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ENVIRONMENT, RECREATION, COMMUNICATIONS AND THE
ARTS REFERENCES COMMITTEE

Reference: Commonwealth environment powers

THURSDAY, 23 APRIL 1998

NORTH STRADBROKE ISLAND

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SENATE
ENVIRONMENT, RECREATION, COMMUNICATIONS AND THE ARTS
REFERENCES COMMITTEE

Thursday, 23 April 1998

Members: Senator Allison (*Chair*), Senator Tierney (*Deputy Chair*), Senators Hogg, Lundy, O'Chee, Payne, Reynolds and Schacht.

Participating members: Senators Abetz, Bartlett, Bolkus, Boswell, Brown, Calvert, George Campbell, Chapman, Colston, Coonan, Cooney, Eggleston, Evans, Faulkner, Ferguson, Margetts, McKiernan, Neal and Patterson.

Senators in attendance: Senators Allison, Bartlett, Hogg and O'Chee.

Terms of reference for the inquiry:

- (a) the powers of the Commonwealth in environmental protection and ecologically-sustainable development in Australia, including an examination of case studies;
- (b) the practicality, adequacy and application of existing Commonwealth mechanisms, including legislation, to promote the national interest in the protection of natural and cultural heritage and to achieve compliance with the principles of ecologically-sustainable development, with particular reference to:
 - (i) implementing Australia's obligations under international treaties and conventions, in particular, the Ramsar Convention and the World Heritage Convention,
 - (ii) the National Reserve System and the consistency of management regimes for reserves created under the National Reserve System program,
 - (iii) environmental impact assessment in or near areas of high conservation value in which the Commonwealth has an interest, and the consistency of guidelines for assessment processes between all levels of government,
 - (iv) export controls,
 - (v) the use of the corporations power,
 - (vi) the Endangered Species Protection Act,
 - (vii) the Inter-Governmental Agreement on the Environment, and
 - (viii) the National Strategy for Ecologically Sustainable Development; and
- (c) the most appropriate balance of powers and responsibilities between Commonwealth, State and local levels of government and mechanisms for implementation of treaties, conventions and national strategies to ensure consistency between all levels of government in environmental protection.

WITNESSES

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Committee met at 9.56 a.m.

BALTAIS, Mr Simon, Secretary, Wildlife Preservation Society of Queensland, Bayside Branch, PO Box 427, Capalaba, Queensland 4157

HOLZ, Mr Melville James, Life Member, Sunfish, PO Box 281, Richlands, Queensland 4077

WILSON, Mr Barry George, Chairperson, Rivermouth Action Group Inc., PO Box 268 Morningside, Queensland 4120

CHAIR—I declare open and welcome you to this public hearing of the Senate Environment, Recreation, Communications and the Arts References Committee. Today's hearing on North Stradbroke Island is the fourth in our inquiry into Commonwealth environment powers.

The committee prefers that evidence be given in public but should you at any stage wish to give your evidence, part of your evidence or answers to specific questions in camera, you may ask to do so and the committee may consider your request. I point out, however, that evidence taken in camera may subsequently be made public by order of the Senate.

I call the committee to order and I welcome our first group of witnesses from the Wildlife Preservation Society of Queensland, Sunfish and the Rivermouth Action Group. The committee has before it submissions Nos 9 and 241 which it has authorised to be published. If there are no alterations or additions that you would care to make to those submissions, I invite you to make some brief introductory remarks to the committee or, alternatively, we may proceed straight to questions.

Mr Baltais—I would like to submit further supporting documentation in regard to our initial submission; is that possible?

CHAIR—Yes, it is.

Mr Baltais—I would not mind spending five minutes going through your draft of the reform of the Commonwealth environment legislation which I believe is relevant to the hearing.

CHAIR—I should firstly point out that we are running behind time, so I would ask you to be as brief as possible in your remarks.

Mr Holz—I would like to say a few words on subsequent happenings since I put my submission to the Senate committee. Since February 1995, I have been fighting for the repositioning of a railway fuel depot on Whyte Island. Since March 1995, I have been dealing with the Ombudsman. In December 1995 the Ombudsman wrote and said would I like to submit more evidence and information. So my wife and I produced this submission to the Ombudsman which proves beyond doubt that this fuel depot on Whyte Island should never have been put there.

We have had the support of all of Queensland's major environmental groups. Five government departments and organisations were involved, but they closed ranks on the situation. The Ombudsman was dragging his feet. I think it became too hard for him. He wrote on 15 October 1996 saying, 'I do not think that any purpose can now be served by pursuing whether or not the correct procedures were followed prior to the issuing of the permit and licence.'

Then finally he wrote to me on 30 January this year—this is after three years; there is a whole heap of correspondence. He said in that letter:

As I have previously stated from an administrative point of view, I believe that this was a matter which required public consultation, greater consideration as to whether an EIAS was required by both the Department of the Environment and QR and a more thorough investigation by all relevant departments of suitable alternatives prior to issuing the relevant permit and licence, and I have advised these agencies accordingly. As such, I do not think I can take the matter further and I propose to close my file. Having said that, I will allow you 28 days to comment.

At that stage I gave up. I did not even bother to answer that letter. Obviously, it was too hard for the Ombudsman because too many people were involved.

This is where we are at at the moment. It is a *fait accompli*. They commenced operations in October 1995 with no environment management system in place. They finally got their environment management system approved in September last year, more than two years after they started operating. They had a major problem in May 1996 when we had heavy rain. They had to close the depot down and bring in the zap away trucks to get rid of their spill. It has now received certification under ISO 14001 but the problem is still there: they have 270,000 litres of diesel and oil in tanks above ground. If a train derails and hits those tanks, then the diesel and oil would go straight into the mangroves. The site is partly in Moreton Bay Marine Park. It has major migratory wader bird roosts of international significance immediately to the north and to the south.

CHAIR—Thank you. Mr Baltais?

Mr Baltais—I just want to quickly go through this documentation. In regard to Ramsar wetlands, we suggest that the Commonwealth should always be involved in those issues and never devolve the control or administration of Ramsar to the state level. In regard to places of national heritage and significance, we believe that both the current and interim listed sites should remain so. Other matters of national environmental significance, we believe that broad-scale tree clearing and climate control should be a Commonwealth issue.

We believe there should be public consultation and input to the process of accreditation and bilateral agreements. In regard to assessment process, you make reference to ANZECC, the guidelines and criteria on the need and level of EIA in Australia. We believe that essential particularly in regard to issues of public concern. That is considered in ANZECC and should be part of the EIA process.

The words 'ecological sustainable use' do not appear at all within the biodiversity conservation act. With regard to Ramsar wetlands, we believe the catchment approach should be adopted as per the fifth conference in Japan. There are quite a number of instances throughout Moreton Bay where high density housing or standard residential development

occur right on the boundary of Ramsar sites. We believe that would not happen if a catchment approach was taken in regard to Ramsar sites.

In regard to protected areas, you make reference to Commonwealth parks, reserves, world heritage areas and Ramsar sites. We make reference to 'any issue of public concern'. The proposed environmental protection act talks about whales and other marine species in Commonwealth waters. We would suggest it would probably be more appropriate to make that state waters as well. In regard to standing, we believe it should be legislated that community groups and individuals should have as of right to challenge—

CHAIR—Can I ask you, Mr Baltais, have you made a submission to that discussion paper?

Mr Baltais—Yes, we have. I just want to highlight those concerns.

CHAIR—Thank you. Mr Wilson, did you want to make any remarks?

Mr Wilson—No, not at this stage.

CHAIR—Could I put a question to you, Mr Holz. What we are primarily talking about here is the Ramsar Convention. Can you tell us in your view why the Ramsar Convention was not taken into consideration by the Commonwealth or the state of Queensland? What do you think the Commonwealth could have done under this particular circumstance that you relate to us?

Mr Holz—As far as the Ramsar Convention and the Commonwealth are concerned, I contacted the Commonwealth organisation—I cannot remember its name—and I was advised that, because Commonwealth funding was not involved, the Commonwealth would not become involved in the thing. Actually, they were involved because they put in money for the Fisherman Islands and the standard gauge rail link.

As far as the Ramsar Convention is concerned, there is a prime piece of evidence here in my submission to the ombudsman. This is a copy of the Department of Environment's Moreton Bay Marine Park permit assessment. On page 2 of that document, there is the heading 'Management category and strategic plan'. This is an actual copy of the document that I obtained under freedom of information. The first question is, 'Ramsar listed?' Neither 'yes' or 'no' is ticked. The next question is, 'Within or adjacent to fishery reserve? If yes, which?' That is not answered. The next question is, 'Adjacent to national park or other conservation area'. Neither 'yes' or 'no' were answered. It is all of those. They did not even bother to answer the question in their own report on the assessment. I think it is five pages. That is the official Department of Environment assessment report, and those questions are just simply not ticked.

It is slightly outside the Ramsar area because, when they drew the lines around the Ramsar area, they excluded any areas which were designated to the port of Brisbane. In fact, the only reason the two wader roosting sites are outside the Ramsar site is that they are in the port of Brisbane. That is where the birds roost. I have a film which was taken a couple

of years ago with a few thousand waders on one of those sites. Anything near the Ramsar site which has the potential to damage it is considered to be anti-Ramsar.

I believe this whole situation contravenes the Ramsar Convention, the CAMBA agreement, the JAMBA agreement, the Bonn Convention, the Endangered Species Act and the Queensland Environmental Protection Act. It is the same as the one in Melbourne, which was highlighted in your initial output on this. All those conventions have been virtually thrown aside for this thing. They were totally ignored.

The Queensland opposition at that stage was the coalition. We had the present transport minister down there railing about how he was appalled to think they had built it here. Tom Burns, who was then the Deputy Premier of Queensland and at that particular time was Acting Premier—followed with me for a while and then he dropped it. When the government changed, Johnson got on the other side and Burns started asking questions in parliament. It was quite obvious that Sir Humphrey was running the whole thing and, as soon as they changed government, they just changed sides. So we had the coalition people—Doug Slack, Borbidge and Johnson—all asking difficult questions when they were in opposition. As soon as they got in, the other side started asking difficult questions and they got the same lot of bullshit—can I say the word?—coming out of the government departments. It was exactly word for word all the time.

Senator HOGG—Can I just ask something about your organisation Sunfish that you have made a representation on behalf of today. How many members are there in Sunfish?

Mr Holz—There are actually 35,000 members. Sunfish has about 14 branches, I think, throughout Queensland. As the peak body, Sunfish represents recreational anglers, of which there are almost 900,000. One in three people in Queensland is a recreational angler. We have actually 35,000 members.

Senator HOGG—Paid-up members?

Mr Holz—Yes.

Senator HOGG—The second thing I want to find out is: what you are trying to do? Are you trying to get the site that has been established at Whyte Island closed? Is that the aim in your submission here today or is the aim of your submission to have safeguards put in place that will ensure that whatever is at Whyte Island will be sound? I am just after some direction.

Mr Holz—I have it in writing from the present Premier that they are not going to move it. But when he was in opposition, and before the by-election when Tom Burns retired, he said he would have an inquiry into it. As soon as the election was over he dropped that. This is a *fait accompli*. They have finally got an international pass for their environment management plan. This is an absolute example of something that was totally and absolutely wrong, and proved to be wrong, and everybody believes it was wrong, yet they went ahead and did. They are about to do a lot of other things which are much worse. This is only a small environmental matter but it is so patently wrong that I have pursued it for years. There is no way we will get that one moved now until they have the big spill.

But the next lot are coming on and we really need some assistance. They want to run one at Fisherman's Island—another two kilometres out into the bay—and the IAS is just about to hit the deck on that. They built this one about three years ago and all of this area is now silting up. They want another two kilometres out there, and the sole purpose of that is to get rid of the dredge spoil from the Brisbane River.

They are trying to make Brisbane into a major sea port. There are 85 kilometres of channel to be dredged from Caloundra into the port. In the Brisbane River alone, each year produces 2½ million cubic metres of dredge spoil. That is an area 2½ kilometres by one kilometre by that deep every year. The only reason they want to build that out there now is to get rid of that dredge spoil. It will last for four or five years and it will be filled. They do not know the answer to it. These are the sorts of things that the Senate committee and the Commonwealth government have got to seriously look into before they go ahead with it. Sunfish had a request from the Port of Brisbane—they want to start up new dredge dumping areas in the bay—and we have said absolutely and utterly, 'no.' Commercial fishermen said, 'no' and the Australian marine conservation organisation said, 'no.' I am member of that too. But they have no answer to the dredge spoil.

Whyte Island is a small one which has been proved conclusively to be wrong, but the next one is the extension, and then the extension. Brisbane airport is another disaster happening. I do not believe that anything will be done about Whyte Island now—it should never have been there. Nothing will happen until they have a major spill.

Senator BARTLETT—Mr Baltais, obviously from your submission and from what you have said, you believe that in Moreton Bay and the surrounding area there has not been adequate attention paid to ensuring that environmental values are protected. Do you think that has been mainly due to just a lack of will on the part of various governments or is it legislative inadequacy?

Mr Baltais—It is a combination of things: economics obviously has precedence over the environment in this state; the environmental laws, in particular, are very weak; and the EIS process in general is quite a bit of a farce. Even when serious environmental or negative impacts are identified, usually they are ignored or somehow circumnavigated.

There are classic examples of EISs that have gone through this state and have had major negative impacts identified, but still the projects have been allowed to go head. Dawson River dam is an instance. That project has been given the green light by the minister for natural resources, yet the water allocation management plan has not even been finalised yet. At the local level, a number of local developments have been approved around Ramsar sites. EISs either have not even been initiated or, when they have been initiated, they have been initiated on the site and have not taken into consideration the off-site impacts. That is why I refer back to a catchment approach to looking at Ramsar sites.

Getting back to the environmental laws, in some cases they are ignored. In my submission I have got plenty of documentary evidence from state departments indicating that they have not been referred to in a number of instances by local government. Where they had to legislatively be contacted and requested to provide advice on certain developments on coastal areas that has not happened. In cases where legislation is there, it is not used. If developers

or governments carry out projects that have detrimental effects, there is not sufficient environmental management plans in place to address those issues. The EIS process in general in this state is quite inadequate.

Senator BARTLETT—Is the lack of will and the ignoring of proper process that you feel has occurred something that both state and Commonwealth governments have been guilty of in your view?

Mr Baltais—It is the Commonwealth government for their lack of implementing whatever legislation they have had in place. We have seen no indication from the Commonwealth government at all in Ramsar issues—a letter here or a bit of correspondence there. At the state level, they have certainly shown more concern for the economics of projects rather than the environmental issues.

At the local government level, there have certainly been indications that either they are unaware of Ramsar and the implications of the Ramsar site or they choose to ignore it. In some instances it is underfunded to actually purchase land out of certain areas that have development potential. Obviously developers have rights, but those areas should not be developed and councils, obviously, do not have money to purchase those sorts of lands.

Senator BARTLETT—In terms of the best approach to improving the protection of wetlands and the broader environment, do you see that having more tightly defined administrative approaches—the hoops or hurdles that people have to go through—being the better way to go or the broad legislative approach being the better way to go?

Mr Baltais—I agree there needs to be some defined boundaries between state, federal and local levels. We aim to see that the Commonwealth government acts as a safety net when the state and local governments do not do what they are supposed to do. That is our major concern. If the Commonwealth government takes a step back and allows this state to continue on as they have in the past and still are, then the environmental degradation that we are seeing in Moreton Bay, which is clearly documented in the state of the environment reports I have provided to you, will continue. This is happening throughout this state.

The Commonwealth government must take an active role in monitoring and, if necessary, stepping in and stopping some of these projects or at least ensuring that the relevant management plans are put in place to protect Ramsar sites, coastal areas or marine species. It crosses all those boundaries. That is our major concern.

Mr Holz—If I can add a little bit to that. The map for the Port of Brisbane extension of this area shows only about three or four kilometres that way, that way and that way, but it is going to affect the bay from Redcliffe right down to Raby Bay which is probably 30 or 40 kilometres. The area under question for the EIA will be a little square off the port. It is going to affect areas far away from where they are doing the EIA. I have not actually seen the EIA, but I have got the papers where they have the area designated which they are going to discuss in this extension. It is just too small. To use an old phrase, it will be death by 1,000 cuts—a little bit here and a little bit there. It is going on and on. With sunfish we are getting all the little bits of filling in of mangroves here, cutting them down there, et cetera. It just has to stop.

The unfortunate thing is that private people have to fund themselves. I have spent most of the last five years—more than full time—at my own expense on trying to fix some of these things. There is no funding. For example, for this meeting—and I am not asking for money—we have come over here in the day time. We will probably get our ferry fare paid but nothing else. That is okay, but some attention has to be given to that in the future as well. The Commonwealth government has to step in and stop all these little bits happening.

Senator O'CHEE—Mr Baltais, you said you were not satisfied with the way the Commonwealth has acted in relation to these areas?

Mr Baltais—Yes.

Senator O'CHEE—If that is case, why do you want the Commonwealth to have the responsibility? If the Commonwealth is unsatisfactory, has not done a sufficient job, then what is the point of giving the Commonwealth power?

Mr Baltais—I believe that by indicating that they have not been doing their job they now they have a chance to do their job and put in the right processes and legislation to force state governments to do the right thing.

Senator O'CHEE—Why should that be the case constitutionally? I will tell you what my philosophy is. I think the best way to deal with the problem is locally. We have 18 million people in this country. The country is a continent. We deal with several hundred pieces of Commonwealth legislation every year in Canberra.

CHAIR—Senator O'Chee, I am sure we are going to benefit from your explanation, but perhaps you can confine your question.

Senator O'CHEE—But Mr Baltais needs to understand this, Madam Chair.

Mr Baltais—I understand where you are coming from, Senator.

Senator O'CHEE—My question is very simple: why do you think the Commonwealth is going to do a better job of looking into every stormwater drain run-off and every catchment area than the local council or the state government?

