



SIBELCO
AUSTRALIA



28 March 2013

Mr Jon Grayson
Director-General
Department of the Premier and Cabinet
PO Box 15185
CITY EAST QLD 4002

Dear Mr Grayson

Please find enclosed your copy of Issue 18 of *The Sand Times*, Sibelco Australia's regular community magazine featuring the latest community news from North Stradbroke Island (NSI).

In this issue, we celebrate a successful summer tourist season on the Island, a real highlight following recent seasons bringing fewer visitors to the Island due to weather conditions. The success of the tourist season was great for local businesses and NSI's economy.

Sibelco is excited by the recent launch of our latest commercial. Taking an educational approach, it highlights the importance of sand mining and the array of end uses there are for the minerals mined on NSI. The commercial was shot on Straddie, using local talent and footage, and has been screening in cinemas since the end of March.

The Straddie Sand Mining Community Fund welcomes a new Advisory Board Member, Karen Garrett, in this edition. Meet the new Amity Point representative and read about some of her inspiring ideas for the Island on page 6.

Our feature article in this edition focusses on the mining process undertaken by Sibelco on NSI. From comprehensive environmental studies and planning stages, the process – from the sand dunes through to shipment – is extensive. Be sure to check out our diagram on page 3, which illustrates each step.

In this edition, we also highlight Sibelco's sponsorship of local programs including the University of Queensland's Moreton Bay Research Station's Open Day, and Dunwich State School and Queensland Police's AAA Program. Sibelco has been a proud sponsor of the AAA Program since its inception and is delighted to see local students rewarded. We support their academic achievement, regular attendance, and attitude to schooling through this joint initiative.

Furthermore, we feature the Koala Tree Planting Project which saw 226 Swamp Mahogany (*Eucalyptus robusta*) trees planted at the NSI Golf Club as part of an initiative aimed at saving endangered wildlife on the Island.

I hope you enjoy Issue 18 of *The Sand Times*. On behalf of all Sibelco Australia employees, I would like to wish you a very happy and safe Easter break.

Yours sincerely,

s.73 Signature

Paul Smith
Sustainability Manager – Development
Sibelco Australia

the sand times

YOUR FREE COMMUNITY NEWSLETTER

ISSUE 18 | APRIL 2013



Lights, camera, sand-action!



You may have already seen it, heard about it, or even played a starring role in it. Sibelco Australia's latest commercial has launched.

The educational advertisement shows viewers how the minerals extracted from North Stradbroke Island (NSI) are used in daily products:

Sibelco Australia Community Relations Coordinator Kate Adams, who coordinated the production of the commercial, said unless you are from Straddie, most people would have no idea how many daily products actually contain minerals obtained from sand mining on NSI.

"The advertisement is a great way to educate the wider public and to get people thinking about the important end uses of the minerals we mine," Kate said.

Frequent readers of Sand Times and residents of Straddie would already be aware that once processed, the mineral sands from the Island are used in products ranging from sunscreen, kitchen tiles, cosmetics, icing sugar, pacemakers, solar panels, and jet engines, just to name a few.

The commercial shows consumers using the minerals as they go about their daily lives, but there's a twist – the products are shown in their original sand form to highlight that they contain minerals found in sand. From brushing your teeth or painting your house with sand, to driving a 'sand castle' car and drinking out of a sand beer bottle, the commercial provides a whimsical, educational insight into the importance of minerals extracted from sand mining.

In one scene, a beer bottle is placed back on the bar and collapses into a pile of sand – an animation which took four weeks to create, with each particle of sand individually animated.

Kate said the commercial was shot entirely on Straddie over a three-day period and showcases plenty of spectacular Island footage. Sibelco invited members of the community to be a part of the commercial, which meant all the stars were Straddie locals, with an additional few visiting tourists joining in to be part of the pub scene.

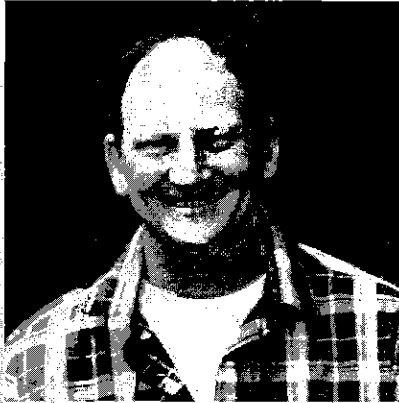
"The response from the community wanting to get involved in the commercial was really wonderful. It was a pleasure working with everyone involved in the production, and the locals were very talented and professional. It was a real joy to shoot," Kate said.

