and NSI mining is to be no different, then the new EA should go through the same process as all other resource EAs under that Act” (Sub 122, p 3). The Department of Environment and Heritage Protection’s Guideline to Model Mining Conditions provides that public notification must be repeated if the model conditions are to be used but public consultation</p>	<p>Making the proposed Environmental Authority into the legislation is the most practical approach. This is in line with the current government policy designed to reduce red tape and unnecessary regulatory burden.</p> <p>It was considered that the operator, prior to the introduction of the <i>North Stradbroke Island Protection and Sustainability Act 2011</i>, had completed the necessary investigations into the suitability of the site for mining.</p> <p>This included the production of the environmental studies report in 2003 which is considered to be similar to an environmental impact statement, including a public notification process, for the proposed project area.</p>

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
			was completed on the basis of different draft conditions. Therefore, shouldn't the new EA be publicly notified?	
15		Amendment of sch 3 (Dictionary)		
Part 3 Amendment of Vegetation Management Framework Amendment Act 2013				
16		Act amended		
	38 Ms Jan Buhmann		<i>"This is government owned resources being used to benefit an economy, and it is therefore implicit that the government should be guardian and steward to minimise negative results"</i> (sub 38, p1).	The department thanks Ms Buhmann for her submission and has noted her comments.
	113 Mr Wallace V. Wight		<i>"The amendment to the Vegetation Management Framework Amendment Act of 2013 would further erode the purpose of the Vegetation Management Framework and would reduce the protection of our natural vegetation heritage on North Stradbroke Island, and further threaten the habitat and ecological processes upon which our native species depend"</i> (sub 113, p2).	<p>The omission of this provision from the <i>Vegetation Management Framework Amendment Act 2013</i> will remove duplication between provisions contained in the <i>Vegetation Management Framework Amendment Act 2013</i> (VMFAA) and development assessment provisions contained in the State Development Assessment (SDAP): Module 8 Native Vegetation Clearing under the Sustainable Planning Act 2009.</p> <p>Retention of these provisions within both the VMFAA and the SDAP will result in unintended negative consequences for landholders. The duplication was an oversight, particularly given the objective of the vegetation management reforms which was to reduce red tape and streamline the vegetation clearing requirements. Importantly, the impacts and required outcomes of clearing of endangered and of concern regional ecosystems are not being diminished or eroded by the omission of this provision, rather the amendment will enable the assessment of values impacted by the clearing of vegetation for high value agriculture and irrigated high value agriculture to be appropriately assessed under the State Development Assessment Provisions consistent with other assessable vegetation clearing activities.</p>

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
17		Amendment of s 47 (Insertion of new pt 2, div 6, sdiv 1A)		
	9 Wildlife Preservation Society of Qld – Sunshine Coast & Hinterland		<p><i>“Section 47 of the VMFAA is apparently to be amended to omit new sections of the VMA whereby applicants have to provide details of how they proposed to minimise or mitigate against the adverse impacts of clearing ‘endangered’ and ‘of concern’ regional ecosystems as part of the suitable application test” (sub 9, p5). Amendments “appear to provide minimal protection against the clearing of regional ecosystem vegetation classified as ‘endangered’ or ‘of concern’” (sub 9, p5).</i></p> <p><i>“Why removed ‘new’ sections of the VM Act when they have recently only been enacted? (Sub 9, p 5).</i></p>	<p>Removal of sections 22DAB(2)(d) and (3), and 22DAC(1)(e) and (i) will remove duplication between provisions contained in the Vegetation Management Framework Amendment Act 2013 (VMFAA) and development assessment provisions contained in the State Development Assessment (SDAP): Module 8 Native Vegetation Clearing under the <i>Sustainable Planning Act 2009</i>. Retention of these provisions within both the VMFAA and the SDAP will result in unintended negative consequences for landholders. The duplication was an oversight, particularly given the objective of the vegetation management reforms which was to reduce red tape and streamline the vegetation clearing requirements.</p> <p>Importantly, the impacts and required outcomes of clearing of endangered and of concern regional ecosystems are not being diminished or eroded by the omission of this provision, rather the amendment will enable the assessment of values impacted by the clearing of vegetation for high value agriculture and irrigated high value agriculture to be appropriately assessed under the State Development Assessment Provisions consistent with other assessable vegetation clearing activities.</p>
			Other issues	
	10 Ms Barbara Brindley		Protect national parks	<p>The Department thanks Ms Brindley for her submission and notes the views expressed.</p> <p>Mining will not occur in national parks on North Stradbroke Island. Additionally, the Environmental Authority provides comprehensive safeguards for the environment in and around mining operations and is administered by the Department of Environment and Heritage Protection.</p>

Cl.	Sub No. and Submitter	Section/[Issue]	Key Points	Departmental response
				<p>The proposed Environmental Authority restricts operations to three mining leases at Enterprise and safeguards include:</p> <ul style="list-style-type: none"> • Exclusions from operating within the Ramsar wetland; • Environmental monitoring and reporting requirements; • Management intervention where there are trigger level exceedances; and • Rehabilitation conditions requiring the disturbed land to be returned to natural conditions. <p>In developing the proposed amended Environmental Authority, the Department of Environment and Heritage Protection has sought to utilise the model mining conditions where appropriate. However, a number of site specific conditions were applied in recognition of the particular environmental values that exist on North Stradbroke Island.</p>
	12 Queensland Resources Council		<p>Concerned about legislation directed at a single company.</p> <p>Opposed to the use of legislation to constrain individual operations (eg specifying end dates for mining operations)</p> <p>Preferred position – have the NSI mining operations follow the same processes as other Queensland mines</p>	<p>It is unusual for legislation to be targeted in the manner of the Bill. However, to implement the government's decision to provide for the extension of mining on North Stradbroke Island, the existence of the NSIPS Act necessitated that the Bill address the specific mining leases to which the Act relates.</p> <p>Aside from the process for the possible renewal of the mining leases, the <i>Mineral Resources Act 1989</i> and the <i>Environmental Protection Act 1994</i> will apply to the mining leases and mining operations.</p> <p>The Bill, as drafted, is consistent with government policy.</p>
	116 AgForce		<p>The submitter sets out its concerns with the current provisions. Eg uncertainty about future requirements, duplication for landholder and government.</p>	<p>The department thanks AgForce for its submission and has noted their comments.</p>