Mr Baltais—I agree that local is best. I do not have a problem with that. What I am saying is that the Commonwealth needs to be the safety net when local and state governments are not doing their jobs. There are plenty of instances where that is happening. As Melville said, it is the continual incremental destruction that we are seeing throughout this whole state in various areas, but in particular our concern is Moreton Bay. Time after time we have seen local and state governments not doing the job properly. We need federal government intervention, if necessary, to force state and local governments to do the right thing. If they put the legislation or processes in place then hopefully we will see changes in state and local government attitudes.

Senator O'CHEE—I am a Senator for Queensland, as is Senator Bartlett and Senator Hogg. How are we supposed to know or understand something that happens in Western

Australia? How is a Western Australian senator supposed to know or understand what happens in Queensland? I would like to think that we are omniscient, but we are not. There is a limit to how much we can understand. Surely the people who understand it best are the ones who are local?

Mr Baltais—Your answer is obvious. It is impossible to look at every issue, but if you listen to the community for a start when local or state governments are not doing the right thing, then you should act. There are plenty of instances where we have sent stuff to senators' offices or the environment or various other departments and federal portfolios and they have sent back a rather cursory response and done nothing. They have had the opportunity, they have been advised by community watchdog groups, and they have not responded. I agree that it would be impossible for the federal government to respond to every issue, but there are obviously issues relating to Ramsar, marine species and so on in which you could have a more active and responsive role. Local is the best way to go, but that federal safety net has to be there. There is no doubt about that.

CHAIR—You referred to the discussion paper about the review of Commonwealth powers. One of the key aspects of that review is the proposal that there be bilateral agreements between the federal and state governments. From your perspective and from your knowledge of those agreements thus far, how confident are you that they will protect the environment in the way that is proposed?

Mr Baltais—Unless the federal government has some way of enforcing state governments to meet certain standards that the federal government sets, I have no confidence whatsoever in the state governments performing their duties as required.

Mr Holz—I would like to read an excerpt from a letter from the former federal environment minister, Senator Faulkner, which was written to the chairman of Sunfish on 11 September 1995. He said:

Whyte Island is located adjacent to the wetland areas of Moreton Bay which is recognised under the Convention on Wetlands of International Importance (Ramsar Convention). Under the Ramsar Convention the principal expectation is that sites and activities in the surrounding areas will be managed in a way to protect the special ecological values for which they were recognised. Any action taken that results in a deterioration of these ecological values, is considered to be in violation of the Ramsar Convention.

I also have legal advice from the Environmental Defenders Office which says:

There is no evidence to suggest in the material that I have had access to, that the decision to build the Diesel Locomotive Provisioning Shed on Whyte Island, Moreton Bay was made in accordance with the RAMSAR Convention. Accordingly the decision is in breach of Australian law as enunciated in the above decision.

That was the Teoh decision. The Commonwealth government has handed over to the state governments control of the Ramsar convention. Even though the Commonwealth government is a signatory to it the states endorse it, but they simply ignore it. There are two major examples of that. All this has gone to the ministers, the premiers and both sides of parliament and they just ignore it.

Senator O'CHEE—I know the Brisbane River pretty well—I remember it from when I was a little kid. The Brisbane River around the city, say, is actually quite shallow. The deepest part would be about six metres and that would be where there has been regular dredging and that dredging has stopped. In the sixties they used to take fairly large ships up as far as what is now South Bank and Kangaroo Point. That stopped. What did they do with all the dredge spoil 30 years ago?

Mr Holz—They dumped it out in the bay at a place near Mud Island. The Mud Island MPA will fill by 2001. They have saved that problem by filling the Fisherman Islands in over the last 10 or 12 years, and the Mud Island site will be filled. They have applied to some commercial fishermen and the Australian Marine Conservation Society for opinions. They want to start up two new material placement areas. When they dump this spoil in the bay, it travels eight kilometres. It smothers everything around.

Senator O'CHEE—What are we going to do with the spoil? It has got to go somewhere.

Mr Holz—Precisely. Before they started to turn Brisbane into a major international port, they should have solved this problem. They have no idea. I have got a book that thick—a Port of Brisbane study—on the disposal of dredge spoil, and they do not know what they are going to do with it. They are trying to turn it into building material or put it on land. A lot of it is seriously contaminated. All they want to do is dump it in the bay and get it out of the road.

Senator O'CHEE—What do you think we ought do with it? That is my question.

Mr Holz—It is 85 kilometres of shipping channel. They want to lower it from 13 metres to carry 15-metre draft ships. They do not know what they are going to do with the spoil. All they want to do is dump it in the bay. They do not give a damn what happens to the bay as long as the port is okay. But the bay is far more important than the port. It is a major recreational area in Queensland and Australia, I suggest. It is a major fishing area. They will destroy it over time if they just keeping dumping the spoil in the bay. They could possibly turn it into a slurry and pump it over the hill somewhere—I do not know—but that is expensive. They just have no idea what they are going to do with it. They have got no solution to the problem. The problem should not arise. In fact, they are trying to make a silk purse out of a sow's ear with the port. You cannot have a shallow bay port with 85 kilometres of shipping channel.

Mr Wilson—Our group is more involved around the Brisbane area—mainly the south-east side of it and the north side of the river. There was an FOI on the federal government as well as the state government on the Brisbane Gateway ports area, which is the industrialisation of the whole area on the river mouth both sides. I was interested to read in one of the drafts the federal government sent back about the Better Cities II program. I found in the files where they had highlighted Ramsar, JAMBA and CAMBA. What do these mean? The people who are reviewing drafts about the Brisbane Gateway ports have no idea what JAMBA, CAMBA and Ramsar mean. That is just one point I will make: people who are reviewing this do not know. Maybe they are making the point that you should explain what

they mean for other people. Maybe they did not know themselves—I cannot judge. They were marked in there.

There is another issue I want to raise. Building this port only lost one per cent of the mangroves in Moreton Bay. We still have got 100 per cent left. The airport wants to remove one per cent for something over at the airport—100 per cent left. If one per cent is removed down at Raby Bay, there is still 100 per cent left. There is never 99 or 98 per cent of the mangroves left in the bay; there is always 100 per cent when the next application comes up. Exactly when will there be zero per cent?

Dredging and sedimentation were talked about. Where is the sedimentation coming from? It is coming off development sites. The new act on sedimentation control in Queensland came in on 1 January. It was devolved to the Brisbane City Council on, I think, 1 March. To get any action taken on development sites is near impossible. I have logged many complaints over 12 months over one particular site. It took the Department of the Environment 100 days to come out to look at it when it is less than 10 minutes from the city centre. When you query this you realise that under the act they do not even have to come out to a complaint. As yet they have done nothing about it.

CHAIR—Just to pick up on that point, perhaps Mr Baltais can answer this question. A number of our submissions have suggested that there is a lack of understanding of what is Ramsar, what is JAMBA and what is CAMBA. In your view, what should the Commonwealth do to make it clear to each level of government what the actual meanings of those conventions are? What sort of legislation would you like to see in place to see that filter down to each level of government?

Mr Baltais—I would say now that most local governments and state government in Queensland are quite aware of Ramsar, but there is a need to clarify, for instance, what is wise use and what is a catchment approach. So it is an education process; the federal government somehow has to educate local and state governments as to what is required on those international agreements. That is the only effective way. I do not think that sending out documents, memos and whatever is going to achieve anything. You need a person on the ground visiting the local governments and the state governments, monitoring what they are doing and what they are saying to each other and ensuring that the principles and objectives of Ramsar are carried out when there are projects or updates on local government planning documents, in particular strategic plans.

Redland Shire Council, for example, recently upgraded or changed their strategic plan. It is still encouraging a lot of housing development around coastal areas and in the bay islands. It says that it is reducing what was proposed as a population base in the bay islands, but it is still going to increase the population on the bay islands, which is going to have a detrimental effect on the bay. The federal government needs to be involved in those planning processes and on those committees. That becomes a bit of a resource issue, but somehow they have to be there on the ground, letting state government know verbally how these are to be implemented.

CHAIR—Thank you very much for your submissions and for appearing here today.

[10.35 a.m.]

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CHAIR—Welcome. Ms Oliver, we have before us your submission No. 280 which has been authorised for publication. Are there any additions or alterations that you wish to make at this stage?

Ms Oliver—There are two typographic errors which I would like corrected. On page 4 under section 2.2(e), in the eighth line it says ‘bail collecting’; it should be ‘bait collecting’. Under 3.2.1 under the Ramsar convention, the second last line in that paragraph says ‘educationalists were shocked to learn off’; it should be ‘to learn of’. Also, since the submission was prepared, a number of situations have changed, particularly in the submission. I remind the inquiry that I presented a national viewpoint so it referred to areas other than Moreton Bay. In 3.2.1 concerning the material on the orange-bellied parrots in Victoria and Tasmania, Port Lillias in Victoria has now been abandoned as a site for the Victorian chemical storage complex. There are a couple of other things that have changed in small amounts, but very little else in the submission.

CHAIR—Would you like to make an opening statement or, if you wish, we will go straight to questions.

Ms Oliver—I want to reiterate what we have in our submission, particularly in regard to Moreton Bay. Despite the declaration of the marine park, the gazettal of it this year and the implications of that, very little has been done to protect, as former speakers have said, the Ramsar sites. There is increasing development, increasing pollution, increasing pressure from fishing, both recreational and commercial, and more and more boats are using the bay. This is all putting pressure on the waders and the birds that are part of the bay that we expect will be there. They are certainly at risk from being disturbed.

We need to point out that Brisbane is the only capital in the world situated on a marine park. That gives us special obligations to maintain the marine park and the surrounds of the bay in a fit state so that we can still keep boasting that we are looking after a marine park which is on the doorstep of a capital city. The whole bay is a Ramsar site, but certain areas within that are very important. As previous speakers have said, they are the ones that are being threatened by not only development proposals and canal estates but by clearing and also spraying, to some extent, for mosquitoes and sandflies and using drainage for those wetland areas to remove some of the wet puddles where breeding goes on.

The Nudgee Wetlands near the airport are at great risk from expansion of the airport, as well as the down drain through the drains of various chemicals, which are being investigated. Nudgee Beach is the site of only one of two environmental education centres on the bay and they are battling to maintain sufficient habitat to show students. As the role for MESA is education, we are particularly concerned. If you take groups of school children and community groups out onto the mudflats to look for invertebrates and shells and so on and there is nothing there, the people in those educational centres get very disturbed about that and they realise that there is a real problem. It is not only that the shells and invertebrates have been collected in some cases, but many of them are not reaching maturity because of the supposed contamination of the sediments in those areas.

I repeat what Mr Simon Baltais said in the previous submission. Community education is probably the only way we can influence people about some of the things that they should not be doing in Moreton Bay and in other wetland sites, particularly education that can be addressed to not only school children, which MESA has been involved in, but the wider community, which we are increasingly doing, including local government. It is essential to inform not only local government but to ensure that the local government officers, such as engineers and planners, are taking into account that educational information and the requirements under the Ramsar conventions.

I think Brisbane and the area around here is beginning to look stupid. I regret that, as a resident of Brisbane, we are not protecting our Ramsar sites, we are not protecting the bay enough, we are not protecting our bay islands, yet we have the opportunity if the Commonwealth uses its powers. The Commonwealth again has to come over the state in many cases to force the use of the environment powers that are in existence at the moment and are not being used.

The new state law or the Integrated Planning Act has, according to our information at a workshop a couple of weeks ago, the implication that no environmental impact statements will be required for normal urban developments, which means that they can go on holus-bolus with local developments and local governments doing what they wish. EIAs will only be required for very large developments such as ports and so on. That has an implication that could badly affect the Ramsar areas and the wetlands of Moreton Bay.

I think that is all I want to say. We are approaching it from an educational point of view, so we are keen, as the MESA group, to see the Commonwealth continuing to fund community education and the provision of educational facilities around Australia, particularly on the value of wetlands and coastal waters.

CHAIR—Councillor Santagiuliana or Councillor Bradley, would you like to make some remarks on behalf of Redland?

Mayor Santagiuliana—I would like to make some remarks. I will then ask Councillor Bradley, who has a particular interest in the bay, and my director of planning/environment, Gary White, to say something. There are five key points I would like to speak to the inquiry about: local government as legitimate environmental managers; integrated development approval process; direct funding to local government to acquire environmentally sensitive

land; recognition of local community and indigenous people; and the bay island planning study, which is a major study in our part of the world.

When we talk about local government being legitimate environmental managers, higher levels of government always fail to recognise the work of local government; they fail to recognise that local government should have the power to be legitimate environmental managers. This recognition needs to be included in legislation. Unfortunately, we are at the whim of state and federal governments, and that is a real problem.

Local government is recognised by the United Nations as a form of government, able to deliver all the issues that are discussed in local agenda 21 and improve environmental management issues. Why has the Australian government not given the recognition to local government? This is a question that I ask and it is a question which I think has to be taken very seriously, particularly now as we go forward to look at a new constitution. Local government should be recognised as a third arm of government in Australia.

Local government is there to meet the needs and expectations of local community. That is what it is all about. It is all right for state government. They deal with certain matters. To my way of thinking a lot of state governments are irrelevant and should be made redundant. Federal government—I think Senator O’Chee said before—is dealing on a different plateau. Particularly when it comes to environmental issues, local government should be the key.

I will give you a couple of examples of lack of recognition. We have a problem in this shire and all up and down the coast around Moreton Bay and the Gold Coast with mosquito control. Four years ago this council sprayed—when I say sprayed, I mean treated—all the mosquitoes with an organic phosphate. Eventually the mosquitoes got a tolerance to it and you had to add more and more chemicals to get the same rate of kill. We looked at it as a council and went on a different tack—that is, runnelling.

When I talk about runnelling I refer to putting small runnels into the ponds that hold the mosquito breeding larva. The incoming tide flushes these ponds and the larva is not able to breed. We have put a lot of money into a special environmentally sensitive machine. However, every time we want to treat these small ponds we must go to the state government and get a licence. This costs us \$360 each time. We have identified about 200 of these ponds around our shire alone. That is an awful lot of money to give to the state government. And what do they do? They do not come out and have a look at it. They just say, ‘Thank you very much and we will advise you in three months time whether you can do it.’ They are just some of the little things that cost and delay. We need to change this culture and mind-set of the higher levels of government towards the role that local government plays. In respect of the environment, I believe local government is a leader in a lot of things.

Another project we have just started in Redland Shire Council—and I am sure some of you have read about it—is our vermitech project. We are the first in Australia to create a worm farm. It is the largest worm farm in Australia, if not the world. We treat 10,000 tonnes of sewage sludge a year. That is an awful lot of sewage sludge that we were previously burying. We now have a worm farm that turns that sludge into casting, which then turns into a soil that is being reused in horticulture. It is a first in Australia and a first in the world. It is quite an expensive project. But when I talk about the environment, these are some of the

initiatives that local government throughout Australia are involved in. We should be given that responsibility.

My director will talk about the integrated approval process. The other point I am really keen to make is that currently council must raise funds through rates for the acquisition of environmentally sensitive land. When are we going to have direct funding from the federal government? At the moment we get some minute funding from the state government—and we have to be on our hands and knees to get this funding from state government. The Commonwealth hands the state funding to acquire some of these lands. We hardly ever see it. We never see much of it. We do not know where it goes. Funding is at the whim of state government. We believe there should be direct funding. Local government should have direct access to environmental funding to purchase environmentally sensitive land with no strings attached by state government. For example, we should have access to Telstra funding. That is most important.

That brings me to a matter that some of you might not be aware of, but I am sure some of you are. A group of islands in the southern part of Moreton Bay were subdivided by the state government in the late 1960s and early 1970s into 20,000 residential blocks. There were no services, infrastructure or reference to the natural drainage line. Also, there was no protection of these historic sites and the environmental values of the islands. This was a major disaster. We are very fortunate that the take-up of the existing rights to build dwellings on these properties has been very low. But the potential exists for owners to walk into council today and apply for a building application.

There are possibly 15,000 lots because 5,000 lots have drainage problems. Fortunately, Redland Shire Council through the years has been able to purchase, acquire by some means, a lot of those drainage problem lots, which we hope will be environmental lands. But there is still quite a large number of those lots that need to be acquired.

Senator O'CHEE—I thought some of those were under the high water mark.

Mayor Santagiuliana—No, you are wrong. They run to the low water mark. Therefore, you get water over them twice a day. They are called waterfront lots.

CHAIR—We have just 10 minutes left in this session, and I am sure the committee would benefit from being able to ask you questions. Could you round off your comments now?

Mayor Santagiuliana—That is a real problem—we are looking for funding for those islands. I also want to give recognition to our local community and indigenous people. The Quandamooka native title agreement, which we signed last year, is the first in Australia for local government and it is used as a model for other local government to look at.

I have a strong belief, and my council has a strong belief, that we need to bring our indigenous people into the process of looking at our environmental areas, particularly at our environment here around Moreton Bay, which we have done. We are very pleased that we signed that agreement, and the work that has been done between our council and the Quandamooka people has been extraordinary. We have a tremendous relationship. I strongly

believe, and recommend to your inquiry, that there should be some mention in the legislation that the indigenous people be brought into the process when looking at and discussing environmental land. I think that is most important.

Councillor Bradley—I will just wander off a bit. For the four years before I resigned—I was a commercial fisherman here on the coast—I was the Queensland organisation's environmental chairman and spokesman for the fishing industry. One of my main fetishes, you might call it, over the past 30 years has been Ramsar sites. I thought when I came into the council that this would be easy, that we would get a couple fixed up here.

Raby Bay, probably the second biggest site in Moreton Bay, was destroyed. We set out as a council—we went through all the processes and environmental things—to establish one down at Oyster Point on a piece of ground that is as hard as it is here. However, opposition, both from environmental groups and from the government, did not allow it to proceed, so it was lost. Had we been more aware of what the federal government's environmental powers were at the time, we would have talked to the federal government.

We have another similar site of degraded land that the state government gave a permit to QCL to develop over at Empire Point. That has been going on for three years now. They have been trying to get a permit to remove a few regrowth mangroves to establish another site. That site is connected to the mainland by an ordinary road which they used to run their trucks out on as a landing platform. We cannot get a permit to remove that road. Even at high tide, people have access to the road, and they chase the birds off it, even though it is a degraded site. This is something that maybe the federal government should help us with.