The commercial has been screening in movie cinemas around Brisbane since the end of March, so keep your eyes peeled during the pre-movie commercials over the coming months.

For more information about the commercial or the minerals produced on NSI, visit www.sibelco.com.au.

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It was great to have so many locals involved in the shoot and to include some of the spectacular Straddle views in the footage.

Dear Readers,

Welcome to the first edition of the Sand Times for 2013.

It was great to see such a strong December 2012 / January 2013 summer tourist season on the Island, especially following lower tourist numbers in previous years due to weather conditions. After a successful summer, we are about to head into the colder months and are looking forward to the stream of great annual events the Island has to offer.

Sibelco Australia is excited after recently launching a commercial which focuses on educating viewers about the many daily uses of the minerals produced on North Stradbroke Island, as well as the importance of sand mining. It was great to have so many locals involved in the shoot and to include some of the spectacular Straddle views in the footage.

In this edition of the Sand Times, we welcome a new Straddle Sand Mining Community Fund (the Fund) Advisory Board Member, Karen Garrett, who is the new Amity Point representative. Karen is a great appointment and has some inspiring ideas for the Island she is proud to call home.

In line with this, Sibelco encourages applicants to submit ideas for the Fund to voice your views about securing a sustainable future for NSI. Sibelco is also committed to building a prosperous future for NSI through its Community Development Program, and is likewise looking for new applications and ideas.

We also highlight the very successful University of Queensland Moreton Bay Research Station Open Day and the Dunwich State School AAA Program celebrating and rewarding student success.

Be sure to check out our feature article in this edition, which focusses on Sibelco's mining process undertaken on NSI. This covers the comprehensive environmental studies and planning stages, through to extraction, processing, and shipment, and has a great diagram illustrating the process.

On behalf of Sibelco Australia, I would like to wish you all a happy and safe Easter break. We look forward to the next edition and bringing you more on the Island's happenings throughout 2013.

Campbell Jones

Chief Executive Officer
Sibelco Australia





SIBELCO
AUSTRALIA

A Simplified Tenure Proposal

About this Briefing Note

This briefing note is provided by Sibelco Australia Limited (Sibelco) in preparation for a meeting between Ministers Cripps, and Dickson and the Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) on 8 May 2013 in relation to North Stradbroke Island (NSI).

This briefing note has been prepared for Minister Cripps to propose a simplified approach for delivering tenure outcomes to Sibelco. It sets out the content of a scaled back tenure package on the basis that this package does not impact on rights contained in the Indigenous Land Use Agreement (ILUA) between the State and QYAC and can therefore be delivered through a legislative process alone. We note that the terms of the ILUA are confidential to the State and QYAC as parties to that document. Sibelco has therefore made some assumptions based on our limited understanding of how the ILUA operates.

Sibelco anticipates that the State may be desirous of continuing good faith discussions with QYAC for the purposes of promoting the existing ILUA relationship as a separate but unconnected process to legislation. On the basis that any ILUA discussions are de-coupled from legislation, this briefing note also sets out Sibelco's commitments which we intend to offer in the future in our own formal agreement with QYAC.

Executive Summary

In light of the legal complexities created by the *North Stradbroke Protection and Sustainability Act 2011 (NSIPS Act)* and in recognition of entitlements granted to QYAC in the ILUA and through the joint management provisions of the National Park, Sibelco has taken the opportunity to re-define a more limited scope of tenure for NSI.

Sibelco places high commercial value on amending the NSIPS Act in 2013. This would deliver the certainty required for Sibelco to make the commercial investment decisions required to facilitate a smooth transition from two to one mineral sand mine from 2015. This would minimise impacts to employees, local contractors and the NSI community and economic environment.

Sibelco has designed a plan that will facilitate continuous mining at the Enterprise mine until 2035 on just one additional mining lease. This plan will see the mine continuing on the current mining leases of ML1117 and ML1105 and then onto the mining lease immediately ahead, being ML1120. It is our understanding that ML1117, ML1105 and ML1120 are not included in the ILUA. Sibelco's revised plan has the benefit of being able to be implemented through a legislative process alone and will not invoke the need to amend the ILUA.

On the basis that a change to legislation is advanced for the benefit of all, Sibelco will forego the opportunity to mine the remaining leases that formerly comprised the Enterprise Mine and which have subsequently been included in the ILUA. While there is no need to amend the ILUA as a pre-condition to legislation, there remains an opportunity for the State to continue good faith discussions with QYAC to promote the existing ILUA relationship. Sibelco supports the State's discussions with QYAC in parallel with and unconnected from the legislation process.

