



The Finance and Administration Committee
Parliament House
Brisbane QLD 4000

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24th February 2016

Dear Mr Peter Russo MP,
Committee Chair

**National Parks Association of Queensland
Submission to The Finance and Administration Committee:**

North Stradbroke Island Protection and Sustainability and Other Acts Amendment Bill 2015

**North Stradbroke Island Protection and Sustainability (Renewal of Mining Leases) Amendment
Bill 2015 (Katter Party Bill)**

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Thank you for the opportunity to provide a submission to the Committee regarding the two North Stradbroke Island Bills currently before it – the North Stradbroke Island Protection and Sustainability and Other Acts Amendment Bill 2015; and the North Stradbroke Island Protection and Sustainability (Renewal of Mining Leases) Amendment Bill 2015 (Katter Party Bill).

Established in 1930, National Parks Association of Queensland (NPAQ) is an independent, not-for-profit, membership-based organisation. NPAQ is dedicated to promoting the conservation of nature through the development and good management of protected areas in Queensland.

**Submission : North Stradbroke Island Protection and Sustainability and Other Acts Amendment
Bill 2015**

NPAQ supports the proposal to substantively phase out sand mining on North Stradbroke Island (NSI) by 2019 through the **NSIPSOAA Bill 2015**. This Bill proposes to repeal the amendments to the *North Stradbroke Island Protection and Sustainability Act 2011* made by the *NSIPSAA Amendment Act 2013* that extended mining on NSI to 2035.

Environmental Rationale

North Stradbroke Island, is the second largest sand island in the world, consisting of massive deposits of sand overlying bedrock. The majority of rainfall passes quickly below the surface of sand, with groundwater percolating through the highly permeable sand and soil strata to form a massive freshwater mound or unconfined aquifer.

Unique geological processes formed an island of high ecological and mineral value. Whilst NSI's ecology is similar to the World Heritage Fraser Island, its landscape is still being dramatically altered by sand mining. Mined land cannot be restored to its natural state, partly because of the destruction of complex ancient

sand dunes and the associated water flows or hydrology. NSI is the only sand island in South East Queensland where sand mining still occurs.

It has been well known since the 1970s, when the Fraser Island Environmental Inquiry released its report, that sand mining causes significant and permanent environmental damage. The Federal Government ended sand mining on Fraser within two months of receiving the Inquiry's Report.

Although consisting almost entirely of sand, the island supports a range of habitats and unique vegetation assemblages. From paperbark swamps to freshwater lakes, the many species of flora and fauna found on the island are worthy of conservation. Environmentally sensitive Ramsar-listed wetlands, complex coastal dunes, wildflower heathlands, old growth forests, rare sand rainforest and mangroves are among the vast array of natural heritage worthy of protection not exploitation.

Aside from rare, vulnerable, threatened and endangered species, NSI is also home to unique species, including Wallum Sedge frogs (*Litoria olongburensis*) and swamp orchids (*Phaius Australis*). Encircled by Moreton Bay Marine Park, the waters nearby the island are home to threatened species, including the dugong and grey nurse shark.

NPAQ asserts that the environs of the island and its rich natural assets should be protected and managed to conserve, rather than to exploit and damage. Sand mining, like most if not all forms of mining, is subject to hazardous outcomes. NSI is no exception, as evidenced over the years by:

- a 60,000 – 100,000 litre diesel spill contamination of groundwater near Amity Swamp
- extensive Enterprise mine water inundation of the Ibis Lagoon system (off lease) resulting in the death of all vegetation in 95 hectares, including 80 hectares of protected Ramsar wetlands
- lowering of water levels in Lake Kounpee
- marked decline in water level in Lake Kounpee North
- reduced water level at Blakesley Lagoon
- sand slip at Bayside mine that smothered four hectares of mangroves and sea grass beds
- damage to Native Companion Lagoon from artificially increased water levels due to continued discharges from a dredge pond; approximately 6 ha of peripheral vegetation drowned
- excessive pumping at Palm Lagoon which caused vegetation changes
- tailings, topsoil and processed water washed into Duck Lagoon from burst waterline
- increased water levels at South Lagoon and drowning of peripheral vegetation due to seepage
- increased water levels at Black Snake Lagoon due to seepage
- soil and sand washed into Canalpin Creek/Swamp due to burst pipe resulting in vegetation destruction and topsoil loss.

Sand mining at Enterprise mine continues to impact upon the Ramsar protected 18 Mile swamp, raising water levels unnaturally for many years, with likely changes to the water quality and other consequences. In addition, over 70% of the Enterprise mine path approved by the Newman government is classified by the Queensland Government as "undisturbed vegetation", contrary to claims by Sibelco that it has mostly been mined previously. Although just under 30% of Sibelco's desired Enterprise mine path has been mined previously, it was surface mined in patches decades ago and therefore more easily integrated with the surrounding natural vegetation.

NSI's natural beauty, with its picture postcard beaches, lakes and lagoons and rich biodiversity is a favourite of Queenslanders and visitors alike, plays an important part in local and regional tourism, and provides an easily accessible natural 'playground' with wide-ranging health and community benefits.

Cultural Rationale

North Stradbroke is also known as Minjerribah. The Quandamooka people (People of the Bay) are the traditional owners of the land and waters on and around the island. Their relationship with the island

dates back thousands of years. In 2011, the Quandamooka People's native title rights were recognized for Minjerribah and surrounding waters.

The passage of this Bill (*NSIPSOAA*) will serve to respect the rights of the Quandamooka people. Following the passing of the *NSIPSOAA Amendment Act 2013*, which ignored native title agreements by extending mining to 2035, the traditional owners were forced to take action in the High Court to protect their rights and interests.