We have another one, which will have a lot of objection from environmental groups, over at the mouth of Cabbage Tree Creek. They dredged the creek and pumped the spoil from it up alongside the bank. Again, the bank was as hard as this piece of floor here. Nothing lived on it, but it is now the home for about 5,000 birds. It is classic. It is separated from the mainland. Getting state government permits to do anything here at all becomes a real problem.

I do believe that, under the federal legislation, if any animal is declared endangered, you people have the power to act and look after it. It is the same in America. However, in that country environmental groups take a lot more time, take a lot more care and have a lot more knowledge of the legislation. They can actually sue the federal government to make sure that it does protect endangered species once they are declared as such. Maybe that is something we should have a look at in the future. We should get an environmental group to challenge the legislation so that all of us can use it.

CHAIR—Mr White, I wonder if I could ask you to put your comments in writing to the committee so that we have some more time to ask questions, unless you are going to be one minute.

Mr White—I will try to compress something into the time that is available. This is not a statement that has come out of the Redland Shire Council. It is a statement that came out of a royal commission that was conducted into the Toronto waterfront in 1992, and I am sure the Senate will have access to that document.

I might just quickly go through a number of points that came out of that inquiry which resulted in a regional planning model for Ontario. The statements I make here that relate to Ontario relate exactly to our own part of the world and parts of Australia, I believe. Some of the frustrations various groups have felt here, I believe, come from the fact that we do not have an integrated planning process. We have not identified the sacred cows to the different levels of government. We do not then work out the legitimate roles of the different levels of government. So I will just quickly take you through that and see if that is of some assistance to you. The statement reads:

The challenges facing the people and governments in the GTA are unlike those of the past. They demand more than fine-tuning of existing plans and old approaches. They demand a new strategy to guide the GTA into the 21st century. The structural solutions of the past are not a panacea for managing growth in the 1990s.

And I think you have heard a lot of that today.

First, the GTA is faced with an increasingly diverse population living in an evolving, multicentred region. Traditional development patterns are straining infrastructure and human services, and are having significant negative social, economic, fiscal, and environmental impacts.

... ..

Second, it can no longer be assumed that economic growth will automatically follow population growth.

Therefore, the economic growth will provide the solution to many of the problems caused as a consequence of that growth. It goes on:

Third, society is now much more aware of the impact of human activity on the . . . natural and cultural environment.

... ..

Fourth, the region is faced with a very different public finance environment. In the past, the Province and the municipalities—

or state governments—

were in a much better position to finance new infrastructure—

and to finance the environmental problems—

Now resources are strained.

... ..

Finally, even the concept of growth management itself is being redefined.

We cannot keep dealing with the problems we have dealt with in the past in this compartmentalised way. We have compartmentalised government. We have compartmentalised the way federal government deals with issues, the way state governments deal with issues and the way local authorities deal with issues. We have compartmentalised economic, social and environmental considerations. We have compartmentalised the way our state government departments sometimes think, and we probably also apply that at a federal level.

That compartmentalisation causes one particular problem. No one department sets out to have a negative impact on the environmental, social or economic considerations. Dealing as compartments and separate from each other, they often do not have the capacity through decision making processes to meet the real objectives of what the environment and an ecologically sustainable development policy require.

I think the idea that Senator Hill outlined in the report, talking about an integrated planning strategy, is a step in the right direction. But it must integrate across all levels of government down to local authorities, and it must decompartmentalise a lot of the thinking which goes on. I have a lot more to say; I will try to put it in the paper to you. Five minutes is not long enough to compress what I have just said, but I hope you got the message.

CHAIR—Thank you for being brief. Ms Oliver, could you tell us what sort of legislation you would like to see the Commonwealth bring in which would protect Ramsar wetlands, and how might it be enforced?

Ms Oliver—We already have that legislation in place under the terms of the Ramsar convention. It allows the federal government to actually interfere and insist—and I think one of the people before talked about Senator Faulkner’s comments on it. There already is existing legislation. Under the new environment powers that have just come out with the bilateral agreements, I think that that can be reinforced using them. I do not think we actually need anything new. There are existing powers for the federal government to be able to ensure that protection is given.

CHAIR—Mayor Santagiuliana, a number of submissions have suggested, and in particular the Wildlife Preservation Society of Queensland—I am sure you have a copy of that submission; if you do not, it is available—that the Redland Shire Council has failed to protect environments in a number of instances and that some of that is attributed to a lack of knowledge about what the Ramsar, CAMBA and JAMBA conventions are about. Is that your view, too? To what degree do you understand what these treaties mean?

Mayor Santagiuliana—The biggest problem with the whole situation is that a lot of people have very little understanding of what happens in developments. For instance, Councillor Bradley has given you an indication of what happened when we tried to protect a couple of Ramsar sites; the environmental people themselves objected to what we were trying to do. These were not the subject of reports by lay people. They were reports by professional people who had looked at the problem and said, ‘This is what we need to do. We need to create these sites so that the dogs, cats and people cannot get to the wader birds when they are roosting.’ When we tried to do that, we had all the so-called environmental groups bringing up all these objections. So where do you go?

CHAIR—Would you have a look at that submission and give the committee a response? I realise that you do not have it before you today. It would be nice to be able to work through each of those issues. But we clearly do not have time today.

Mayor Santagiuliana—Yes.

Senator HOGG—I have one general question which I would like answered by all groups but, obviously, not the council. Basically, I want to know who they represent—how many people are involved and what type of organisation it is. This is handy for the *Hansard* record. In the case of the council, I would like to know the size of the council, how many residents are in the constituency and the size of it.

Ms Oliver—The membership of the Marine Education Society is only about 400, which sounds very small, but our major events such as Seaweek, which some of you may be aware is run as a week's public awareness campaign every year, attract thousands of people. In fact, both the Sunshine Coast and the Gold Coast events three weeks ago attracted more than 30,000 people to each of their events. The number of our paid up members is quite small, but the actual impact we have because of the campaigns we run is far more than that. Of course Seaweek is partly funded by the federal government in Environment Australia's program.

Senator BARTLETT—I have a couple of questions to the Redland Shire Council. You mentioned your agreement with the Quandamooka Land Council, which from my understanding of it certainly looks like a great example for other local councils to follow. So I should take this opportunity to congratulate you on that personally.

Mayor Santagiuliana—Thank you.

Senator BARTLETT—My understanding of that is that, as well as dealing with some of the issues in terms of recognition of the traditional owners, it is an ongoing evolutionary process and it actually incorporates long-term environmental sustainability as part of the agreement; is that right?

Mayor Santagiuliana—The whole agreement is based around the mutual respect for each other's rights, interests, custodial obligations, cultural decision making processes and the need to preserve the special environment in Minjerribah, which is North Stradbroke Island, plus the bay. Both parties must seek to maintain goodwill as a basis to all negotiation. To that effect we work very closely together. We have appointed a coordinator who will look at the whole issue of sustainable development of the island and the environment. That is where we are at at this stage. There are regular meetings.

The one thing I must say is that, since this agreement has taken place, there has been an improvement in the outlook of the community on Stradbroke Island. In talking to the local police, we have discovered that there has been less violence, more respect for law and order and a gradual increase in self-respect by people. It all has tremendous goodwill for this community. The economic development has improved. For instance, also through the tourism we have developed a cultural trail where we have now full employment for four cultural officers of the local Quandamooka people. It has had a great benefit by just talking to each other and coming to this agreement.

Senator BARTLETT—Following on from that and linking that to the general issue the committee is looking at—the environmental powers—you talked about formally recognising and empowering local government as environmental managers. That process that you have undertaken with the Quandamooka Land Council involves a fair bit of cost obviously from

some of the things you have said there. That has all come solely through your own funding? Have you managed to have financial assistance from other levels of government for that?

Mayor Santagiuliana—We have had opposition.

Mr White—If I could perhaps try to comment on behalf of the mayor there, the interesting thing about the study—and you have referenced this to the particular process you are going through—is that both the Quandamooka Land Council and the Redland Shire Council recognise the inadequacies of environmental management systems so far applying to parts of Moreton Bay. The two councils decided to undertake a study separate from legislation and place the study outside the formal legislation. We are backing ourselves to come up with a process study that will eventually lead us to an agreement under native title. In effect, we are saying that the vision for Quandamooka and the Redland Shire Council is to come up with a sustainable plan for North Stradbroke Island.

We sit here today trying to have an inquiry and we have got mining trucks going past the door just about. It is not part of a sustainable model. This township should perhaps have certain qualities about it. We should respect the broader picture. So the study objective has been a sustainable study that has brought the two councils together as part of a vision, but it cuts across all of the other inadequacies of legislation to look at the comprehensive planning for North Stradbroke Island.

The other interesting thing is that the payments have come from various sources that the Aboriginal council could source, Quandamooka, and the Redland Shire Council putting up to \$200,000 towards that integrated study.

Senator BARTLETT—I have a final question with that, again, moving to the broader issue of recognising what you see as the legitimate role of local councils and I guess touching on Senator O'Chee's point from before. Obviously, the federal government cannot look into every stormwater drain, every subdivision, et cetera, and the local people are appropriate to do the immediate management of those things. What a lot of people are saying, and what I think you are saying as well, is that there needs to be an overall role there for the Commonwealth in terms of assisting, adequately resourcing, if possible, and having a legislative framework overall. What sort of mechanism would you see where the Commonwealth should become more actively interventionist, rather than just providing that framework for you to operate within?

Mayor Santagiuliana—I believe the first thing that should happen is that local governments should be recognised as the third tier of government. If we had that legitimacy—which we have not got at the moment; and let us face it, we are the child of state governments where, on the whim of a minister, any council can be dismissed—I believe we could have the powers to do the things. For instance, the Commonwealth could say, 'The local government shall do this, this and this.' That is my strong belief.

Senator BARTLETT—So they would still have the power to intervene if the local council was not meeting those particular things?

Mayor Santagiuliana—Yes. I must also say that I am not just here as Mayor of Redland Shire; I am here as the chairman of the SEQROC, which is a group of councils I sit on. That is all the local councils south of the Brisbane River.

Senator HOGG—I want to ask about your relationship with other councils in your planning, development and environmental needs. Is there any liaison between yourself and the Brisbane City Council, the Gold Coast City Council or whatever other council it might be?

Mayor Santagiuliana—Yes. A great relationship has been forged, particularly over the last four or five years, through the SEQROC group of councils. It is split into four. There are 18 councils in SEQROC. There is NORTHROC, which is the group of councils north of the Brisbane River to Noosa and as far out as Kilcoy. There is WESROC, which is the group of councils from Ipswich out as far as Toowoomba. There is SOUTHROC, which is the group of councils from Redlands, Logan, Beaudesert and the Gold Coast. We also include the Tweed Shire because of the problems the Tweed Shire have in dealing with the New South Wales government. They are more into that group of councils in south-east Queensland. Their trading, economics and communications come through there.

There is a lot of communication. We meet regularly once a month and there is an exchange of information, particularly through planning. The biggest problem with south-east Queensland is that we do not have great economic growth, as you know. We tend to service each other instead of value adding to the community here, and that is something we are also tackling. But there is very good communications. Before a development is approved near a border of a council, you contact your neighbouring council and see what they feel and so forth.

CHAIR—You may be aware that the federal government put out a discussion paper reviewing its Commonwealth powers. It suggests that as part of that there be bilateral agreements between the state and federal governments. Can we assume that you would like to see trilateral or multilateral?

Mayor Santagiuliana—I would see trilateral. My personal view is that a lot of time we have hold-ups in businesses, environment and all sorts of things because we must deal with the state government agency, which seems to be reluctant to make a decision.

CHAIR—Ms Oliver, can I ask you that question. How confident are you in bilateral agreements, or trilateral agreements for that matter? Have you had a chance to look at that discussion paper? What is the view of your organisation?

Ms Oliver—It would be nice to say that we would have great faith in those bilateral agreements and trilateral agreements. I think that is a good thing. The local government is the prime mover in most environmental developments and the ones that we are all objecting to in actual fact in many cases as conservation groups. The success of bilateral agreements has not been marked in the past and I think we would need far more cooperation between the Commonwealth government and the state governments in those regarding the environmental past.

Mayor Santagiuliana—Can I just give you an instance, if I may. The state government, through Q-Build, or Project Services as they are now called, is building a new ambulance centre in Cleveland. It is our policy that every new development must have silt fencing to protect the silt from going into our creeks or into our environmental areas. They are building in a very sensitive area in Cleveland, adjacent to the Black Swamp. It has taken us six weeks to get Project Services to put some silt fencing up to protect the silt from going into our Black Swamp. We have had to deal with state government. The Department of the Environment did not want to know us. Project Services said we were mad. Eventually I had to write to the minister to get him to move. These are the sorts of things that we feel very frustrated about. That is just a little example.

CHAIR—Thank you appearing before us today. I am sorry that time is tight. We could have gone on all day, I am sure.

[11.14 a.m.]

LINDGREN, Ms Rae Jocelyn, Scientific Project Officer, National Parks Association of Queensland Incorporated, PO Box 1040, Milton Centre, Queensland 4064

CHAIR—I welcome Ms Rae Lindgren. The committee has before it submission No. 311, which it has authorised to be published. Are there any alterations or additions that you would care to make at this stage?

Ms Lindgren—Yes, there are two. The first is in the second paragraph where I say ‘the Brigalow Belt, the Desert Uplands and the Einasleigh Uplands: in these three bioregions collectively’. I would like to change that to ‘the two bioregions of the Desert Uplands and Einasleigh Uplands’. There is a second one, with regard to COAG, I think in the last paragraph. I would like to change ‘consensus opinion’ to ‘majority opinion.’

CHAIR—I invite you to make some opening remarks or, if you wish, we can go straight to questions.

Ms Lindgren—I would like to make some remarks, basically to support some of the aspects of my submission, but also to introduce some new aspects. Firstly, the main issue in our previous submission to this inquiry was that of tree clearing with regard to the Einasleigh Uplands and the Desert Uplands. There have not been any tree clearing figures released for the period from the end of 1995 until the present and they are not expected before the end of this year, so I cannot bring you actual tree clearing figures to support some of the statements I made.

I have figures for clearing in the Desert Uplands from 1991 to 1995 when 13 per cent of the area was cleared. In the Einasleigh Uplands, it was only 0.68 per cent of the area. As at May 1995, the percentages of endangered or of concern ecosystems in these bioregions were estimated at 50 per cent in the Desert Uplands but only 14.3 per cent in the Einasleigh Uplands. Yet by November 1996 the percentages of endangered or of concern ecosystems in these bioregions were estimated at 52.7 per cent in the Desert Uplands and 47.7 per cent in the Einasleigh Uplands. That is an increase from May 1995 to November 1996 from 14.3 per cent to 47.7 per cent. Today, those estimates for the Desert Uplands are 60.3 per cent; that has increased from 50 per cent in May 1995. For the Einasleigh Uplands, that has been adjusted at 43.5 per cent.

I would like to speak briefly on the values of the wetlands of those regions. The Desert Uplands region contains the catchments of the Nogoia River, tributary of the Mackenzie-Fitzroy system, and the Belyando and Suttor rivers flowing north to the Burdekin River. Lake Galilee and Lake Buchanan, large and notable lakes, lie in the centre of the region. Both are saline; Lake Galilee only slightly so when full. It provides food and breeding habitat for great concentrations of waterfowl, while Lake Buchanan supports large populations of swans, pelicans and cormorants when full.

There is a complex of smaller saline lakes, swamps and springs intermittently flooded, as well as semipermanent freshwater lakes. The Einasleigh Uplands contain the catchments of the Einasleigh River draining to the gulf and the Herbert and Burdekin rivers draining to the

east coast. There are semipermanent lakes and swamps near the headwaters of the Burdekin. There is abundant bird life, including large numbers of black swans and Eurasian coots. There have been 129 bird species recorded in the valley of the lagoons. There are permanent freshwater and saline lakes, notably the Pelican Lakes which is an important habitat for black swans, and a number of spring-fed streams flowing to the Burdekin.

Wetland reserves are extremely poorly represented in both bioregions as are reserves of most other regional ecosystems. The major use is grazing, formerly sheep and cattle in the Desert Uplands, now almost exclusively cattle. Grazing is my primary focus—its effects on the ecology of the bioregions and the effects of sedimentation downstream, notably on the Great Barrier Reef world heritage area.

William Gasteen produced a report on the Desert Uplands 20 years ago detailing some of the effects of grazing degradation and recommending national park acquisitions. This was very strongly supported by my association. He detailed some of the early loss of biodiversity in the ground layer, the losses of perennial and annual herbs, forbs and grasses. Erosion and consequent siltation of the lakes were major concerns. The takeover of wire grass in formerly diverse communities was largely responsible for the demise of sheep farming. Fleeces were said to have become so matted with wire grass that they bounced across the shearing shed floor.

Change from British cattle to zebu cattle some 50 years ago was a technological advance. Zebus were immune to ticks and droughts, but management advances did not follow. Continued stocking during droughts when destocking before had been a necessity is said to have accelerated the degradation. When pasture cover drops below 30 per cent to 40 per cent, there is an exponential increase in erosion. That erosion is not only gully erosion but also rill erosion or loss of fine sediments. This is when the nutrients are also lost. And where are they going? Remember that the Desert Uplands and the south-eastern Einasleigh Uplands form most of the catchment of the Burdekin River. I have some bar graphs here. Could I hand them across?

CHAIR—The committee is happy to have this material.

Ms Lindgren—Those two bar graphs are a modelling of the sediment and nutrient outflows to the Great Barrier Reef world heritage area. The Burdekin basin is the source of the greatest nutrient and sediment outflows along the entire Queensland coast. Seventy per cent of the sediment outflow has been attributed to grazing, and to dry land grazing at that. Studies have shown that grazing in the higher rainfall areas closer to the coast contributes little to sediment outflows. Sugar cane farming contributes much more per hectare in nutrient outflow than grazing, but the area of sugar farming is so much smaller than grazing that the cumulative effect is far less. So it is the natural nutrients from the Desert uplands and the south-eastern Einasleigh Uplands which have been spilled out into the Great Barrier Reef. The fertility of these regions is being lost to the area which can least afford to receive them.