To be clear, Sibelco seeks your commitment to advance this legislation separately from the State's discussions with QYAC.

Background

Sand mining is the largest industry and economic contributor to NSI and as such has the overwhelming support of the local community, as demonstrated following the Bligh Labor Government's decision to prematurely end mining.

The introduction of the NSIPS Act is the main threat to NSI's economy. As long as it remains in force in its current state it contributes to uncertainty for NSI's future. The Act enforces the closure of the Enterprise Mine on NSI by 2019 causing the loss of around 300 jobs and more than \$130 million in economic benefits.

In January 2012 Sibelco welcomed Premier Campbell Newman's commitment to overturn the Bligh Labor Government's decision to prematurely end sand mining on NSI and to reinstate Sibelco's rights. While the legal complexities of the NSIPS Act have made it difficult to put Sibelco in the same position we were in immediately prior to the Act, Sibelco and the State Government have been working collaboratively over the past twelve months to define a legal framework to allow Sibelco to continue mining on NSI until 2035.

On 30 May 2012 Sibelco provided the State with the *Discussion Paper – Sibelco's Operations on North Stradbroke Island*. Sibelco is not a party to the State and QYAC's ILUA and was therefore unaware that Sibelco's 30 May 2012 proposal necessitated an amendment to the ILUA and would therefore significantly delay legislative change. Sibelco is respectful of the rights granted to QYAC in the ILUA and through the joint management provisions of the National Park and desires an outcome that benefits everyone.

Through the constructive process of engagement with the State, Sibelco has been able to design a legislative approach that does not impact on ILUA rights, which we understand will address the legal process concerns highlighted by the State's legal representative Leanne O'Neill.



The Content of Legislative Change

In order to expedite the passage of legislation, the content of Sibelco's proposal has been broken down into four areas. Sibelco is comfortable that these outcomes will deliver on the Premier's commitment to facilitate mining on NSI until 2035 while avoiding any unintended impact on Indigenous rights. We are confident that this content represents the best possible outcome for the NSI community, the Government and QYAC.

1. Remove geographical constraint on Mining Lease 1117 and Mining Lease 1105

Under Section 17 of the NSIPS Act and Condition A37 of Sibelco's Environmental Authority MIN 100971E09 (EA), a restricted mine path is imposed on the Enterprise Mine at ML 1117 and ML 1105. This restriction prohibits the winning of material outside of a specified mine path on ML 1117 and ML 1105 and beyond 2019. As a result, Sibelco is the only miner in Australia to have a mine path dictated by legislation at a point in time instead of generated through ongoing technical processes of exploration, risk assessment, market review, and mine planning. Sibelco requests that the restricted mine path be removed from the NSIPS Act and Sibelco's EA so that Sibelco can generate a feasible mine path. There will be no impact on rights granted under the ILUA or through the joint management provisions of the National Park.

2. Remove the "no winning" constraint on Mining Lease 1120

Section 11 and Schedule 1 of the NSIPS Act prohibit the winning of mining material on ML 1120. Sibelco requests that the "no winning" constraint be removed so that Sibelco can mine ML 1120 without impacting on rights granted in the ILUA or through the joint management provisions of the National Park.

3. Adjust the temporal constraints on ML 1117, ML 1105 and ML 1120

Sections 10, 11 and 12 and Schedule 1 of the NSIPS Act operate to terminate ML 1117 and ML 1120 on 31 December 2019. ML 1105 will terminate on 30 November 2021. They also prohibit any renewals that would otherwise be permitted under the *Mineral Resources Act 1989*. In order to fulfil the Premier's commitment to allow mining to continue at the Enterprise Mine until 2035, Sibelco requests that the terms of ML 1117, ML 1105 and ML 1120 be changed to 31 December 2035.

Sibelco remains committed to industry-leading rehabilitation practices, regardless of cessation dates. Because the NSIPS Act does not permit renewals, there is no mechanism to permit tenure for rehabilitation once mining ceases in 2035. Sibelco requests that tenure for rehabilitation purposes only be granted by allowing a pro forma single renewal of ML 1117, ML 1105 and ML 1120 until 31 December 2040 with a "no winning" condition attached to the renewal.

There will be no impact on rights granted under the ILUA or through the joint management provisions of the National Park

4. Correct errors which are possible through legislation alone

While the above will enable Sibelco to continue mining on NSI until 2035, it is possible to correct some of the errors created by the NSIPS Act through legislation alone.