Dissenting Reports

Ms Jackie Trad MP, Member for South Brisbane Deputy Chair, Agriculture, Resources and Environment Committee

Dear Chair,

Please accept this as my dissenting report to the Agriculture, Resources and Environment Committee's report on the North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013.

The Labor Opposition will oppose this legislation as there has been no proper consultation undertaken particularly with the relevant native title holder.

This bill has all the hallmarks of a morally corrupt 'cash for legislation' deal.

During the hearings of the Agriculture, Resources and Environment Committee it has been revealed that the maps of mining areas, length of lease extensions and economic modelling used to justify the introduction of this bill have all been provided by the mining proponent Sibelco who stand to make a significant financial gain.

The bill also involves the legislation of the Environmental Authority without precedent to remove proper consultation requirements with the community at the request of Sibelco.

It has been confirmed that every request made by Sibelco in their briefing note to the Newman Liberal National Party Government from May this year has been met in this bill.

It is worth noting here that despite Sibelco having previously agreed to exit all sand mining activities by 2027 the Government decided that it would extend sand mining further to 2035. It is also worth noting that at no point prior to the 2012 election did the LNP or the Premier commit to extend sand mining to 2035.

The support from Sibelco in the Premier's electorate was only revealed three days before the 2012 State election meaning most voters would not have been aware of it.

To claim the Government has an election mandate to enact a 'cash for legislation' deal is simply untrue and symptomatic of a Government that is becoming increasingly arrogant and dismissive of following any due process.

The claims made to justify this legislation are lacking in any factual, economic or scientific basis.

For the Government to sack up to 20,000 of its own workers within two years (lifting the State's unemployment rate in the process), and then pretend that a 22 year transition period is needed for up to 130 mining jobs is completely disingenuous.

The decision to introduce this bill follows \$91,840 in electoral support being provided by Sibelco to the Premier's electorate in the 2012 State election.

It also follows a series of eight meetings over less than two months between the Government and Sibelco including three meetings between an LNP political staffer, Sibelco and a lobbyist disclosed by the Integrity Commissioner as about "*making or amendment of legislation*".

In contrast, the Department has confirmed in advice to the Committee that the Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) were not consulted on this bill prior to its introduction.

Out of the 122 publically available submissions to the Committee three quarters or 92 submissions oppose the bill in its current form.

It is clear that there are many in the community who are opposed to the extension of sand mining on the world's second largest sand island.

Tourism is the largest employer on North Stradbroke Island however no consideration is provided to this industry in formulating this bill.

The lack of economic analysis on the potential loss of tourism income in the preparation of this bill and the use of an economic model provided by Sibelco (which is not normally used by the Department of State Development) and Sibelco's data, is deeply concerning.

The justifications provided for this bill are shambolic and one-sided, and are all about delivering on a promise in return for political support, rather than on delivering any genuine democratic process.

Queenslanders should be extremely concerned at the morally corrupt precedent this legislative process sets for this Government.

The Opposition will be detailing further and more detailed problems with this bill when it is debated in Parliament.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jackie Trad', with a stylized flourish at the end.

Jackie Trad MP

Deputy Chair, AREC

Member for South Brisbane

Mr Shane Knuth MP, Member for Dalrymple

Dear Chair,

I write to lodge a dissenting report on the Agriculture, Resources and Environment Committee's report on the North Stradbroke Island Protection and Sustainability and Another Act Amendment Bill 2013.

This bill is one of the most contentious this committee has examined which relates to a specific issue in a small community, sand mining on North Stradbroke Island.

This is reflected in the quantity and tone of submissions made during the short time the bill was open for public comment.

I believe mining is important for the creation of jobs and the flow on effects into small communities can be hugely beneficial.

It is obvious that both the Sibelco company, which stands to gain the most from this legislation, and environmental interest groups were heavily involved in gathering community support for their respective positions.

This biased campaigning by both parties has only served to cloud the issue and placed a greater responsibility on this committee to provide impartial and objective scrutiny.

However, there are issues with this legislation that potentially compromise public perception of the integrity of the Government and by association, the Parliament.

The most remarkable is the extensive consultation granted to Sibelco in comparison to zero consultation with the traditional owners, the Quandamooka people. Most requests made by Sibelco in their briefing note to the Government in May this year have been met in this bill while the Quandamooka people have been gutted and completely stripped of their voice.

Other objections to this legislation such as: the legal issues relating to Sibelco conducting operations without the appropriate permit; the decreasing contribution sand mining is making to the economy of the island; and the potential long term affect mining will have on other major contributors to the island economy such as tourism, have not been adequately addressed in this report.

We have been entrusted with providing impartial, objective scrutiny of legislation and must be careful that the processes of both the parliament and the committee system are above reproach.

I am deeply concerned that this bill has not been given the appropriate scrutiny and I believe it should be taken back to all the relevant stakeholders for further, more comprehensive negotiations.

Sincerely,



Shane Knuth MP

Member for Dalrymple