You have no doubt read about the recent coral bleaching on the Great Barrier Reef affecting, in its worst hit areas, up to 40 per cent of all inner reefs. It was detected earlier this year after flooding centring around Townsville. It is linked to sediment nutrient and fresh water outflows and also to ocean warming. It is generally the build-up of a combina-

tion of stresses which leads to sudden extensive declines. Many inshore reefs have already been given up as lost by some scientists. Many are choked with nutrient grown algae and buried under sediment. Most tourist resorts are in the inshore reef areas. Tourism is estimated to bring in between \$1.3 billion and \$1.5 billion annually. I will need to check some of these figures when I provide a written document.

This figure has risen expedientially. Cattle industry revenue on the other hand has been suggested to be declining sharply. The national reserve system cooperative reserves program evaluation says:

Biodiversity is the basis for nature based tourism which is growing at 30% per year, three times that of any other industry segment. International tourism is also Australia's fastest growing and largest export earner . . . Any industry which allowed its assets to decline as dramatically as biodiversity has declined would soon be in receivership.

I have not even mentioned the effect of sediment and nutrient transport on the other major downstream system, the gulf plains. I believe there is very little information available. There are also flows south to the channel country and some into the Fitzroy basin. It is obvious that major restructuring is required in the grazing industry in the Desert uplands and Einasleigh Uplands. It is also obvious that any further vegetation clearance will exacerbate the situation. This applies as much to regrowth as primary growth in erosion prone areas. It appears that these are extensive.

This will take both the capacity for a wider and longer view that belongs to a federal government and the funding, resourcing and support that is only available from that agency. It is a time of rapid and sudden changes and it requires a federal government which has not given up its capacity to respond quickly and to intervene where and when required. The immediate initiatives include, for instance, legislation such as that in force in New South Wales which prohibits grazing in any riparian area, relocation of boar spears away from erosion prone areas, destocking in times of drought, et cetera.

CHAIR—You say in your submission that you think the COAG agreement is the most appropriate mechanism for reaching national environmental standards. Is this also the case for wetlands?

Ms Lindgren—You have asked me the most difficult question. I do not know that it is the most appropriate for arriving at standards where those standards are less than the standards required to fulfil international obligations for world heritage for instance, international wetland obligations and generally best practices in environmental management. So I do not know that that is indeed the best way.

CHAIR—Have you seen the discussion paper about the review of environment powers? Are you confident in the likelihood that we will go towards a bilateral agreements arrangement for protection of national environment assets? Can you give us some examples of where those agreements might have worked or have not worked in Queensland? How confident are you that this might be the way to go?

Ms Lindgren—Okay. Giving up export controls I consider to be a mistake because it is only those export controls which in the past have saved areas such as Fraser Island from

continued degradation. It never would have achieved world heritage standard if sandmining had continued. There are actually numerous examples. There are matters of national conservation interest—or however the Commonwealth puts it. The Commonwealth would consider that the Einasleigh Uplands and the Desert Uplands are matters of state conservation concern, presumably, but there are no jurisdictional boundaries for the environment. That is the problem. The streams flow interstate constantly. Water resources will be the major concern of the next century—the next 10 years even.

The environment does not have jurisdictional boundaries. The Commonwealth has to keep the powers necessary to intervene and to provide that overview that individual states may not have. I do not see how you can give up those powers to individual states and have so many matters of concern which cross so many jurisdictional boundaries.

Senator HOGG—I want to know your view of the role of local government. We just heard from local government. Do they have a role to play in this?

Ms Lindgren—Yes, I believe they do. I believe it is local communities—

Senator HOGG—Is it legislative, though?

Ms Lindgren—Is it legislative?

Senator HOGG—Are they recognised in legislation?

Ms Lindgren—I believe basically there should be a Commonwealth standard of environmental legislation. Local councils can then gain accreditation and powers can be devolved to local councils when their environmental legislation is up to scratch.

Senator HOGG—The people who appeared from the Redland shire were quite critical of the role of state governments. If there is to be enhanced power in the federal arena, does that mean a lessening of power for the state but a strengthening of power for the local government—

Ms Lindgren—It may well do.

Senator HOGG—which ends up with the real responsibility for environment management?

Ms Lindgren—I believe it is basically local government alongside the local community. Local communities are going to bring about the changes. For instance, catchment management is absolutely crucial. The local communities are going to be doing the day-to-day work. I certainly believe there should be guidance from higher levels.

Senator HOGG—This raises another issue with me. How much of this needs to be regulated by legislation and how much of it needs to be self-regulatory? I am not advocating self-regulation, but in this sense unless there is community involvement, as you have just said, I think you are going to miss the mark in much of this. Where does one find the happy

balance between being over regulated, over legislated, and having a degree of self-regulation, if one can term it that?

Ms Lindgren—I do not really believe that as far as the environment goes you can get over-regulation because, generally speaking, downstream effects, long-term effects are always greater than is ever imagined. You cannot over-legislate in environmental practices.

Senator HOGG—One of the other confusions that remains in Australia is the three tiers of government. One seems to have no legislative capacity or role and the other two both have legislative capacities and roles and, thereby, the average person in the street becomes confused as to whether it is federal or state legislation that applies. Are you saying that we should have an all-supreme federal regime?

Ms Lindgren—Yes, with accreditation and devolvement to state and local levels where they have the capacity to meet the credentials necessary.

Senator HOGG—So, in effect, the federal government would then have an overview of the whole situation and very much a policing role.

Ms Lindgren—And it would have the capacity to intervene where necessary when that overview shows that the local view is too local and is not seeing the whole picture.

Senator O'CHEE—I have some problems with that. You would get to a situation where the views of the people who live in the area could get overridden by the views of the people who do not live in the area—people who live on the other side of the country. Can you imagine why ratepayers in some town in WA might be upset if Queensland senators went over there and told them how to suck eggs?

Ms Lindgren—Could you repeat that, please?

CHAIR—Perhaps you could rephrase the question, Senator O'Chee, so it is a bit more relevant?

Senator O'CHEE—It is a very relevant question. It does not need rephrasing. I will put it to you again: can you understand why ratepayers in a town in Western Australia might be upset if senators from Queensland went over there and told them how to suck eggs? Your point of view was that the views of local ratepayers should be ignored if people who do not live in the area have a different view.

Ms Lindgren—I was referring to matters of overriding environmental interest. For instance, the local people in the desert uplands would have a very different view about what needs to happen from the federal government's view, but the fact that the effects of their practices are destroying large areas of inshore reefs in the Great Barrier Reef and that sediment outflows are now reaching the outer edges of the Great Barrier Reef is surely cause for environmental powers which may override sectorial interests which do not see—

Senator O'CHEE—You turn it into a political football where people who live in Sydney or Melbourne will come and tell Mayor Santagiuliana how to run his shire, and where people

who live in Brisbane will tell some mayor in Western Australia how to run her shire. Don't you think that maybe the people in Sydney and Melbourne know less about Moreton Bay than Mayor Santagiuliana's ratepayers and don't you think the people in WA know more about their town than I do?

Ms Lindgren—I would assume that you have scientific advice that you follow on areas and that that scientific advice would prevail. That scientific advice would contain a great deal of local knowledge.

Senator O'CHEE—But scientists are like economists—you get what you pay for.

Ms Lindgren—Maybe you ought to pay more.

Senator O'CHEE—Let's be serious about this. Scientists are like economists—you get what you pay for.

Ms Lindgren—I would suggest paying more because they are very vital.

Senator O'CHEE—You pay the scientists and you get whatever opinion you want. Mayor Santagiuliana made another point which was not picked up. His council had come up with an environmentally sensible way of getting rid of mosquito lava. The problem was that every time they wanted to put one of these runnels in they had to apply for a permit. You said that you cannot be over-regulated in terms of the environment, but Mayor Santagiuliana has said that regulation is getting in the way of the application of an environmentally sensitive solution to a problem. Imagine if, on top of this state legislation, we had federal legislation. If it took Mayor Santagiuliana however many days and cost him so much money for a permit from the state government, can you imagine what the Canberra bureaucrats would do to him if he tried to do this?

Ms Lindgren—The first thing I would like to say is that there is a divergence of scientific opinion on runnels. I do not know personally where I stand because I have not followed that up enough, but I know there is a divergence of scientific opinion on the environmental effects of runnels.

Senator O'CHEE—I am talking about the proposition in general. If you have a whole heap of state legislation and then on top of that a whole heap of federal legislation, how is a local council supposed to put these things into practice if the red tape stops them doing the sensible things?

Ms Lindgren—I am afraid I do not have the answers to that, but that is a valid point. There needs to be a way somehow.

Senator O'CHEE—Maybe you need to rethink the proposition that you cannot have too much regulation.

Ms Lindgren—You cannot have too much capacity to intervene. I believe matters are becoming so critical in some areas that very fast intervention is necessary and you have to retain the power to do that.

Senator O'CHEE—I have rarely seen the Commonwealth do anything quickly.

CHAIR—Is there an argument for there to be a constitutional head of power with the federal government?

Ms Lindgren—A constitutional head of power?

CHAIR—Powers under the constitution for the Commonwealth?

Ms Lindgren—Yes.

CHAIR—Given your particular interest in this area, at what times have Commonwealth powers of intervention been used, if at all? Have they always be useful? Can you give us some understanding?

Ms Lindgren—I do not believe Commonwealth powers in the Einasleigh uplands and the Desert uplands have ever been used. Of the state powers of legislation that exist, for instance, the stock act is not even used. As far as the Great Barrier Reef Marine Park goes, its jurisdiction finishes at the low watermark. It has the capacity to negotiate with councils, but it does not have the legislative backing to be able to counter effects which are upstream but affect it so severely.

Senator O'CHEE—One of the matters raised by the Marine Education Society of Australasia was to do with run-off. I think this is very important. Isn't it true that in areas like this the real problem is stormwater run-off and what people flush down the sink? They flush the cooking oils and they the change oil in the car—

CHAIR—You mean the sewerage?

Senator O'CHEE—No, stormwater does not go into the sewerage.

CHAIR—Stormwater is off the roof. Anything in the sink goes into the sewerage.

Senator O'CHEE—Not always in Queensland. Isn't the real problem in an area like this managing that run-off? How do you suggest we deal with that issue?

Ms Lindgren—The comparative effects of run-off are in those bar graphs that I gave you. For instance, in the nitrogen graph they give point sources such as sewerage outlets and they give diffuse sources such as grazing. So you can have a look at the comparative effects even down in Brisbane and the Gold Coast I believe. It is a massive problem in Moreton Bay; I absolutely agree.

There is certainly a number of practices used in other parts of the world. For instance, tertiary treatment of sewage is absolutely essential. There are ways of coping with stormwater drainage which I have not looked into personally but I know can be used that are not used. Artificial ponds, et cetera, in areas of nutrient flow can stop basically the nutrients from reaching the river. It is something that I have not looked into, but I know that there are various solutions.

Senator O'CHEE—But the solution depends on the particular situation, doesn't it?

Ms Lindgren—Yes.

Senator O'CHEE—We cannot say there is one solution.

Ms Lindgren—No. Absolutely not.

Senator O'CHEE—So it is going to have to be decided locally, isn't it?

Ms Lindgren—We are talking about Brisbane, which is a capital city, and Moreton Bay and the shires adjacent. In this case, local government certainly has the capacity to solve those problems and it has the resources and the funding to access any of the research that is necessary to find out which are the best ways to cope. That is not always the case.

Senator HOGG—Excuse me, that raises the issue of funding and there is a real lack of funding at the local government level in this area. So it would seem to me that that would have to be overcome.

Ms Lindgren—How? Rates are the only source. Are you talking about local government access to funding from higher sources?

Senator HOGG—From higher sources, whether it be state or federal government.

Ms Lindgren—Yes, absolutely.

Senator HOGG—There is a certain tolerance level beyond which the ratepayer will not go and that is another part of the problem.

Ms Lindgren—Yes, it is.

CHAIR—Thank you Ms Lindgren for appearing.

[11.45 a.m.]

DELANEY, Mr Adam Dean, Board Member, Quandamooka Land Council, 5 Ballow Road, Dunwich, Queensland 4183

DURBIDGE, Ms Ellie, Honorary Secretary, Stradbroke Island Management Organisation Inc., PO Box 8, Point Lookout, North Stradbroke Island, Queensland 4183

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McDOUGALL, Mr Gregory Scott, Legal Officer, Quandamooka Land Council, 5 Ballow Road, Dunwich, Queensland 4183

RUSKA, Mr Dale, Deputy Chair, Quandamooka Land Council, Ballow Road, Dunwich, Queensland 4183

ZETHOVEN, Ms Imogen, Queensland Conservation Council, Coordinator, Queensland Conservation Council, PO Box 12046, Brisbane, Queensland 4002

CHAIR—I welcome all witnesses at the table. The committee has before it submissions 114, 173, 157 and 271, which it has authorised to be published. Are there any alterations or additions you would care to make at this stage?

Ms Durbidge—I have some additions. I am the secretary of the Stradbroke Island Management Organisation, which was formed 20 years ago at a public meeting to oppose bridge construction to the island. That seems to be on hold for the time being; we hope it is on hold indefinitely. We have been involved in Coastcare projects, and we are involved in two Coastcare projects at the moment.

CHAIR—Ms Zethoven, would you like to make some opening remarks?

Ms Zethoven—To start with, the QCC believes there are existing powers within the constitution for the Commonwealth to use to properly protect the Australian environment and it has consistently failed to do it and one has to question why. There have been a few occasions where Commonwealth powers have been used, but they are more the exception than the norm. An example, of course, was the Franklin issue, where the federal government at that stage intervened at the very end of a process to solve a highly controversial issue. One thing that we are supportive of, and that we do see reflected to some extent in the consultation paper that was released, is an intent for the Commonwealth to get involved at the beginning of the process so it does not have to become a highly controversial issue in the community.

We believe there a number of eminent environmental lawyers appointed to heads of power—like the corporations power and the foreign affairs power—that can be used.

However, they do end up being, I guess, subject to political will and we believe that, to avoid that situation, there should be an opportunity taken to look at our constitution and look at becoming a republic. When we do that, we should include an environmental head of power in our constitution. We also support the idea of a general bill of rights, which would include environmental rights, such as a right to clean air and clean water.

In respect of where policy is heading right at the moment, we have seen the COAG agreement on roles and responsibilities of the Commonwealth and we are extremely concerned about the level of devolution and abrogation by the Commonwealth of key national issues. The list of national environmental matters of significance is extremely limited. Major broad scale issues—such as greenhouse, land clearing, water allocation and genetically modified organisms—are not simply factored into the proposed environmental protection act to trigger Commonwealth environmental impact assessment.

We believe that the proposals to restrict Commonwealth powers to very site-specific and project-specific issues relating to Ramsar, world heritage and so on are clearly areas where there are international agreements. So we believe that it is not the appropriate time for the Commonwealth to be retreating from its powers. In fact, we need to see an expansion of the Commonwealth's usage of its powers.

What we are seeing at the moment is a continued devolution from the Commonwealth to the states and, in Queensland at least, probably setting the trend for the rest of the country, a devolution of powers from the state government to the local government. We are extremely concerned about that because local government generally in Queensland has not demonstrated sound environmental management.

We have about 130 local governments in Queensland and the vast majority of them simply are not interested, do not have the money, do not have the resources, do not have access to information, or do not have the skills and training to do this kind of work. Yet the responsibility is being devolved to them, and they do not have the capacity to carry out those responsibilities. In a sense we are seeing a whole process of devolution to the local level and the local level being incapable of bearing those responsibilities.

I know that the Commonwealth has so far objected to greenhouse and other broadscale issues being a trigger for EIA because they believe they are too diffuse and unmanageable. But we believe that is a cop-out. If it is unmanageable at the Commonwealth level, how can it be manageable at a state level? It certainly would not be manageable at a local government level. So I think there is a clear case, certainly for major point source polluters to be triggers for Commonwealth impact assessment on greenhouse. It is just a matter of really thinking through how it can be done.

We also need to see wetlands that are listed on the National Directory of Wetlands of National Importance triggering impact assessment. And we need to see land clearing to some extent triggering impact assessment. I am not supporting land clearing per se triggering impact assessment, because I believe it would be problematic in many instances. But I think that where there are endangered and vulnerable ecological communities listed under the Endangered Species Protection Act or the new biodiversity act, they can quite clearly be triggers for impact assessment, with the intent that those areas should be fully protected.

I guess I have touched on the issue of accreditation. There are a number of best practice considerations that are outlined in this joint submission put together by a range of national and state based conservation organisations to the consultation paper. I do not have a spare copy to table, but I draw your attention to it. It identifies a number of best practice considerations for accreditation of state processes.

CHAIR—Could you just clarify the name of that document and whether it is possible to fax it to the committee in Canberra at some later stage?

Ms Zethoven—Yes. It will be a long fax. This document identifies a number of best practice considerations for accreditation of state processes. We would add that there also needs to be further specified criteria—that is, that EIA at a state level needs to reflect the reforms occurring at a Commonwealth level. So there needs to be one, integrated EIA act at a state level. It needs to be under the environment portfolio. The trigger person needs to be the environment minister and the decision maker needs to be the environment minister. We would then be reflecting the kinds of reforms that are occurring at a Commonwealth level and we may then finally have a nationally consistent, perhaps even uniform, set of Commonwealth impact processes around the country.

We have a number of concerns in terms of the bilateral agreements. One can point to a number of existing agreements that are not exactly called bilateral agreements, but which certainly create an ominous perception of what bilateral agreements may look like. I point to the regional forestry agreements that have been signed between the Commonwealth and the Victorian government over East Gippsland, between the Commonwealth and the Tasmanian government and the deed of agreement that was developed in camera between the Commonwealth, the state, Cardwell Properties and Cardwell Shire. These processes have failed abysmally to incorporate the communities' views on forests. The community has indicated very strongly and loudly that they do not want native forest logging. Yet the end result has been a 20-year contract agreement with states that cannot be changed without massive compensation paid to these companies.