- There is currently no legal mechanism to permit tenure for rehabilitation of the Yarraman mine once mining ceases by 31 December 2015. Sibelco requests that tenure for rehabilitation purposes only be granted by allowing a pro forma single renewal of ML 1109 until 31 December 2020 with a "no winning" condition attached to the renewal.
- The commencement of the NSIPS Act interfered with Sibelco utilising the usual amendment process for removing the restricted mine path from our EA. Further there is an opportunity to bring Sibelco's EA in line with the Government's new "model conditions". Sibelco requests that legislative process be utilised to introduce a new EA on this basis, the detail of which will be provided to the State.

There will be no impact on rights granted under the ILUA or through the joint management provisions of the National Park.

Exempt Sch.3(2)(1)(b) Reveal Cabinet consideration

Commitment No.	Commitment Minister	Commitment/Initiative description	Milestones	Milestone due date	Milestone Status as at 31 December 2012	Progress as at 31 December 2012	Commitment expected delivery date	Status of overall commitment	Justification for expected delivery date	If commitment expected delivery date has changed, provide new date
			New) The Government is currently working with the company to identify Sibelco's future operational requirements.	June 2012	Delivered	This milestone has been delivered and this was achieved in consultation with Sibelco. The next step is to seek approval from the Resources Cabinet Committee of the mining framework.				
		1) Identification of Sibelco's future operational requirements and thorough review of the NSIPSA / ILUA.		1) August 2012	Delivered	Sibelco provided a proposal of its preferred option and NSIPSA and ILUA was reviewed.				

Released under RTI - DPC

Pages 7 through 12 redacted for the following reasons:

Exempt Sch.3(2)(1)(a) Consideration of Cabinet

Released under RTI - DPC

Lucas Clarke

From: Bowman, Clive [Clive.Bowman@sibelco.com.au]
Sent: Friday, 24 May 2013 3:19 PM
To: Elizabeth.Lowdell@ministerial.qld.gov.au
Cc: The Premier
Subject: : CTS06600/13 - Email response from the Qld Minister for Energy and Water Supply

Thanks for your responses

CTPI - Personal Information

Thanks for you feedback, it shows that there is someone keeping a eye on things

Warm Regards
Clive Bowman
S.73 Telephone Nu

Clive Bowman
Supply Superintendent



Sibelco Australia Limited
246 Boundary Road
Parkhurst QLD 4702
Australia

Tel +61 7 4920 0206

Fax +61 7 4936 1607

S.73 Telephone N

www.sibelco.com.au

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QUANDAMOOKA YOOLOOBURRABEE ABORIGINAL CORPORATION
RNTBC
ICN: 7564

The Hon Campbell Newman MP
Premier of Queensland
Po Box 15185
City East QLD 4002

By email: ThePremier@premiers.qld.gov.au
cc: The Hon Minister Cripps MP, Minister for Mining nrm@ministerial.qld.gov.au
cc: The Hon Glen Elmes, Minister for Aboriginal and Torres Strait Islander and
Multicultural Affairs ATSI@ministerial.qld.gov.au

Dear Premier

**Quandamooka People Native Title Rights
Sand Mining on North Stradbroke Island**

I refer to your letter dated 11 October 2012 (ERP/MC – TF/12/18887 – Doc/12/190272).

In response to your referral, Minister Cripps finally met with our Elders and QYAC on 8 May 2013. He advised that the State was proceeding to implement the ILUA, and that he would encourage Sibelco to come and talk to Quandamooka People about any future plans they had with mining on North Stradbroke Island.

Contrary to the assurances in your letter, Minister Cripps did not advise the Quandamooka Elders and QYAC at that meeting that the Minister was currently considering amending *the North Stradbroke Island Protection and Sustainability Act 2011(Qld) (Act)* to enable Sibelco to extend Enterprise Mine. QYAC is very concerned to have it confirmed by the Ministers office less than 14 days later, that it is the Government's intention.

At this meeting, QYAC was advised that the Minister has met and received proposals from Sibelco on several occasions, but it was not advised that the Government would pre-empt such negotiations by amending the Act in Sibelco's favour first.

QYAC has been advised that an amendment of the Act consistent with Sibelco's proposal may be a breach of the ILUA entered into between Quandamooka People and the State of Queensland on 4 July 2011. We are advised that any such amendment to the Act may also be an invalid future act. We have urgently requested a meeting with Minister Cripps to discuss these concerns and were today advised that he would prefer that such a meeting be held with Sibelco present.