Economic Rationale

The benefits of sand mining on NSI have often been over estimated by those involved in the industry. Currently, only 5% of the population is employed in the mining industry on the island, and 55% of the housing stock is owned by non-residents.

Whilst it is acknowledged that sand mining is very important for the approximate 100 residents who are employed in the mines, ceasing sand mining on the island would in fact have little effect on most residents, and would have no economic effect on the majority of property owners.

Today, the majority of the island is inaccessible. Ending sand mining on the island in 2025, 2029 or 2035, rather than in 2019, only serves to delay the transition to obtaining long-term sustainability, and further damages a unique and fragile island.

Sand mining has occurred at North Stradbroke since 1949. During this time, the companies responsible have profited from the natural assets of the island.¹ It is now time to stop these activities and act to provide protection to the natural environment and provide a sustainable long-term future for its people. This is in the best interests of all Queenslanders now and in the future.

North Stradbroke Island's future development should respect and take into account the sensitivity and value of the natural environs, and the rich Indigenous culture and heritage. The *NSIPSOAA Bill 2015* presents a feasible and sustainable future for North Stradbroke Island.

Specific Provisions of the NSIPSOAA Bill 2015

NPAQ endorses:

- 1. The re-instatement of the 2011 restricted mine path for Enterprise mine.**
- 2. All the provisions set out in the NSIPSOAA Bill 2015 to ensure that any variation is strictly limited that has the potential to damage environmental and cultural values**, including: no increase in area to be mined or limitation of disturbance area; no mining in a threatened ecosystem; no dredge mining outside the defined dredge path.

The threatened ecosystems currently within the Enterprise mine area are highly important, as they have largely disappeared from coastal mainland areas. Safeguarding these vegetation communities, both on or off-lease, is essential.

- 3. Provisions in the Bill for the requirement for a cultural heritage study and indigenous Land Use Agreement.**
- 4. Provisions in the Bill that ensure that the rehabilitation obligations of a mining company continue after a mining lease expires; that provide a mining company certainty of access rights**

¹ The ATO 2013-14 Report of Entity Tax Information revealed that Sibelco operations in Australia earned \$412 million, but paid no tax to the Australian Tax Department.

for rehabilitation purposes, whilst not excluding other stakeholder access; that provide for compensation to land owners; and provisions for Work Health and Safety.

NPAQ also recommends that these provisions be applied on a state-wide basis. Mining lease tenure is not necessary for the purposes of rehabilitation. The NSIPSOAA Bill 2015 deals effectively with alternative access arrangements.

We stress, however, that all rehabilitation costs remain at the mining company's expense.

5. **The removal of the Environmental Authority as a Schedule to the *North Stradbroke Island Protection and Sustainability Act 2011*.**

Further Comments

NPAQ does not support:

1. **The renewal of the Yarraman mine lease ML1109 beyond 2015.**
Extraction has ceased, and alternative arrangements for rehabilitation purposes can be negotiated.
2. **Any renegotiation of the restricted mine path for the Enterprise mine obtained in 2011.**
In 2011, the company won considerable concessions including a substantial increase in the mine footprint. This increase was to ensure that the company had sufficient mineral to last until 2019.

Google Earth and Landsat show that areas outside the limit of disturbance on map NSI 3 (30.10.15) occurred after the introduction of the NSIPSOAA Bill 2015 on the 3rd December 2015.

3. **The opening up of any mining lease, or any part of a mining lease, to mineral exploration that was previously off-limits to extraction under the *North Stradbroke Island Protection and Sustainability Act 2011*.**

This includes the ML1120 lease, which contains largely pristine country and threatened ecosystems.

Submission: North Stradbroke Island Protection and Sustainability (Renewal of Mining Leases) Amendment Bill 2015 (Katter Party Bill)

NPAQ does not support the NSIPS(RML)A Bill 2015 introduced by the Katter Party that seeks to extend sand mining on North Stradbroke Island to 2024, with the leases expiring on 2029. The Bill is purportedly seeking a compromise between the end dates of 2019 and 2035. The proponents argue that this will provide economic certainty and social harmony whilst allowing a more realistic transition period of time.

However, a quick perusal of the recent history of sand mining on North Stradbroke Island shows that this is a false compromise - as Sibelco had previously applied to the Newman LNP Government to extend the Enterprise mine to 2027, although it had the option to extend until 2035.

The Katter Party Bill will instead result in further destruction and degradation of areas of high conservation and cultural value, including threatened ecosystems – not the most favourable outcome for an island whose major industry is known and valued for its natural environment. It is highly likely

that the island's largest industry, tourism, will benefit from greater access to NSI's natural areas and a cessation of mining.

Further, ABS data highlights the extent to which NSI is not dependent on sand mining, and instead highlights its integration into the economy of South East Queensland. Currently, only 5% of the population is employed in the mining industry on NSI.² Only when this integration is ignored, does sand mining on NSI appear of such significance.

The Katter Party Bill does not have the consent of the native title holders, and hence is likely to force a re-run of the traditional owners seeking a High Court ruling in order to protect their legal rights and interests.

Economic Transition Package and Indigenous Involvement

NPAQ welcomes the \$28 million economic package (which includes \$5 million for assisting workers affected by the transition) and acknowledges the State Government's willingness to involve the native title holders, the Quandamooka Yoolooburrabee Aboriginal Corporation.

We submit our support for the North Stradbroke Island Protection and Sustainability and Other Acts Amendment Bill 2015. NPAQ believes the Government has a responsibility to protect and preserve Stradbroke's remarkable natural environment before further irreversible damage becomes occurs.

Thank you for considering NPAQ's submission.

Yours sincerely

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² Campbell, R. (2015). *Sandstorm in a teacup: Ending sand mining and the North Stradbroke Island "economy"*. Discussion Paper April 2015. The Australia Institute.

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