With Hinchinbrook, we are also seeing an agreement that locks out the community. In the consultation paper there was no indication that the community would have any input into these bilateral agreements. At the moment it looks as though we are going to have a closed process between the Commonwealth and the states determining future management for World Heritage and Ramsar and all the other points that are listed as matters of national environmental significance. I think that is an extreme concern for the community. They could end up being 20-year agreements, as the RFAs have been.

On Stradbroke, the Commonwealth has also signalled an intent to reform the Australian Heritage Commission Act and to identify places of national and state heritage significance. That was only indicated in the consultation paper; there was no detail on it. We would like to see what the criteria are for places of national heritage significance. At the moment, there is no Commonwealth involvement with North Stradbroke Island. Last year, the export controls were removed and that left a gaping hole.

If the Commonwealth were being responsible, knowing that it had an intent to reform the Australian Heritage Commission Act, it should have kept those export control powers in

place before creating a total absence of Commonwealth involvement. At the moment, we do not know what the criteria are or whether any areas on North Stradbroke Island will be included in that national directory. There is tremendous uncertainty and an abrogation of responsibility—hopefully temporary.

Ms Durbidge—I think I have told you all about the organisation I come from. I live on Stradbroke Island and I have lived here for 40-odd years. I reinforce our submission and point out that North Stradbroke has been subjected to sand mining since the first shipment in the 1950s. During the long period that the island has been worked for mineral sands, both the Queensland Department of Mines and Energy and the federal government have failed to protect the heritage values of a unique sand island.

Despite mining operations being subjected to mining conditions imposed by state authorities and, as Imogen mentioned, by the Commonwealth until recently, our history has demonstrated a lack of institutional control at both state and federal levels. When the Commonwealth had control, they based their approval for export on a report supplied by the Queensland Department of Mines and Energy. This was rather unsatisfactory. No independent assessment was required.

State authorities have not fulfilled their role of ensuring that mining companies comply with conditions. The Queensland Department of Mines and Energy has to answer for the environmental vandalism of wetlands that are listed as Ramsar sites. I have listed those in our submission. In some cases, perched lakes have been drained, while some have been flooded. A major sand slide into Moreton Bay in 1982 wiped out an area of coastal swamp, mature mangroves, she-oaks and seagrass flats.

There is concern that there appears to be a trend to giving more power to the states. This is demonstrated in the case of the Commonwealth divesting itself of the responsibility of controlling mining activities through conditions of export and the heritage conditions imposed, but now the company—I think this is correct—say that they will adhere to those conditions, but really it is a gentlemen's agreement and there is no legislation to say that that must apply.

I have homed in on the Ramsar sites and the wetlands in Moreton Bay—I have not treated Ramsar generally—to illustrate the need for comprehensive environmental Commonwealth control. The aim of Ramsar is to protect the wetlands that the migratory birds are dependent on to sustain them on their long annual flight to the Northern Hemisphere and back. These birds know of no state boundaries or of lines drawn on the map to define local government borders. The birds are unaware of interstate and local government politics that fragment management of Ramsar sites.

The Queensland Department of Mines and Energy does not consider Ramsar requirements when formulating mining conditions for Stradbroke operations. In our submission to the inquiry, we documented the destruction of both freshwater and tidal wetlands which are Ramsar sites. Without regard for the Ramsar Moreton Bay site, the Queensland government revoked a strip of mangrove forest and seagrass flats through the Myora fish habitat reserve. The revocation was to accommodate an ACI Industrial Minerals Division proposal to construct a silica loading facility from the western boundary of its existing mine lease, ML

1124, to Rainbow Channel in Moreton Bay. The jetty had a proposed length of 1,100 metres, so it was no small construction.

In the case of Moreton Bay, a number of local governments—this may add to some of the discussion that went on earlier about local government content—are responsible for the management of the Bay's foreshores. We see this as a problem. North Stradbroke is part of the Redland shire that has no management plan for Ramsar sites within its boundaries. I think I am correct in saying that the Redland shire did not make a submission to the inquiry.

On the ocean beaches of North Stradbroke, four-wheel drive vehicles use the beaches as roads. There is a complete disregard to the fact that the Flinders Beach is a Ramsar site. There is a map at the back of this little handout. Prior to the event of the popular four-wheel drives, Flinders was a roosting site at high tide for the migratory birds that fed at low tide along the tidal flats of Moreton Bay. It is not a very good illustration, but that is a 1931 picture of when they were building the lighthouse at Point Lookout—

CHAIR—Excuse me, Ms Durbidge, was that map part of the submission to this committee?

Ms Durbidge—No, I have just put it in to clarify Flinders Beach and the Ramsar sites.

CHAIR—Is that something you will leave us with?

Ms Durbidge—Yes. Adequate rest areas are essential to the birds' wellbeing if they are to survive their long flights—their rest is just as important as their feeding. Rather than restrict four-wheel drives on Flinders Beach, council encourage vehicular use of the beach by providing three beach access points and by providing solar lights for night beach travellers at two of those beach access points.

Redlands Tourism that is supported by Redland Shire Council promote the use of four-wheel drives. A glossy tourist brochure reads:

Four wheel driving has long been a popular way to explore the natural beauty of North Stradbroke Island. The island's beaches and 4WD tracks have been described by the enthusiasts as the ultimate off-road adventure.

If the Commonwealth is a signatory to an international agreement such as Ramsar, the Commonwealth must live up to its responsibilities under that agreement. Just as the flight patterns of birds cannot be defined by state or local government boundaries, Commonwealth environmental responsibilities have no bounds. They are a national responsibility. If Ramsar is to be effective, the Commonwealth has to set the guidelines that both state and local governments honour. Extensive Commonwealth powers are necessary to ensure a consistency in dealing with environmental issues of national and international importance. Thank you.

Ms Haenke—I am Jani Haenke from the Friends of Stradbroke Island Association. We have been operating for about nine years to protect the unique qualities of Stradbroke Island and particularly to deal with the worst excesses of development—not just mining but also local government planning. I would like to add a bit to my original submission because I

also wrote about the Myora fish habitat reserve and the piece that was revoked by the state government. The government has been embarrassed into rescinding that revocation. We are very glad to see that it is not in the recent zoning plan.

Today, I would like to add a supplement to my submission, about water being extracted from the island, which I mentioned but this is in more detail and with some extra information. We would like to give you additional information concerning water extraction by the Redland Shire Council, which pumps it back to the mainland instead of buying it from adequate supplies in dams around south-east Queensland. They cry poor. Island ground water is also used by Consolidated Rutile Limited and, even though this does not leave the island, it does not necessarily return to the place from which it is extracted.

We offer you a copy of a letter to the Stradbroke Island Management Organisation from the Minister for Natural Resources of 7 April 1998 in which he says that both the council and CRL are permitted to take 25 megalitres per day from Herring Lagoon. Their needs may vary, but total extraction may not exceed 50 megalitres per day.

The council has developed another bore field and hopes to pipe yet more water to the mainland, with the possible reduced use by CRL. Actually CRL is expecting to almost double its requirements for the first two months of the Yarraman mine, and then use 28 megalitres—not 25—for the life of this mine, presumably using yet more at other mining sites as well. Some dam water will be used in the first two months, but it is most unlikely that CRL will be using less water than at present.

Both the council and CRL have advanced plans and infrastructure based on the expectation of the Department of Natural Resources granting licences for further extraction, but we are aware that DNR has little concern for the consequences of using this water. Like the mines department, it functions primarily to sell the resources of this state, and traditionally environmental outcomes have been disregarded.

Legislation is drawn up in Queensland in a way which creates a conflict of interest, which should be of major concern to the Commonwealth. An instance of this is in the Queensland Environment Protection Policy (EPP) Water of which section 45(1) and (2) reads:

The Chief Executive Water Resources must develop and implement environmental plans about protecting ground water.

The same person licences and ‘sells’ ground water. There is no duty on Water Resources to be independently checked. The Department of the Environment has no say over what is being done with Stradbroke’s water. Neither do we; but we thank you for coming here to hear about it. In my original submission I also included some photocopies of articles from the *Courier-Mail* by Wayne Sanderson and others in which they pointed out similar legislation in the mines department. Thank you.

Mr Delaney—My name is Adam Delaney and I am from the Quandamooka Lands Council. From the Quandamooka community we are the Noonukle, Nughi and Koenpul tribes and, on their behalf, I welcome you here today. I have two papers to present. We have

not submitted the first one yet but I leave you with copies of it. The first one entitled *Jumping the gun: inside out on nature reserves* was a paper delivered by Dale Ruska, also of the Quandamooka Lands Council and community, at a University of Queensland conference called Conservation Outside Nature Reserves in July 1997. This paper gives a background on the Quandamooka Aboriginal community, our attachment to country and our need to look after our country. It also lists some fairly hard-hitting statistics on the environment covering the marine area as well as the mining and tourism industries—the impact of these industries on our country. I will leave you that one to read at your leisure.

I would like to read from a paper that was drafted recently. The Quandamooka Lands Council is an Aboriginal corporation representing the traditional owners of Moreton Bay, including Minjerribah, which is North Stradbroke Island. The QLC is primarily concerned with the recognition and protection of native title rights and ensuring the proper management of our lands, seas and resources. This purpose of this submission is not to provide a detailed analysis and/or critique of the federal government's proposals but to provide a summary of some of our concerns in this region. These concerns are relevant to the considerations of the committee because they provide examples of the federal government's involvement or, more critically, lack of involvement in environmental matters in this region.

The main point or the thrust is that the Commonwealth environmental powers and responsibilities should be strengthened and not diminished and handed down to the states. The state governments cannot be left solely responsible for international agreements for which the Commonwealth is the signatory. An example is mining. The mines department has consistently failed to properly plan and manage mining on North Stradbroke Island. Mining damage includes the draining of lakes, the destruction of other significant sites, the loss of habitat and biodiversity, the loss of cultural resources, the loss of free access to our resources and sacred sites, a rehabilitation program which I feel has room for improvement, and the pollution of off-lease wetland areas. I am sure that other groups here today will be covering some of the other mining issues.

Some of this damage has occurred in areas listed in national estate and Ramsar wetlands. Existing Commonwealth laws have not properly protected these areas. The main point is that mining companies have been allowed to act irresponsibly because the state government has placed the environment at the bottom of its list. The QLC has been forced to take a proactive position to address environmental problems caused by mining. Fortunately, CRL or RGC, which is one of the mining companies on the island, has recently adopted a cooperative approach to deal with these issues. However, CRL has not always been cooperative and, like the mines department, appears to have responded only after considerable public pressure. Improvements to environmental laws and enforcement are required so that environmental outcomes are not dependent on public pressure. Federal government supervision is needed to ensure the best practice for management by these industries.

Let me refer to a piece on Aboriginal management. New laws need to recognise Aboriginal interests in land and sea management. The QLC supports the development of indigenous protected areas as potentially effective management regimes. New laws need to meaningfully involve Aboriginal people in decision making. New laws need to promote greater coordination between Aboriginal people, industry and government management.

Again, due to the failure of state governments to deal with these issues, the Commonwealth government must maintain an ability to supervise and to intervene where necessary.

The Commonwealth can also assist state governments and its many departments to deal with the new way of doing business with indigenous people. The Commonwealth government has constitutional powers to make laws in respect to Aboriginal people. Aboriginal management is therefore an area where the Commonwealth has a clear mandate and responsibility to maintain a role.

In conclusion, the role of the Commonwealth in environmental issues has been neglected in the past to the detriment of the environment. The existing laws in place for the Commonwealth involvement do need improvement. However, they should not be replaced by laws placing sole environmental responsibility on the states.

CHAIR—Did you wish to say something, Mr McDougall?

Mr McDougall—Only to add that in terms of government cooperation, the Redland agreement is a good example of how government and Aboriginal people can cooperate and work together to ensure decent environmental management for the benefit of the entire community.

Mr Hepburn—I am speaking as a representative of the Stradbroke Island Action Coalition. The Stradbroke Island Action Coalition was formed two years ago in response to the issue of the impacts of sandmining on North Stradbroke Island. We have about 426 members in Brisbane, Redland Bay and on Stradbroke Island. I would like to speak to the submission which we made to the Senate inquiry last year which describes our concerns regarding the impact of sandmining on the conservation values of North Stradbroke Island.

North Stradbroke is an ideal case study of the relationship between state and Commonwealth environment powers because it is an area of national and international conservation significance and because the state based regulatory bodies which have been charged with its protection have clearly not protected the national or the international interest. Currently we have a situation where the entire mine path of CRL's Ibis alpha mine is interim listed on the Register of the National Estate as is their proposed Vance mine. The process of mineral sand mining on a sand island such as North Stradbroke causes permanent irreparable damage, regardless of the quality of environmental regulation.

In relation to the issue of appropriate regulation and the situation of powers to achieve this, it is worth examining the instruments of power at an international level, a national level and a state level which could or should ensure the protection of high conservation value areas on North Stradbroke. At an international level there is the Ramsar Convention.

One of the recommendations of the Ramsar Convention is that 'measures be taken to ensure that the ecological character of Ramsar sites and wetland reserves is not placed at risk'. However, there is currently no accepted management plan for the Moreton Bay Ramsar site to ensure that the ecological character of the sites are not placed at risk or to indicate what would be considered to be wise use. Even if a management plan existed, there is no body of legislation to give it any real strength.

In the case of the wetlands on North Stradbroke Island which have been impacted by mining and which in the future may be impacted by mining, there is no evidence to suggest that the relevant state regulatory body, which is the department of mines, has taken any consideration at all of Ramsar values. So it appears that the fact that these areas have been recommended for protection by Ramsar has had absolutely no consequence for the protection of Ramsar values.

At a national level the relevant instrument of power is the Australian Heritage Commission. Large areas of the island were interim listed on the Register of the National Estate and the Australian Heritage Commission has made a number of recommendations regarding the impact of mining operations on heritage value. However, again without a strong legislative basis and without the support of a vigilant regulator, these recommendations have proved to be fairly much ineffectual. As with Ramsar, it seems as though the fact that these areas have been listed on the interim Register of the National Estate has had little or no consequence for the protection of the heritage values.

The other national instrument which has had influence on North Stradbroke Island is the export control powers, as was mentioned earlier on and which you are aware were abolished last year. At the time of their abolition the Australian Conservation Foundation was investigating a legal challenge into Warwick Parer's decision to grant or approve CRL's export licence. Those export control powers were a very round about and convoluted way of achieving environmental protection, but they were used very effectively in a number of instances. Notably, they were used to stop sand mining on Fraser Island and in their absence there has been no effective federal intervention to protect the national interest in relation to conservation values on North Stradbroke Island. So basically it comes down to state regulation to protect areas of national and international significance.

As has been mentioned before, the body which is charged with that task is the Queensland department of mines. Even a cursory glance at their operation gives a fairly clear indication that they are not at all simple. There is a clear conflict of interest in being both the promoter and regulator of mining. To quote a newspaper article from last year, it is like putting Dracula in charge of the blood bank.

As Ellie and Adam both mentioned, there has been an absolute plethora of environmental disasters relating to wetlands. These are outlined in our submission. They range from the draining of lagoons, flooding of lagoons, diesel spills, land slips. In every case the department of mines has failed to take decisive action and has failed to impose strong lease conditions on mining companies.

One key example is that in 1987 the indurated layer supporting Lake Kounpee was breached by CRL's Bayside mine which has caused a permanent drop in the water level of the lake. Following that accident the department of the mines actually removed the clause in CRL's mining lease which required them to not 'permanently disturb or damage those features known as Lake Kounpee'. The department took no formal action against CRL. It should be noted that the performance or lack thereof of the department of mines on North Stradbroke Island is not an aberration; similar problems exist throughout the state.

In conclusion, it is fairly clear that it is not appropriate for the protection of areas of national and international significance to be left to state governments. Commonwealth environment legislation must be strengthened to give the Commonwealth clear powers to protect the national interest and to provide support to communities struggling to protect their environment in the face of development pressures. Our longer term vision for environmental management includes strong involvement of indigenous people and local agreements such as the recent agreement between the Redland shire and the Quandamooka Land Council. However, these local agreements need to be underpinned by strong and clear Commonwealth environmental legislation.

CHAIR—I will ask a general question and I leave it open to whoever wants to answer it. How can the Commonwealth's environment powers be enhanced? From your point of view, what is necessary to be done to those? I leave that open to anyone who wants to respond.

Ms Zethoven—There has to be more information provided about specified criteria in the sands impact assessment. It has to be a public process. It has to be based on the SD principles. It has to be based on up-front community involvement right at the beginning of the process. There has to be proper enforcement and monitoring provisions in the legislation and there has to be open access to third parties to pursue justice through the environmental protection act that is being proposed.

There also has to be a significant expansion of responsibilities in the schedules which I mentioned. In other words, almost all of those matters of national environment significance listed in the COAG agreement that do not trigger impact assessment at the moment should be triggering impact assessment. In that case we would see a much greater involvement of the Commonwealth early on in the processes so that they could improve the quality of the outcome. Also, we would not get highly controversial situations occurring where the Commonwealth has to come and intervene at the end and have a big fight with the state government.

The scope of the biodiversity conservation act has to be significantly extended. At the moment it does include a number of international treaties and conventions, but it does not adequately address biodiversity. As I said, regional forest agreements are an absolute disaster. In some states up to 50 per cent of the state's biodiversity are in forests. RFAs are simply not covered by the biodiversity conservation act. There will be separate RFA legislation. There needs to be an extension of the scope of the act to cover vulnerable ecological communities and very strong powers for the Commonwealth to intervene where listed species or communities are being affected adversely.

CHAIR—Would anybody else like to add to that?

Mr Ruska—My suggestion is that the Commonwealth government's environmental control powers could be strengthened by the recognition, respect and incorporation of Aboriginal customary law.