ABN: 30 457 275 826
Street Address : 7 Stradbroke Place, Dunwich
Postal Address: P.O. Box 235, Dunwich Qld 4183

QYAC is entitled to at least equitable access to the Minister, and we note that in this respect he is acting on a referral from you where you have given strong commitments about the process. QYAC seeks your intervention to encourage the Minister to meet with QYAC without Sibelco present and to disclose fully the Governments intentions, as we would have preferred he had done on 8 May 2013.

It is not appropriate in QYAC's view to have the State Government standing behind a private mining operator during their negotiations with QYAC. It raises serious issues about the 'good faith' character of any such negotiation.

Yours sincerely

s.73 Signature

Cameron Costello
Chair
QYAC
29 May 2013

Released under RTI - DIS

Gov Comm No.	Minister	Department	Source	Election Commitment	Departmental milestones as approved by Cabinet as at XXXXX (description)	Departmental milestone dates	History of Commitment Delivery Date (for June 2013 report ONLY)	Status as at 30 June 2013	Justification on for expected delivery date or why it has been delivered	Date Delivered
481	Minister for Natural Resources and Mines	Department of Natural Resources and Mines	Letter to the Mayor, Redland City Council from Jeff Seaney MP (22 March 2012) DOC/12/74706	<p>Mining leases on North Stradbroke Island</p> <p>Deliver a framework for an orderly ending of the mining leases on North Stradbroke Island, which requires the mining company to remediate to the highest environmental standards and allows the Island proper time to transition to a new economy.</p>	<p>4) Sibeco and QYAC to negotiate regarding proposed extensions of mining operations</p> <p>6) Introduction of legislative amendments to give effect to extension of mining.</p> <p>2) Introduction of Legislative amendments</p>	<p>August 2013</p> <p>6) August 2013 with Omnibus Bill.</p> <p>2) March 2014</p>	May 2015	May 2015	This was transferred to DSDIP in December 2012 Cab Sub (VH)	

Pages 19 through 29 redacted for the following reasons:

Exempt Sch.3(2)(1)(a) Consideration of Cabinet

Released under RTI - DPC

For reply please quote: ERP/RL – TF/13/11830 – DOC/13/102238

Mr Cameron Costello
Chair
Quandamooka Yoolooburrabee Aboriginal Corporation
PO Box 235
DUNWICH QLD 4183

Dear Mr Costello

Thank you for your letter of 29 May 2013 about the Quandamooka People's native title rights and sandmining on North Stradbroke Island (NSI).

As you are aware, the Government is committed to delivering a framework that enables an orderly end to the mining leases on NSI and allows the island proper time to transition to an economy which is not dependent on sandmining. As I flagged before the last State Election, amendments to the *North Stradbroke Island Protection and Sustainability Act 2011* (the Act) will be necessary to deliver on this commitment.

While the Government has made no decision about how the Act should be amended, we are considering what options are available to facilitate the sustainable extension of sand mining operations. I can assure you, however, that any amendments to the Act will be done in accordance with the requirements of the future provisions of the *Native Title Act 1993*. I also assure you the State remains committed to implementing and meeting its obligations under the current Indigenous Land Use Agreement.

I understand that the Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) may have concerns in relation to Sibelco's tenure proposal. I believe that it would be useful for QYAC to meet with Sibelco, with government representatives present if agreeable to both parties, to discuss the details of the proposal and the potential benefits to the Quandamooka People.

Again, thank you for bringing this matter to my attention.

Yours sincerely

CAMPBELL NEWMAN

13

PREMIER'S BRIEFING NOTE

Policy

Tracking Folder No. TF/13/11830

Document No.DOC/13/102248

To: THE PREMIER
Date:
Subject: Proposal to extend mining leases on North Stradbroke Island

Approved / Not Approved / Noted

Premier

Date/...../.....

Date Action Required by:/...../.....

Requested by:
(if appropriate)