Ms Durbidge—I think that the Commonwealth control over export of licences is important. I think that they should reinstate that. I suppose it is a brake and it acts more or less like the Senate and the House of Representatives in that one is a brake on the other. It is

an overriding body that says, 'Look, you know, we've got to get some logic and some sense into this.' The problem is that there will then be integrated planning rather than this compartmentalised process that we are all subjected to now. That is the problem. An example is Moreton Bay with the number of local governments that control the foreshores of the bay.

Senator HOGG—I will come back to the question I raised before, which is where should the power lie? I have heard arguments here this morning about it being devolved from the federal government down to the state government level. We have also heard about the important role here of the Redland Shire Council in the agreement that has been drawn up and the significance of that agreement. What are we really arguing about? Are we really arguing about the ability of the federal government to actively police more or are we talking about the government's ability to make actual legislation? Are we talking about the federal government's ability to cut out the state government level and pass the management of federal government law down to the local government level? What are we really talking about? What do people really want? That is what I am trying to get firmly in my mind.

Ms Zethoven—An example is the Great Barrier Reef Marine Park Authority which has legislation that protects the values of that park although it does not yet acknowledge world heritage, so there is some reform necessary there. The day-to-day management is the responsibility of the state government but it is not being adequately resourced to do it. The state government is not as committed as it ought to be. But it is appropriate if the management is done at a state level, but it must be in a very tight framework which the Commonwealth sets. So the Commonwealth is setting policy and legislation and the state does the day-to-day management and is appropriately funded to carry it out.

Senator HOGG—But I do not know if our constitution is set up to enable that to happen. That is the problem.

Ms Haenke—But we are getting a new constitution!

Ms Zethoven—As I said, it is happening throughout the Great Barrier Reef. We are undertaking a major reform process that has the potential to happen on land as well.

Senator BARTLETT—I have a few questions. This question is directed to the Queensland Conservation Council in your peak role position. You heard earlier from the Redland Shire Council the suggestion about local government being properly recognised as a legitimate body for environmental management. I would be interested in your response to that. You made a comment in your opening remarks about the bilateral agreements apparently locking out the community. Have they also locked out local government fairly effectively in that regard? Should local government be fed into that and go more to that trilateral agreement that has been suggested?

Ms Zethoven—Local governments are signatories to the COAG agreement and the intergovernment agreement on the environment, so they are party to these processes. It is not as if they have been locked out of them. As to the actual implementation, it has not really got to that period yet because it is still very much, 'How's the Commonwealth going to implement these agreements?' I guess the next question will be, 'How is the state going to

do it? Further down it will be, 'How will local government do it?' But we have not really got to that point yet.

A concern about devolution of powers is that local government, particularly in Queensland, has a very strong role in setting policy and implementing policy—much stronger than, say, New South Wales. Redland shire is an exception. There is no other case in Queensland where a shire council has taken that initiative and they deserve to be congratulated on that, but that is not the case throughout most of Queensland. In fact, local government is the most corruptible level of government. It is the most vested level of government. So when you get into regional and rural environment in particular, you find that most local government members are people who either are primary producers or have a strong role in maintaining a very narrow rural economy. They make decisions which clearly have their interests to the fore.

There is not a good track record of local government protecting the environment and pursuing sustainable natural resource management. That is why if we see a lot of devolution in this state to local government—we already are—it will not deliver ecologically sustainable development; it will deliver the reverse. That is why there needs to be a strong Commonwealth leadership role.

Senator BARTLETT—In terms of the broader question of Commonwealth powers, then, do you think perhaps there should be more focus at Commonwealth level, particularly if, say, in a state like Queensland more of that devolution back to local councils is happening? Do you think the Commonwealth should focus more on working directly with local government and perhaps give more recognition to its role, but couple that with accountability requirements to avoid some of the problems of the past rather than going through the states and hoping that the states—

Ms Zethoven—I think that the Commonwealth needs to, and is, setting that as being of national environmental significance. They should play a role there. I think that there are some benefits in trying to identify jurisdictions for different levels of government. But, coming back to the point that Senator O'Chee made, I think that, with matters of national environmental significance that Australians in general are concerned about, there is a case for the Commonwealth to set policy in legislation. An obvious example is the Hinchinbrook regional coastal plan that is being developed at the moment. Up there the two local governments are very strongly of the view that it is their patch, that no-one else in Australia has the right to have a view, and that we should all just butt out of it. But we are dealing with two world heritage areas there which Australians in general are concerned about. In those cases the Commonwealth does have a role. They are acting on behalf of the people of Australia.

Senator BARTLETT—I have a couple of questions for the Quandamooka Land Council relating to the agreement that you made with the Redland Shire Council. This matter was touched on earlier when they gave evidence. Apart from the native title linkage to it, the part of the agreement that I think is particularly relevant to this inquiry is the broader environmental issue and the ongoing requirement for ecological sustainability that is part of that agreement that you touched on as well.

I am interested in, again, how you see the role of local government and, linking to that, the role of the Commonwealth government in ideally encouraging this sort of thing to happen. Also, where it is not happening, where they are not doing the right thing, how do you see them being able to pull them into line? Can you give us some initial comments on that?

To make it all one big question for you to address in one remark because of the time constraints, I will ask more. From what the Redland Shire Council said, the agreement was developed to a large extent outside existing legislation. You went outside existing legislation and tried to sort things out at the local level, which again is something that is suggested is the best place to work on things. Do you think there should be a legislative framework that should be put in place? Again, that could be a Commonwealth role. What sort of funding or other administrative support should be provided, whether you have ongoing difficulties with providing adequate resources to keep this agreement a living thing?

Mr McDougall—Firstly, the Commonwealth role. I would have thought, particularly in areas of national and international significance, which there are on North Stradbroke Island, the Commonwealth had a clear supervisory role, if you like, to ensure that those national and international standards were not being compromised.

In terms of a legislative system, I think there needs to be a degree of flexibility about who actually carries out the management—because there could be management conducted solely by Aboriginal people with co-management with other groups, management conducted by state government in cooperation with Aboriginal people and potentially with cooperation from federal agencies. I think there needs to be flexibility in terms of the actual day-to-day management arrangements. That should fall within federal guidelines that are quite clear.

The funding issue is an important one. If you look at North Stradbroke Island, there is currently one national park—Blue Lake National Park. I think I can fairly say that that national park is currently being managed by Aboriginal people more than anyone else. The state government has the formal legal responsibility but, in reality, it is Aboriginal people who are caring for that place. Hardly any money at all goes into that national park. It is a clear example of where the environmental responsibility cannot be left solely to the states because they simply do not have a record of adequate environmental management, planning and protection. So there is certainly a need for Commonwealth support in funding the actual management arrangements.

As I understand it, the former arrangements under the Australian Nature Conservation Agency were looking at developing this concept of Commonwealth involvement in Aboriginal management and providing funding for the establishment of indigenous protected areas and so forth. That was something we were very much interested in. As we understand it, that unfortunately seems to be sliding back under the current government.

CHAIR—Are there any Aboriginal cultural sites under threat at Stradbroke Island at present from mining operations or otherwise?

Mr Delaney—Certainly there are many sites that are very sacred to us and sites that we have been concerned about. One example is the Wiji Wiji bora in the southern end of the

island that is adjacent to the mining lease, but pond water had seeped through the land and had flooded that area. At this stage, it is being rehabilitated by CRL. Also, Aboriginal community members have been down and looked at the area and formulated a joint rehabilitation program for it and that is under way. That is one example.

Senator O'CHEE—Ms Zethoven, if I am correct, you said that you do not like local councils making environmental decisions because you think that generally they are no good.

Ms Zethoven—Let me clarify that. Local government should be making decisions that are of local government interest. In other words, local government should not be making decisions about matters of national significance. It should not be left up to local government to determine policy, say, on world heritage issues or on identifying the future directions for management of other areas that are of state significance.

Senator O'CHEE—But you said that, in most rural shires, most of the councillors were primary producers and, therefore, were not qualified to make decisions about planning and the environment.

Ms Zethoven—No, I did not say those words. You can check the *Hansard*. That is not what I said.

Senator O'CHEE—Who should be making those decisions, because you said that primary producers are not qualified to make those decisions?

Ms Zethoven—I just indicated that, where a matter is of state interest, the state government has to have a clear role.

Senator O'CHEE—You are not answering my question.

CHAIR—I am not sure that your question was altogether accurate, Senator O'Chee.

Senator O'CHEE—My question is distinctly accurate, Madam Chairman. You made a reference to primary producers. What was your exact reference?

Ms Zethoven—I am saying that local government—

Senator O'CHEE—What was your exact reference?

Ms Zethoven—What do you mean what was my 'exact reference'?

Senator O'CHEE—You said that my characterisation was not correct. Then what was your reference to primary producers?

Ms Zethoven—I am saying that, at a local government level in regional rural Queensland, most local governments are comprised of graziers, cane growers, increasingly cotton growers and other primary producers.

Senator O'CHEE—What is wrong with those people?

Ms Zethoven—What is wrong with that system is that it tends to produce outcomes that protect the interests of those people—

Senator O'CHEE—So they should disqualify themselves?

Ms Zethoven—And may not protect state matters and may not protect national matters—in fact, they probably would not.

Senator O'CHEE—So they should disqualify themselves?

Ms Zethoven—I am saying that they should not have full responsibility for identifying policy in legislation where there are matters of national environmental significance within their local government area or matters of state interest within their local government area.

Senator O'CHEE—But they are matters that you consider to be of national significance.

Ms Zethoven—They are matters that the Commonwealth has already identified in the COAG agreement.

Senator O'CHEE—Let us take a whole heap of these things.

CHAIR—Senator O'Chee, if you can just let the witness finish.

Senator O'CHEE—I think she has finished, Madam Chair.

CHAIR—I do not believe so.

Senator O'CHEE—I think she has. She is not saying anything.

Ms Zethoven—I had actually. It was all those issues in the COAG agreement that have been defined.

Senator O'CHEE—Exactly, let us talk about some of these things. It is people like you who say there are issues of national significance, but often they are not issues of national significance and you try to make them issues of national significance. You say, 'Let's do what the community wants.' But when we talk about, for example, the timber industry, you want to ignore what the local community wants. So who is the community, Ms Zethoven? Who is the community?

Ms Zethoven—There is no homogeneous community, and you know that as well as I do.

Senator O'CHEE—In which case, your comment is meaningless.

Ms Zethoven—No. I am saying that, where there are disputes over the usage of natural resources within a local government area, it should not be up to that local government alone to make the decision if it relates to matters of state significance or national environmental significance.

On the matters of national environmental significance, they have been defined in the COAG agreement. There is yet to be a definitional process to identify what is the state significance. But, yes, we do often say, 'This is a matter of national significance,' and that is in relation to things like the dugong, world heritage or any species that is identified either scientifically or in legislative terms as deserving national listing or coming under international treaties or conventions.

Senator O'CHEE—So, if you dislike what a council is doing—

Ms Zethoven—No, it is not me personally, Senator O'Chee.

Senator O'CHEE—No, but if people like you dislike what a council is doing, you kick up a big fuss and then you say that it is an issue of national significance, and then you say, 'Let's take the power away from the council.'

Ms Zethoven—We are not saying 'remove the power', but the Commonwealth—

Senator O'CHEE—You are saying that we should override them.

Ms Zethoven—In the case of the Hinchinbrook regional coastal plan, the Commonwealth clearly has a very strong role. That plan was identified in the deed of agreement. It was one of the requirements for the consent over the Port Hinchinbrook—

Senator O'CHEE—You are saying, 'Let's override the council.'

Ms Zethoven—I am saying that the Commonwealth has a clear role to play in that process and so does the state. In other words, it should not just be the people in the area and their local government who make the decisions because there are greater issues at stake than just those affecting the people living in that area.

Senator O'CHEE—Okay, so is the environment the only issue of national significance?

Ms Zethoven—Of course it is not.

Senator O'CHEE—What about, for example, maintaining agricultural production? Isn't that an issue of national significance?

Ms Zethoven—Yes, but there are ways and means of doing it.

Senator O'CHEE—So why don't we override, for example, the concerns of the Queensland Conservation Council if it is going to ensure better agricultural production?

Ms Zethoven—The environment is not substitutable. You cannot just destroy a natural wetland—

Senator O'CHEE—Neither is agricultural production.

Ms Zethoven—There are ways and means of generating wealth. We used to have a larger ship industry than we do at the moment but there has been a shift in production. No particular crop is non-substitutable. In other words, it is wealth and employment that you want to create, not having a cotton industry, for instance, per se.

Senator O'CHEE—But, if we take away production, we do not have wealth and employment.

Ms Zethoven—We are not saying take away production, Senator O'Chee.

CHAIR—I think you have made your point, Senator O'Chee. We need to close this session. I thank the witnesses for coming today and for offering to show us around the island.

Proceedings suspended from 12.47 p.m. to 1.25 p.m.

COGHILL, Mr Brian Moreton, Project Officer, Quandamooka Land Council, 5 Ballow Road, Dunwich, Queensland 4183

RUSKA, Mr Dale Alfred, Deputy Chair, Quandamooka Land Council, 5 Ballow Road, Dunwich, Queensland 4183

HAYTER, Mr Alan Kym, Environment Health and Safety Manager, Consolidated Rutile Limited, 200 Holt Point, Pinkenba, Queensland

Mr Ruska—My name is Dale Ruska and the driver is Brian Coghill. We are both Koenpul Aboriginal people of North Stradbroke Island, or Minjerribah as our people know it. We are representatives of the Quandamooka Land Council, which represents not just the Koenpul people but the Noonukle and Nughi as well. They are the people on the other end of Stradbroke Island and Moreton Island.

This environment for our people has far more significance and is far more important, we perceive, than the importance held of it by non-indigenous people. Over thousands of years of our people's occupations, our culture has been based totally around the use and exploitation of natural resources in this particular piece of environment. We have had an Aboriginal law which has been developed over a long, long time, and that is what I referred to earlier as being our customary law. Our customary law applies to how we utilise and exploit all of our natural resources. That customary law is within all Aboriginal tribal countries and tribal law.

Over here on Stradbroke Island, based on our great-grandfathers' experiences within this region, we know that we lived once upon a time in a piece of environment which was pristine. It was abundant in all natural resources and it had the ability to sustain human life form in this area for an extraordinary amount of time. Right here on North Stradbroke Island, archaeologists have dated that time of occupation at approximately 25,000 years ago. Our people dispute that time of occupation because we believe we have been here since the time of creation.

We have only had a politically represented body, being the Quandamooka Land Council, since 1991. Up until then, there was no indigenous corporate representation which was representative of the whole Aboriginal community over here. Prior to the establishment of the Quandamooka Land Council, the state government would consult with indigenous corporations, such as housing cooperatives and medical centres, in relation to matters of high conservation concern, such as the development of policies and legislation. A major example is the marine park zoning plan.

Our people have had concerns for some time over the use of our traditional lands by a foreign government through a system of law which is foreign and, to a large extent, contradicts and desecrates our traditional customary law in relation to places of significance within this environment. The marine park zoning plan is very concerning for us as a people and this is a matter which relates to the Commonwealth government's ability to be able to control the use and exploitation of marine resources. I will give an example in relation to Moreton Bay, and statistics for this example can be obtained from the paper which was

presented to the conservation outside nature reserves conference. In Moreton Bay in 1995, there were approximately 750 commercial fishermen operating. There were a couple of hundred commercial shellfish operators working in Moreton Bay. Our people have experienced the times when resources were abundant. What we have seen happen from the allowance of such large numbers of commercial operators is that, in a period of less than 100 years, there has been a major and rapid decline of the marine resources.

What the state government tried to do to rectify this problem was to start to research the possibilities of Moreton Bay becoming a marine park zoning plan. In doing the initial planning for that marine park zoning plan, they were supposed to consult with the Aboriginal people. When it had commenced, our people stated major concerns over the process which they had undertaken for this consultation, and also over the recommendations that they were coming to us with for us to consider.

Those recommendations were processes which they had planned to put in place to try to control how the marine resources were being over exploited. Instead of trying to address the numbers of commercial operators being allowed and the bag limits or quantities of marine stock being taken from the bay, they simply went about forming new committees which they have referred to as being the ZACs, the zonal advisory committees, and the MACs, the management advisory committees. They had different ZACs set up for different regions and they had different MACs set up to control use and supposedly to manage particular resources. Examples of that were a fin fish MAC, a crab MAC, a tropical fish MAC, et cetera.

What we saw happen with the proposed establishment of these MACs, and they have been established and in place for some time, is that there was not a real lot of consideration given to the views and concerns expressed by the Aboriginal community, simply because they could go back to these zonal advisory committees or the management advisory committees to address any concerns which had been raised. We were very concerned in relation to that because the whole of the MACs and ZACs was driven by the Queensland Fish Management Authority which comprised commercial fishermen, primary producers, et cetera.

There was very little room allowed and at the time there was, I think, one indigenous representative for the state of Queensland in all of those MACs and ZACs. That person was not appointed by the Aboriginal communities or Aboriginal people themselves. He was appointed simply by the Queensland Fisheries Management Authority approaching ATSIC and ATSIC put in place a representative to sit on that advisory council. For Aboriginal people abroad that is very concerning because Aboriginal people believe that we do not speak on behalf of each other's country, that we can only speak on behalf of our country. So, straightaway the state government set up a system that was detrimental and in conflict with Aboriginal customary law in relation to place.

Over here on Stradbroke Island, as I said earlier, we have experienced numerous examples of environmental mismanagement, and as an Aboriginal community we had our views suppressed for many years because of the legislation in place that controlled our people and our lifestyles. It was only in the late 1960s and 1970s that there was an air of leniency and a sense of political freedom was felt by Aboriginal people, so it was not until

the 1980s that we got up the courage to start speaking up about our concerns in relation to our environment and how our environment was being utilised.

Another example is that this being an area, as you have already heard, which is interim listed on the international convention of wetlands through Ramsar, we feel that it is very concerning that there is international recognition for the ecological significance of this place, yet industries' actions are condoned for the sake of economic benefit.