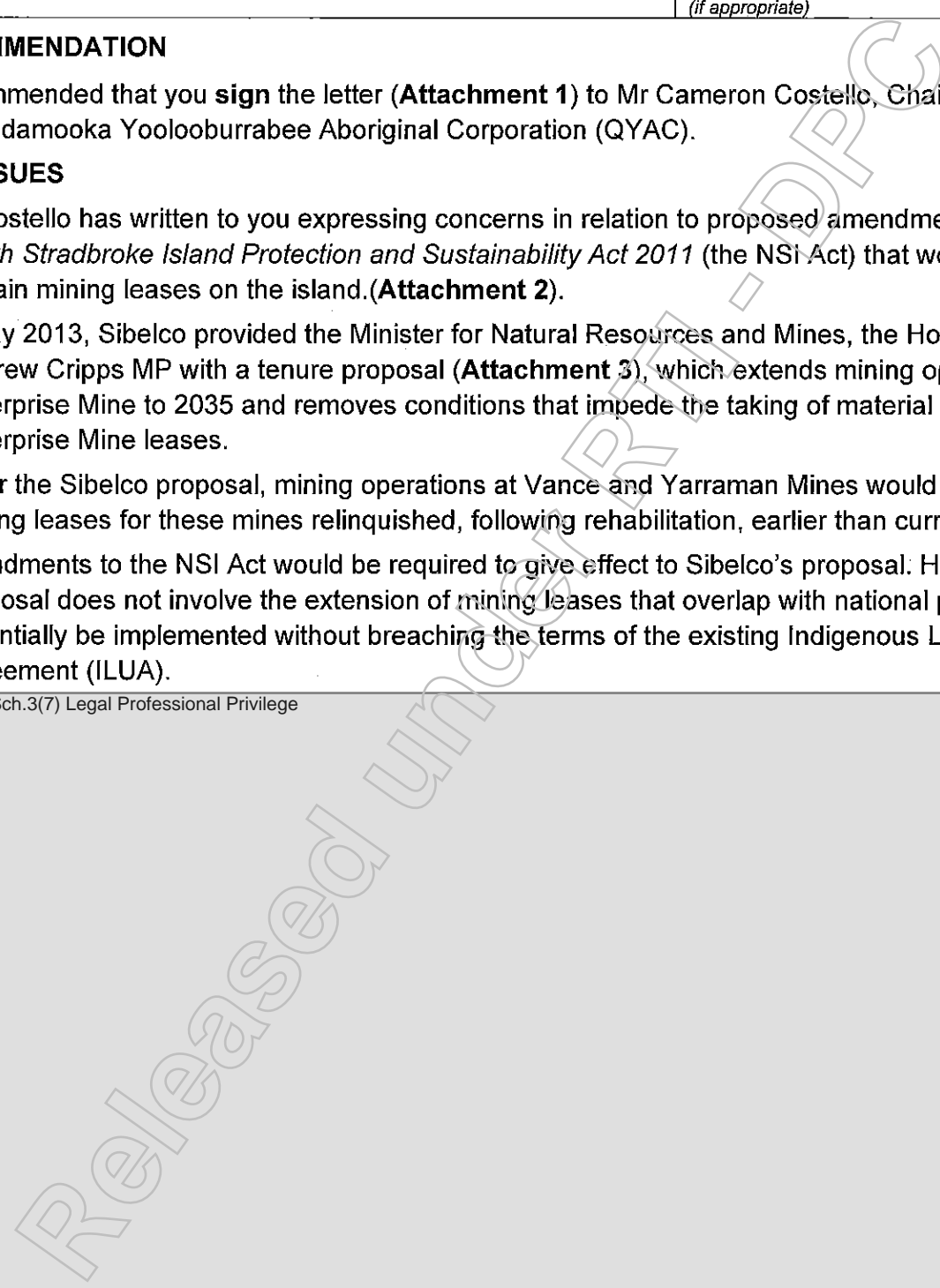
• RECOMMENDATION

It is recommended that you **sign** the letter (**Attachment 1**) to Mr Cameron Costello, Chair, Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC).

• KEY ISSUES

- Mr Costello has written to you expressing concerns in relation to proposed amendments to the *North Stradbroke Island Protection and Sustainability Act 2011* (the NSI Act) that would extend certain mining leases on the island.(**Attachment 2**).
- In May 2013, Sibelco provided the Minister for Natural Resources and Mines, the Honourable Andrew Cripps MP with a tenure proposal (**Attachment 3**), which extends mining operations at the Enterprise Mine to 2035 and removes conditions that impede the taking of material on the three Enterprise Mine leases.
- Under the Sibelco proposal, mining operations at Vance and Yarraman Mines would cease, with mining leases for these mines relinquished, following rehabilitation, earlier than currently required.
- Amendments to the NSI Act would be required to give effect to Sibelco's proposal. However, as the proposal does not involve the extension of mining leases that overlap with national park it could potentially be implemented without breaching the terms of the existing Indigenous Land Use Agreement (ILUA).

Exempt Sch.3(7) Legal Professional Privilege



• ELECTION / CABINET / PUBLIC COMMITMENTS

- Public statements prior to the 2012 election committed the government to *Delivering a framework for an orderly ending of the mining leases on NSI, which requires the mining company to remediate to the highest environmental standards and allows the Island proper time to transition to a new economy* is an election commitment. This could take the form of an extended end date and an LNP government would consider changing the Bligh government legislation to allow a more orderly wind-down and allow the mine to proceed in the way that it was originally intended to.

• BACKGROUND

- The NSI Act provides a timetable to end all mining on NSI and a framework for joint management of protected areas.
- Under the current provisions of the NSI Act, the Yarraman mine operation will end in 2015, the silica mining operation Vance can continue to run until its lease expires in 2025 and the Enterprise Mine can keep operating on a restricted mine path until 2019.

Comments (*Premier or DG*)

Jon Grayson
Director-General

Released under RTI - DPC

PREMIER'S BRIEFING NOTE

Policy

Tracking Folder No. TF/13/11830

Document No. DOC/13/102248

To: **THE PREMIER**
Date:
Subject: **Proposal to extend mining leases on North Stradbroke Island**

Approved / Not Approved / Noted

Premier

Date

Date Action Required by:

Requested by:
(if appropriate)

RECOMMENDATION

It is recommended that you sign ~~the~~ **Quandamooka Yoolooburrabee A**

Can we be clearer as to where Minister Cripps is at with negotiations to extend?

KEY ISSUES

- Mr Costello has written to you *North Stradbroke Island Pro* certain mining leases on the
- In May 2013, Sibelco provided *operations at the Enterprise material on the three Enterp*
- Under the Sibelco proposal, *with mining leases for these required.*
- Amendments to the NSI Act *the proposal does not involve the extension of mining leases that overlap with national park it could be potentially implemented without breaching the terms of the existing Indigenous Land Use Agreement (ILUA).*

** What is the wording of the election commitment? I thought it used the word 'extend' in some way.*

Exempt Sch.3(7) Legal Professional Privilege

BACKGROUND

- The NSI Act *provides* a timetable to end all mining on NSI and a framework for joint management of protected areas.
- Under the provisions of the NSI Act, the Yarraman mine operation will end in 2015, the silica mining operation Vance can continue to run until its lease expires in 2025 and the Enterprise Mine can keep operating on a restricted mine path until 2019.

Comments (Premier or DG)

[Empty box for comments]

Jon Grayson
Director-General

Action Officer: Rachel Lunnon Approvals by Director / ED / DDG documented
Area: ERP in notes in TRIM
Telephone: 3234 1397

Lucas Clarke

From: [REDACTED]
Sent: Monday, 1 July 2013 9:25 AM
To: The Premier
Cc: 'Mark Robinson'; capalaba@parliament.qld.gov.au
Subject: re Mining extended on North Stradbroke Island.

To the Premier Campbell Newman,

I am writing to let you know that I am very upset about the State Government's decision to consider extending the mining on N.S.I.

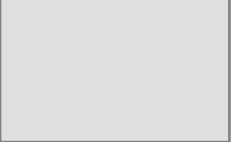
Stradbroke is such an important sand island and very necessary to the tourism future of South East Queensland.

Mining should not be allowed in National Parks so the decision to consider extending mining into National Parks on North Stradbroke Is. would be a big mistake.

Surely Sibelco can manage with the amount of area they already have to mine and to allow an extension so they don't have problems with meeting their environmental obligations is totally unnecessary.

Kind regards,

CTPI - Personal Informa



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Description - Milestone Status Guide		LEGEND		Description - Overall Commitment Status Guide	
On Track - the milestones will be reached by the due date.	On Track	On Track - the commitment will be delivered by the expected delivery date.	On Track	On Track - the commitment will be delivered by the expected delivery date.	On Track
Minor Issues - there are minor issues which have impeded reaching the milestone by the due date.	Minor Issues	Minor Issues - there are minor issues which may impede delivery of the commitment by the expected delivery date.	Minor Issues	Minor Issues - there are minor issues which may impede delivery of the commitment by the expected delivery date.	Minor Issues
Major Issues - there are major issues which have impeded reaching the milestone by the due date.	Major Issues	Major Issues - there are major issues which will impede delivery of the commitment by the expected delivery date.	Major Issues	Major Issues - there are major issues which will impede delivery of the commitment by the expected delivery date.	Major Issues
Delivered - the milestone has been reached.	Delivered	Delivered - the commitment is now complete.	Delivered	Delivered - the commitment is now complete.	Delivered
n/a	n/a	Not yet commenced - the milestone has not commenced.	Not yet commenced	Not yet commenced - the commitment has no milestones to report as it has not commenced.	Not yet commenced
Superseded - a milestone will never be reached, as there is a new approach to the delivery of the commitment OR the entire commitment has been superseded so the milestones will never be reached.	Superseded	Superseded - a commitment can no longer be delivered OR has been replaced by subsequent commitment OR will be reported on via a separate reporting process. Only use this category if approved by DPC.	Superseded	Superseded - a commitment can no longer be delivered OR has been replaced by subsequent commitment OR will be reported on via a separate reporting process. Only use this category if approved by DPC.	Superseded