We feel that the economic potential of this area has not been measured effectively and efficiently. If you look at what has been allowed to happen here with industry, in the long term they are actually sacrificing the potential chances of long-term economic sustainability through alternative industries which are ecologically, culturally and socially sustainable. So for us that is very concerning.

We have had numerous researches done on the island to verify what the Aboriginal people have been saying and the concerns which we have been raising. So that our concerns could be verified we have had to hire consultants—they have professional academic recognition from universities such as the Queensland university, Griffith university and James Cook university—to conduct studies for our people to verify the concerns which we were stating. If we were to state those concerns ourselves as Aboriginal people they would usually be disregarded because we are not perceived as being professional and our culture is perceived as just being based around a nomadic culture and a nomadic lifestyle in relation to our use of land.

Over on the right-hand side as we go down you can see the latest mine which has been established here on North Stradbroke Island—the Ibis Alpha Mine. The entire pathway of the Ibis Alpha Mine takes in an area which has been interim listed as natural heritage estate. Just over there on the side is a unique, prestigious freshwater lagoon system. It was stated within the EMOs of CRL that that lagoon system would possibly be flooded by June this year because CRL is unable to control natural ground water displacement. For us that is very concerning as well. The Commonwealth government needs to intervene in instances like that and ensure that their management practices guarantee that damages do not occur off lease.

The major example of their potential to create implications off-lease occurred only last year. I say this is a major example because you have to consider that up until 1994 our people did not any political leverage whatsoever to state our concerns as Aboriginal people. This is pretty scary for us because we are supposed to live in a world of advanced technology. In 1997 the mining industries at the site—the CRL operations at the site which we are now visiting—were unable to contain all the natural ground water. The result of such an intensive operation and intensive dismantling of the natural geology of the landscape was that the whole of the natural catchment area was displaced to the western side of the island. Freshwater springs started to appear where freshwater springs had never been before. Large lagoons started to fill where we had never ever experienced lagoons before. That was very concerning for us because, for Aboriginal people, the natural ground water of this island is believed to be the blood of the mother spirit herself. Ground water or freshwater is the basis of our existence as a people because without water we cannot exist.

CHAIR—This is presumably the levelling out of undulations and hills? Is that right? Is that what changes the water table?

Mr Ruska—Yes.

CHAIR—What specifically happens to the water table when you do that? Does the water table rise with the level of the sand?

Mr Ruska—In some instances where that surrounding landscape feeds into a lake system, such as the lake that is down here on the Gordon mine site, when three quarters of the surrounding hillsides are interfered with and natural displacement of ground water can no longer occur, the result is that that little lagoon that sits in the valley of all those hills can no longer receive natural flows of fresh water, so its ability to maintain its natural volumes of water is automatically decreased. All the natural water no longer flows down there because the impervious layers of the aquifer are penetrated and are usually totally dismantled to an extent, so the only place where ground water can go is either straight down or it flows through the areas where the sand has been disturbed and is unsettled.

The effect of that is far greater than just in the areas where it is visually obvious. We also have to consider that natural ground water displacement is not now just occurring from the results of sandmining, but in 1995—or it could have been 1994—the Redland Shire Council commenced to pump ground water from North Stradbroke Island to facilitate the new bayside harbour developments which had been built in the late 1980s and early 1990s. The reason for that was because they went ahead and did things without effective and efficient town planning.

Again, I relate back to Aboriginal customary law. Aboriginal customary law facilitated how many people were able to utilise a particular piece of the environment. Through our systems, which are known as our yuri systems or our animal systems, we were able to control overexploitation of any one particular resource. What has happened is that the council went into the planning process back-to-front. They looked at the economic potential of this area, they looked at what the landscape was capable of facilitating in the way of housing development and infrastructure, and then they went for it without giving proper consideration to simple things like where their sewage treatment plants were going to go or where they were going to obtain fresh water to facilitate the growth of these new developments which had been created.

The result of that was that when they looked at pumping water from Sir Leslie Harrison's dam, after all of this work had nearly been completed, they found that it was going to be too expensive over the long term to buy their water from Sir Leslie Harrison. The result of that was that an environmental impact study was done on the ground water on North Stradbroke Island and it came out that a lot of ground water was just flowing off the island and being wasted. They decided that they would put a pipeline across the islands over to the island here and pump it from down in the swamps to the left-hand side of where we are now.

The effect that that move had on this environment and the full repercussions of it have not yet been felt by this island and the community of this island. We have experienced the

immediate implications because, where they have to take this water from, they need to be able to condense the water into areas where there is enough volume to be able to pump it at a large capacity. What they do is that at the bottom end of Eighteen Mile Swamp, which is the largest freshwater swamp system on North Stradbroke Island and probably one of the largest freshwater swamp systems in the whole of south-east Queensland, they go to the southern end of that swamp where the natural ground water displacement ends, and they dig large trenches across the entire length of the swamp so that they can trap the flow of ground water.

The result of that is all the areas immediately surrounding go dry because the ground water is seeping into these large trenches. Large tracts of natural swampland are starting to die and the animals that live in that environment are now starting to be displaced into other areas. So that is very concerning for us as well.

The issue of ground water displacement as a whole is very concerning because we feel that environmental impact studies do not cover the full extent and implications of ground water displacement and pumping. The reason we say that is that we have seen our freshwater creeks on North Stradbroke Island, over a period of 10 years, start to decrease in the volume of water which flows out. We have creeks that are 15 miles away from the nearest mining site where ground water is being displaced. Brown Lake is a perch lake and is only supposed to be fed by tropical rainfall, but it is above surface water level and is maintained by the below surface water level and, because the below surface water level has been displaced, its volume is not as large as it should be. The result of that is perch lakes seep through the impervious layers on the bottom and they are never able to maintain their natural levels and volumes of freshwater. Again, that is very concerning for us.

CHAIR—Where are we at the moment?

Mr Ruska—We are almost at the southern end of North Stradbroke Island at the moment. We have passed numerous mining leases. Over there you will see the beach side of the island, that is the western side of North Stradbroke. Sandmining is a very controversial issue for the community. A point that was raised earlier about whether or not all issues are representative of the views of the people who make up community. Over here on Stradbroke Island sandmining is an issue within the Aboriginal community which is very controversial because the majority of Aboriginal people have been or are employed—and I say the majority of our residential community on the island here—within the sandmining industries. That has occurred not because of their own choice but because of political policy and legislative controls over the years. It relates back to the initial years when this industry was first established.

The site we are going into now is the Gordon site. It is the most southern site on North Stradbroke Island. As you can see, the natural bushland and the environment on this island are just so beautiful, but unfortunately Stradbroke Island is comprised of something like approximately 60 to 70 per cent of mining leases which were all granted prior to the enactment of the Native Title Act. The majority of these leases are considered to be valid leases where Aboriginal people do not have rights to negotiate. As stated earlier, it has only come from the pursuit of our Aboriginal community and the goodwill of RGC that we are

now entering into a process where consideration is being given to the concerns of the Aboriginal people themselves.

Senator O'CHEE—You say that 60 per cent of the island is covered by mining leases. Mining has been going on here for a substantial period of time. What percentage of the island has already been mined, because that is pretty important for people to understand the process. It is not just what we see here; it is what happens afterwards. What percentage of the island has hitherto been subject to mining?

Mr Ruska—Approximately 40 per cent of this island has already been mined at one stage or another.

Senator O'CHEE—So that means that 40 per cent of what we see when we see trees and vegetation over sand dunes has actually been mined and this is what has happened years afterwards when it has basically started to recover?

Mr Ruska—No, that is not correct because we have not yet looked at the 40 per cent of the island which has been mined.

Senator O'CHEE—Are you going to show us that?

Mr Ruska—We are going to look at some of it. We have passed some mining leases which have been rehabilitated, but I did not point those areas out. If you observe those areas, it is pretty obvious which areas have been mined and which areas have not been mined. We could show you areas which were mined right back at the beginning of this industry on North Stradbroke Island, areas which have been revegetated. That is going back 48 to 49 years. Those areas are still nowhere near their natural state of revegetation.

On the surface, as I have just finished explaining, we can see nice rehabilitation appear in the form of a green coverage. Usually here on the island up until a few years ago that was done by rehabilitating areas solely with the black wattle. Now in the 1990s rehabilitation methods have changed and we are starting to rehabilitate areas like this with as many species of natural plants as possible.

Because our time of occupation and our understanding of landscape and the geology of landscape has been so long, Aboriginal people know that, when you put the surface back in the form of rehabilitation, that is really a bandaid form of treatment to this environment. Rehabilitation cannot occur efficiently and effectively because the geology and make-up of these islands has been formed over a period of years—we say since creation time, but reports we have had done by expert geologists say approximately 1.3 million years.

So over a period of 1.3 million years this island has been laid out and formed geologically. The natural hydrology and aquifers, which we cannot observe visually, have been laid out over that period of time. Yet in a mere period of 48 years, large areas of land can be dug up for the sake of an industry and repaired by visual rehabilitation of the surface. Full rehabilitation never occurs because we cannot repair what lays under the actual landscape itself in impervious layers of hydrology, et cetera.

With areas of cultural heritage importance and areas where there are significant places, we have stated time and time again that we cannot separate our landscape and identify areas that have only certain amounts of importance because, as I said earlier, our customary law applies over the whole of our landscape. Our lifestyle in traditional time—and I say traditional time meaning the time before colonisation—was that we utilised all of our environment at different seasons. Areas which were not necessarily utilised for the exploitation of resources were used for things like ceremonies, rituals, initiations, et cetera.

This area here is probably less than a mile from the oldest Bora grounds on North Stradbroke Island, which lie just over there. The lake or the waterhole which is within this region was very, very significantly associated with the ceremonies and rituals which occurred within that Bora ground, even though that lake is some three to four kilometres away from the Bora rings themselves. It had a big part to play in the rituals of Aboriginal men, and we have identified these things in the past.

I will use that lake as an example. Because there is no obvious physical evidence laying on the surface of the soils and because archaeologists cannot prove there are physical remains, shells, burials and that type of stuff, the lake cannot be considered to have cultural heritage importance just based on the hearsay of the Aboriginal people themselves. That is the point I made earlier about us not being professional academics, only Aboriginal people.

Senator HOGG—Can you tell me what this mine here is worth in terms of money? Do you know?

Mr Ruska—I cannot tell you precisely because I do not know the financial statistics of these latter years, but I know from studies which we had consultants conduct for our land council that the CRL profits for 1993 were approximately \$63 million. Up until approximately 1985—and I may be a bit wrong on my dates, but I am pretty close—the state government took \$48 million in royalties from the CRL operations on North Stradbroke Island. The Aboriginal community has received in lump sums virtually nothing whatsoever. This agreement which is now in place was only signed three weeks ago between CRL and the Quandamooka Land Council. It is only an agreement to enter into a process; it is only a process agreement for community consultation. The agreement was the first case where the company had actually come up and made a financial commitment to the Aboriginal community in all of their time of occupation of our traditional lands.

CHAIR—Before we get out of this area, was this previously treed?

Mr Ruska—If you look to the right-hand side, that is what all of this area once looked like.

Senator HOGG—Was that a mined area over there?

Mr Ruska—No, that is all natural bushland. That has never been mined. Just over the other side of those sand spouts, there will be a really large hole and within the hole will be a big dredge. The dredge is what they need the natural ground water for because it is all based on a floating method. The dredge floats along in a pond and uses the water also to suck out

the hills. It feeds it through a filtration system which takes out the mineral. That is the by-product of the operations after it has all been through the system. That is the leftovers.

Senator HOGG—As I understand it, the company has recently been forced to make those dredges more efficient and less reliant upon throughput of water. Is that correct? And that was under some pressure from, I understood, the locals?

Mr Ruska—I think the actual outcome of that came from the example I gave earlier with the displacement of ground water which occurred on this lease here late last year.

Senator O'CHEE—That has been done. So Senator Hogg's assumption is correct.

Mr Ruska—I cannot answer that because I do not know. I do not know whether that modified the dredges or not.

Senator HOGG—I just wanted to find out if you had a role to play in that, making them look for a more efficient use of the water supply.

Mr Ruska—Since 1995 when we had our plenary conference in relation to our native title application, the mining company decided only based on the morality that they would sit down and start to discuss the management with the Aboriginal community. Our involvement so far—and I must say that this has only been from the involvement of the community who are in agreement and who are supportive of sandmining—has only been at a level of being involved in the actual development of the EMOSs, the environment management overview strategies. As I stated earlier, one of the latest EMOSs which was developed for the Ibis Alpha Mine site could not ensure that that operation was going to be able to contain the displacement of natural ground water. That came about by them stating that by June 1998 the Ibis and Black Snake Lagoon systems would be flooded from the operations at Ibis Alpha.

Senator HOGG—Could I ask you a cultural question? As I understand it, Stradbroke Island was once one island; it was not North and South Stradbroke. It is a matter that nature split Stradbroke Island into North and South Stradbroke. Has that had any impact on the cultural attachment of people to the island? Is there a difference now—you have people who think North Stradbroke and people who think South Stradbroke—or are you still all part of the one group?

Mr Ruska—We all consider ourselves to be part of the one. That is because of our new corporate representations through the Quandamooka Land Council on behalf of our traditional lands which is not defined by the breaks of the islands but was defined by our traditional boundaries. South Stradbroke and North Stradbroke that is correct they were once one island but Moreton Island was also a part of that one island. There were not three islands.

The reason why the islands broke apart was not because of natural occurrences but as a result of an example of outright mismanagement of the first people who were in this region, the first settlers. The reason I say that is that in 1850 we could have walked from here to the Gold Coast no worries. It probably would have only taken us less than one hour from where we are now. In approximately 1885 there was a large cargo ship wrecked where the

Jumpinpin Bar now is. That cargo ship was full of valuables like large barrels of overproof rum and whiskey.

At that time, the settlers—I say the settlers because they were not Aboriginal people; our people were all shoved up onto the missions at that time and had restrictions on how we accessed our traditional land—mainly down within this part of the bay area, wanted to try to get as much of that produce which had been washed up onto the foreshore from the shipwreck as they could. There was so much competition to get it out as quickly as they could that they actually started to use dynamite to shift the sand. The result of them using dynamite was that this narrow passage of sand, which was still growing, was then weakened and the whole foundation of it became naturally weak. About 15 to 20 years later there was a large cyclone which broke the islands apart.

As soon as the islands broke apart, because we had only had one influence which was between Bribie Island and Moreton Island, the whole tidal influence of the bay changed. When the second opening was created, that changed the whole ecology of Moreton Bay and the third opening started to be created between North Stradbroke Island and Moreton Island. It was not brought about by a natural phenomenon; it was a result of mismanagement.

Senator O'CHEE—When I was going through school, I understood that the prevailing current along this coastal area is a south to north current, which is what drags the sand from eastern New South Wales up into this area here. It also has the effect of having a sweep, does it not? That means that, prior to stabilisation of the Southport bar, what was happening was that every year the Southport bar was moving a couple of metres to the north and a couple of metres were being taken off the southern end of South Stradbroke Island, which is why the spit is there. Then, of course, there would be deposition at the northern end of North Stradbroke Island. The whole thing has been changing all the time, has it not, as a result of currents and storms?

Mr Ruska—That is correct; it has been changing for a long period of time. As I said earlier, we perceived that the land was very much alive, and we still perceive today that the land is very much living.

Senator O'CHEE—I suggest, Mr Hayter, that you give the committee a brief explanation of what is going on.

Mr Hayter—As far as the process is concerned, you can see up the front, to our right, there is vegetation stripping going on. Prior to processing and prior to going into an area there are vegetation surveys and fauna surveys done to look at what is in and around an area. Following that, vegetation clearing is undertaken followed by topsoil stripping. You can see quite a distinct layer of darker material—the topsoil, the organically enriched layer. Underneath that, the whiter material is the direct sub-surface soil followed by the more yellow material which is where leaching has occurred and there is a lot more iron within the sand. So there is a multistage process going on there.

With the dredge operation which you looked at before there is what is called a 'suction cutter dredge' which is located up towards the face that was in front of you when we were parked on the other side of the mine. It is literally like a large vacuum cleaner. There is a

cutter head that is on an arm 12 metres below the surface. It is called a ladder. It can go down to about 12 metres below the surface. It turns and it breaks up the sand and sucks it up into the pipeline that joins the concentrator, which is the larger building you can see over to the left. In that concentrator there are gravity and magnetic circuits called 'spirals'. Water from the pond goes down a spiral. The stand spins around and different types of sand are separated out by the spinning process.

It then moves into a magnet. The magnet separates out the material from the spirals and we end up with two types of concentrate—you can see the two different coloured types of material down on the floor. The darker material is the ilmenite and the greyer material is zircon and rutile. Those products, as you have heard all morning, are picked up by truck and carried down to the loading facility. The material is then barged across to our processing plant at Pinkenba, which is over near the Brisbane airport where all you people would have flown in. That material is further refined there to give it various grades. There is zircon, and we also have a zircon flour mill which produces a very fine powder which is used for ceramics as well as for mould castings. The ilmenite also can go to other places for further refining to remove a lot of the iron component of it.

The products that are actually made from mineral sands include titanium. We have all heard of titanium metal which is used in things like aircraft, lightweight bikes et cetera. Titanium is also a base pigment in plastics and paint. Vehicles and clothes have a pigment base made from mineral sands products. Things like glass are made from silica—ACI's operation is further to the north of the island. Even things like toothpaste and that sort of thing are made from those products.

Going to the end of the process we have got the concentrate out here. Out the back of the plant is the residue sand—the tailings. It is literally the material from up front which is blended and discharged to the back where the landform is re-created using the existing topography. You have seen the various types of discharges—wet streams. Things called 'cyclone stackers' give height and elevation. They are used to re-create the landform to something that approximates the pre-mining topography.

Senator HOGG—How close do you get with that re-creation?

Mr Hayter—They are trying to accurately define what is a re-creation. There are examples where the ridges up here, the mountains—there is Mount Scott and there are other ones—are between 10 and 20 metres from where their original peaks were, so they are within that sort of range from a large structure like that. There are varying degrees. This ridge line along here will probably be three metres or so lower than it originally was. That gives you an idea of the change.

Senator BARTLETT—Are you rebuilding it from the original sand minus the mineral deposits?

Mr Hayter—Yes. The mineral makes up 0.7 per cent of what is there, so 0.7 per cent of the actual sand has been removed. So there is some shift, if you like. Part of the reason that this dune here will be lower is that we have been through a low patch background where we

drove across the landforms being created. When you go through higher and lower elevations there will be some shifting of sand across that bit of topography.

CHAIR—I am getting off the subject a bit, but do you have a program to eventually mine all the leases you currently have?

Mr Hayter—The Gordon mine is due to be completed in approximately one year's time, and we are looking at relocating to the Yarraman project which is to the north of the island. In that area there, 70 per cent of that operation has previously been mined which leaves 30 per cent that has not previously been mined. We are in the process of going through formulation of the documents. In Queensland we have what is called a 'plan of operations' which covers three years of operation. We are in the process of submitting our next three-year plan of operations which is due in at the end of this month. That covers the operation of Yarraman, Gordon and our current Ibis mines.

We have spent a large amount on the Yarraman project. We have spent 18 to 20 months doing various seasonal surveys from an environmental perspective, including quite detailed ground water modelling, flora and fauna. We now have quite a wad of documentation. Last Monday we had a meeting of what we consider to be our key stakeholders for that process: the Quandamooka Land Council, Stradbroke Island Management Organisation, Friends of Stradbroke Island, the Department of Natural Resources, the social impact assessment unit of the Department of Youth, Community and Family Care, the Redland Shire Council, the Department of Mines and Energy, and the Department of Natural Resources, all in the room at one time for a three-hour meeting to discuss that project and how we are managing it. That is a demonstration of the processes we now go through as far as managing our operation goes and it is a distinct change from some examples you hear of what occurred in the past.

CHAIR—In terms of affecting the Ramsar values of this area, are you confident now that none of this operation does any damage to the Ramsar site?

Mr Hayter—We now have detailed computer based ground water modelling programs which are backed up by the daily, weekly or monthly sampling depending on areas, so that you have an ongoing dynamic model which can affect our actual mine path. In Duck Lagoon the mine path was modified as the mine was going along to ensure the indurated layer of that lagoon was kept intact and that we did not have an example of, say, a Lake Kounpee, which referred to in submissions to the committee.

Senator HOGG—I understand you have changed the process in the dredges so that they use less water. Is that correct?

Mr Hayter—What occurs is the cyclone stackers at the back have a gravity circuit in them—a spiral circuit—so they send water off in one direction back to the main pond and have more just straight sand deposited to re-form the land. The open stackers—the pipelines you saw distributing water—obviously have a lot of water in them, and if they are placed further away from the dredge pond, you then can have the potential for water to be moving away from the dredge area and having an effect on the surrounding environment. The processes have been refined so that that is not occurring.

We now also place water extraction bores along the mine paths, so we are effectively recycling the water in and around the dredge pond area so it is not influencing the surrounding landscape as far as our water management areas toward the bottom. We, therefore, need to extract less water from surface areas along the side of the island where we have water extraction points to bring it into here.

Senator HOGG—In reference to my question about the long-term commitment, after you have mined an area and rehabilitated it, how long are you required to continue to police and monitor the rehabilitation?

Mr Hayter—In Queensland we operate under what is called an ‘Environmental Management Overview Strategy’, which is a document that lists a series of commitments. We are in the process of finalising a review of our EMOS and, within that, if you are looking at vegetation specifically, we are also looking at the vegetation criteria that we use. We plan to use a stakeholder committee in agreeing on what those criteria actually are. So we are in the process of reviewing those at the moment. They will also be agreed to by the DME.

Senator HOGG—I understand that. But is it a five-year commitment or a 10-year commitment after you have finished with the lease? You just do not say, ‘Well, we have rehabilitated it; that’s nice,’ and then walk away from it. There must be some long-term commitment to it; that is what I am trying to find out.

Mr Hayter—Yes. It is relinquishment criteria. So it is defining the criteria by which you then have relinquishment of the lease.

CHAIR—I have a question about the species that you put back when you rehabilitate. I gather you went for rehabilitation through wattles primarily, how far down the track are you in putting back?

Mr Hayter—In saying that we went through rehabilitation strictly using wattles, there was a percentage of acacia seed used in the mix, complementing what naturally occurs in the seed bank. You have some areas where there is a proliferation of what are called ‘acacia monocultures’. Diverging to that, at the moment we have actually established 64 hectares of trial areas across the island where we are using various techniques to take out the acacias from those areas and then increase the diversity of species that occurs within them.

So in what we call our ‘pre-1987 areas’, we are addressing those by research. We are actually involved in a \$400,000 research program with the Centre for Mine Land Rehabilitation which is looking at issues such as that. For newer areas, we collect all seed from within our leases. We have a crew of eight people who are devoted to simply revegetation type work, so it is not including earth moving; it is just the revegetation process. They collect in the order of about 32 seed species from within the lease. They are used in the rehabilitation process in varying mixes depending upon aspect, topography and those sorts of things.

Senator BARTLETT—In all those stakeholders that you mentioned before that you are developing your EMOS, et cetera with, is there any Commonwealth involvement in that? At the three-hour meeting you were mentioning those people.

Mr Hayter—No, there are no Commonwealth people involved in that process. We are planning to submit that documentation when finalised to the people who previously administered export licences. However, our understanding is that there is nobody there to look at them, as such, now; whether that is of any value or not? We still intend to submit that to those various departments.

CHAIR—Thank you.

Mr Ruska—I would like to continue to answer the question before Alan started talking.

CHAIR—Will you also point out the rehabilitation areas, too?

Mr Hayter—That area just over there on the right-hand side is one which has not long ago been rehabilitated. So that rehabilitation is probably less than a year old.

Mr Ruska—Relating to what we were speaking about earlier, the islands and the landscapes of these islands have been moving for a very long time. Our Aboriginal law and culture were based upon those movements of this environment. The example I give can no longer be seen any more. We involved ourselves in those movements of the environment to the extent where we actually played the part of environmental engineers. I say that because Aboriginal shell waste is something that is not just placed at random anywhere we want, like a lot of people make out. It is made out that a lot of the middens that are around the place are areas of high cultural importance because there is obvious shell and stone which make up those middens. It is not actually the midden which is of high cultural importance; it is the landscape surrounding directly where those middens have been placed.

On the eastern side of Minjerribah, North Stradbroke Island, back when the mining industry first began, the first operations which occurred were on the foreshores, on the beaches themselves. When those first operations occurred, all mineral extraction was done manually with the use of human labour right up until prior to the commencement of the industry on that particular area. If I could remind everyone that that foreshore which I am talking about was part of the foreshore which extended right through and connected North Stradbroke Island to South Stradbroke Island and also South Stradbroke Island back to the mainland.

That foreshore was a young foreshore, which was probably first created—and Brian would know better about the dates than I—approximately 6,000 years ago at the time when the sea levels last dropped. Since that time our people have been aware of the rise and fall of sea levels because we have experienced it on numerous occasions. So where we placed our shell leftovers was deliberately done to try to create a buffer zone between the salt water and the freshwater swamps. That buffer zone was made from the large shell middens which covered the entire length of the foreshores, like the main beach foreshore on North Stradbroke Island here.

Those shell middens can no longer be observed there because, after the operations developed from the stage of extracting minerals manually with the use of human labour to the stage of extracting minerals by floating dredge ponds, the actual amount of landscape that could be moved increased dramatically. The result of that was that one of the first major

operations of the first big dredges mined virtually the entire sand dune system of the eastern foreshore of North Stradbroke Island.

The result of that mining was that that buffer zone which was created by the placement of Aboriginal shell middens from sea level right up to the old dunes, which were over six storeys high on that foreshore, was all removed. The last big cyclone we had in the late 1800s was the last one in our Aboriginal history which was so major. We have not yet had a cyclone as large as that one. So I say again we have not yet felt the full repercussions of the mining operations on that side of the island.

The midden buffer zone is still very evident when you come to the other side of the island, the bay side, because the middens are all still in place. It can be observed that the freshwater swamps have been separated by our people's occupation and by where we deliberately placed our leftover shell product. If you were to look at those areas, you would see that there has been a buffer zone created along the entire foreshore which separates the fresh from the salt. So there has been movement for a long time. We have developed a culture based around the moving of our environment so it actually complements that moving.

There have been numerous mishaps in relation to sandmining. I will not go into too much detail about some of them because they will come up a lot in the majority of the submissions that you have received. I think it is very relevant that I talk about some of them because of the impact that they have had and because of the potential impact that they are yet to have in the future. One example I give, which was a reasonably major example, occurred in the 1980s because the mining company was not able to control natural ground water displacement regardless of how much it tried to modify its operations to make it ecologically appropriate and sustainable.

That mishap occurred at the Bayside operations, which was one of the first operations when we entered this southern end of the island. A large amount of natural ground water started to displace itself adjacent to those operations just off the mangrove area of the foreshore. We know all of this because Aboriginal people were involved in trying to rectify that problem when it occurred. The volume of ground water that was seeping at that place increased over one day from a small trickle to a large spring. The Aboriginal men that were there trying to rectify that problem were using wheelbarrows and shovels at first. They were witnessing the volume of water being displaced increase right before their eyes.

After they realised they could not rectify the problem the way they were doing it, they went and got large machinery to come down. The large machinery pushed large amounts of sand over where this seepage had occurred. That very night an entire length of hillside slid into the mangroves—approximately four hectares, I think. An area of fish habitat reserve was totally demolished from the big slide which occurred. All the fishing boats moored in that area got smashed and buried in this slide. We were very lucky that there were no fishermen operating there that night.

After that slide occurred, there was no inquiry into it by the Department of Minerals and Energy. The area of new land which was created on the foreshore was automatically regazetted as a recreational reserve because it was a nice beach that they had just created. Since then it has been a recreational reserve. That mishap has never been addressed.

In 1993 at the Amity Point operations a large diesel spill occurred over a couple of weeks. They did not realise that their big storage tanks were leaking. There were estimates made and estimates recorded by the CRL mining company themselves that stated there was approximately 60,000 to 100,000 litres of diesel spilt from that leakage. Of that 60,000 to 100,000 litres of diesel that had been spilt, probably no more than 10 per cent of it has been retrieved.

It was not reported until about two years later to the Department of Minerals and Energy by Consolidated Rutile themselves. Even after it was reported, we feel that there has not been a lot of action taken by the Department of Minerals and Energy to try to address that problem or even to try to rectify the long-term implications which have been created by that problem. So again there is an obvious need there for intervention at a Commonwealth level in relation to the controls which apply.

It was mentioned earlier about heritage. I stated that the whole of the island has cultural heritage importance for our people, but there are places of significance which make up the whole of this island. There are places like Aboriginal burial grounds, the example I gave before of Aboriginal shell middens, we have sacred bora grounds—the list goes on and on. Over the years, our people have experienced outright desecration to many, many of these places of significance. I will use the example again of the Amity mine. This occurred in the 1980s when our people, through environmental impact assessment, identified areas of heritage importance and significance which the company did not consider fully and went ahead with their operations. The result of that was our peoples' ancient burials started to appear in the face of the operations themselves and bones started to fall down into the dredges.

Where they say that they only operate so far below the actual surface, at that operation not only were they were digging up our people's bones but also they were digging up the bones of this island in the actual reefs which the island itself has been laid out upon. That was very, very concerning for us. At that time, we heard from Aboriginal people employed within the industry that they stated objection and concern as to what was being allowed to occur in this desecration of such a significant burial site, but those Aboriginal people were told at the time by the bosses of the company that it would be far too costly to halt operations to conduct another cultural and environmental impact assessment. They did not want to do that because it would cost them too much to bring in consultants and anthropologists to conduct this whole process. So they instructed Aboriginal people employed to hush it all up, otherwise they potentially risked losing their jobs within that industry. Circumstances like that for our community are circumstances which we are very familiar with.

As I stated earlier, this is an operation over here, Ibis Alpha, which commenced only last year. I, Brian and a lot of Aboriginal people like us, have borne witness to the commencement and completion of leases like the new Ibis Alpha one here. The most obvious one for myself was the Bayside operation which moved from about two kilometres from where we are now right up the entire length of the ancient high dune system. There are two types of sand dunes on Stradbroke island: there are the ancient dunes which are 1.3 million years old, and there are the baby dunes which are 120,000 years old. The majority of mineral is concentrated in those ancient dunes. All of this side of the island was the high dune area—the ancient dune area. There is probably less than 30 per cent of the original high dune area

left. The Bayside operation moved something like 15 kilometres along a mine path from down where we are now right up to where the operation ceased last year. The result of the ceasing of that operation was the commencement of Ibis Alpha.

Mining leases usually have a life period of approximately 15 to 30 years, but a lot of those mining leases can be rezoned on the conditions being granted by the Department of Minerals and Energy at the request of the company. What the company is doing at the moment is modifying their operations so that they can go back over old areas which have already been mined. Because their methods have developed further, they can mine those areas again and take more minerals out. That is concerning for us because we feel that there may never be an end to the life term of a lot of the mining leases on North Stradbroke Island.

A major and primary example of that is a lease which was one of their first leases, the Yarramine lease. That has not been mined for approximately 30 years and it is now being recommenced and a new Yarramine operation is beginning. They are looking at going over part of their old lease areas, but the majority of the mining is going to occur in the old forest area which has never been mined before. That is going to be the end of our ancient forest at the northern end of North Stradbroke Island. They are the last remaining old forests on North Stradbroke Island.

Senator BARTLETT—Are they pre-existing leases?

Mr Ruska—Yes. There are many other issues which relate to the Commonwealth government's ability to be able to control environmental management which raised concerns for the Aboriginal community. On the trip this afternoon I have talked about a couple of those things—that is, the fisheries, the marine park zoning plan and the mining industry—on North Stradbroke Island. We as an Aboriginal people living in the society of today are fully aware of the need for economical sustainability to be able to sustain the needs of society. Our land council's evaluations on the viability industries like sandmining not only considered the economical aspects of it but also gave consideration to the ecological, social and cultural aspects of that evaluation. When we look at it in that sense, the economic extent is no comparison to the long-term evaluation of social, cultural and environmental wellbeing.

We looked at identifying potential economic alternatives to sandmining. The most obvious alternative is tourism. The reason I say that the most obvious is tourism is that the local shire, the Redland Shire, picked up on this years ago. From statistics that we have obtained, statistics which you can refer to in the submission which our lands council submitted, we have noticed that there has been a rapid, uncontrolled increase in the number of visitors to North Stradbroke Island. In 1980, we were receiving approximately 10,000 visitors per annum. In 1994, when we took our last statistics, we were receiving over half a million visitors per annum.

In a mere 15-year period, the number of visitors has increased something like 400 per cent. For us, that is very distressing and concerning. The impacts of that increase for the Aboriginal community have become very obvious. We have seen foreshores like the foreshore I just finished talking about, the eastern foreshore or the main beach foreshore, designated and rezoned as recreational reserves which are supposed to accommodate

unlimited numbers of campers. That is an area of beach which is approximately 30 kilometres long.

The other area, which is the Flinders Beach area, can facilitate up to 750 camping sites. That beach had, up until this year, one amenities block. The second amenities block has just been put in this year. That is an area of beach which is approximately 10 kilometres long. When we did a headcount in 1994, approximately 90,000 four-wheel drive trips were being made up and down that 10-kilometre stretch of beach in less than a six-week period.

As a people, we are not just considerate in our uses of areas, but we are also very considerate of the animals which are dependent upon those areas. For us, one of those animals in particular is a major part of our resource for our diet, and that is the yurrigie. We have seen the yurrigie impacted upon dramatically to the extent where its numbers are probably half what they were 10 years ago. We have seen the ghost crabs, the sandpipers and the migratory birds—all the things which people come to Stradbroke Island to see and experience—displaced from their natural areas because of the needs of the human species to recreate. It is very concerning for us.

With areas like Minjerribah, or North Stradbroke Island, there is a need for Commonwealth intervention to ensure that policies are developed which ensure ecologically sustainable use and management. We are very fortunate because we have got the Redland Shire Council to agree to enter into a process agreement. We are now involved in the process agreement in developing an alternate strategic management plan for Minjerribah, which takes into consideration a lot of the things which I have talked about today.

That plan cannot be successful under the current structures of the Native Title Act because, if we do not have an accepted outcome by all parties who are of interest to our claim then that model cannot be implemented. It would be good if the Commonwealth government again had the power to intervene over the state and legislate to accommodate agreements such as the regional agreement which has been developed in conjunction with the Redland Shire Council and the Quandamooka Land Council, which is an agreement that represents the views of the whole of this community.

There is room there for Commonwealth intervention, otherwise this whole process will mean nothing. For our people it has been a drawn-out and very long process. It took us three years just to get Redland Shire Council to sign an agreement to enter into this process. For us to achieve outcomes, we have estimated that it is going to take us possibly 10 to 15 years before our outcomes will be satisfactory. After that 10 to 15 years of work by our people and Redland Shire Council, there is the potential for the state government to step in and override the whole lot so that none of it has power or standing within the current frameworks of law. That is another example.

CHAIR—We just passed some activity down on the foreshore. Is there aquaculture there? Are there oysters?

Mr Ruska—Another thing is the marine habitat. Something that we are working on at the moment is identification of our indigenous shellfish areas. What has happened here in Moreton Bay is that, because the Moreton Bay oyster industry took off a long time ago and

the oysters have been exploited ever since and have been used to build up the Sydney rock oyster supplies and so forth, a lot of our traditional shellfish areas have now been rezoned and are occupied by commercial oyster lease operators. Our access to our traditional resources are restricted because of the mariculture laws which apply. I will wind up now as we are nearly back.

CHAIR—Thank you.

Committee adjourned at 2.56 p.m.