Commitment No.	Minister	Commitment/Initiative description	Milestones	Milestone Status as at 30 June 2013	Justification for expected delivery of commitment	Status of overall commitment	Commitment expected delivery date	If commitment expected delivery date has changed, provide new date
481	Minister for Natural Resources and Mines	Mining leases on North Stradbroke Island Deliver a framework for an orderly ending of the mining leases on North Stradbroke Island, which requires the mining company to remediate to the		Superseded		On track	May 2015	This commitment will be delivered upon a negotiated agreement with the native title parties in the form of an Indigenous Land Use Agreement (ILUA) being reported and legislative amendments being made. Due to Sibelco's amended tenure proposal an ILUA does not need to be entered into before legislative
		4) Reached a negotiated agreement with the ILUA-Sibelco and QYAC to negotiate regarding proposed extension of mining operations		Minor Issues - On track	Native Title Party has demonstrated an unwillingness to renegotiate the current ILUA - Minister met with the Quandamook Yoolooburrabee Aboriginal Corporation (QYAC) on 8 May and outlined the government election commitment to extend mining and the need for extension to enable the economy of NST to transition, in a more orderly way, to one which is not dependent on mining. The QYAC agreed to meet with Sibelco to discuss the proposed mining extension. Meeting anticipated to occur on 5 July 2013. The Minister agreed to establish a co-ordination Committee to ensure the smooth implementation of the current ILUA between the State and QYAC. The co-ordination committee has been established and will meet in late July 2013.			

PREMIER'S BRIEFING NOTE
Policy

Tracking Folder No. TF/13/11830
Document No. DOC/13/102248

To: THE PREMIER
Date: 27 JUN 2013
Subject: Proposal to extend mining leases on North Stradbroke Island

Approved / Not Approved / Noted
Premier
Date 12/7/2013
Date Action Required by:
Requested by:
(if appropriate)

RECOMMENDATION

It is recommended that you sign the letter (**Attachment 1**) to Mr Cameron Costello, Chair, Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC).

KEY ISSUES

- Mr Costello has written to you expressing concerns in relation to proposed amendments to the *North Stradbroke Island Protection and Sustainability Act 2011* (the NSI Act) that would extend certain mining leases on the island. (**Attachment 2**).
- In May 2013, Sibelco provided the Minister for Natural Resources and Mines, the Honourable Andrew Cripps MP with a tenure proposal (**Attachment 3**), which extends mining operations at the Enterprise Mine to 2035 and removes conditions that impede the taking of material on the three Enterprise Mine leases.
- Under the Sibelco proposal, mining operations at Vance and Yarraman Mines would cease, with mining leases for these mines relinquished, following rehabilitation, earlier than currently required.
- Amendments to the NSI Act would be required to give effect to Sibelco's proposal. However, as the proposal does not involve the extension of mining leases that overlap with national park it could potentially be implemented without breaching the terms of the existing Indigenous Land Use Agreement (ILUA).

Exempt Sch.3(7) Legal Professional Privilege




ELECTION / CABINET / PUBLIC COMMITMENTS

- Public statements prior to the 2012 election committed the government to *Delivering a framework for an orderly ending of the mining leases on NSI, which requires the mining company to remediate to the highest environmental standards and allows the Island proper time to transition to a new economy* is an election commitment. This could take the form of an extended end date and an LNP government would consider changing the Bligh government legislation to allow a more orderly wind-down and allow the mine to proceed in the way that it was originally intended to.

• **BACKGROUND**

- The NSI Act provides a timetable to end all mining on NSI and a framework for joint management of protected areas.
- Under the current provisions of the NSI Act, the Yarraman mine operation will end in 2015, the silica mining operation Vance can continue to run until its lease expires in 2025 and the Enterprise Mine can keep operating on a restricted mine path until 2019.


Jon Grayson
Director-General

Comments (Premier or DG)

Released under RTI - DPC



Premier of Queensland

For reply please quote: ERP/RL - TF/13/11830 - DOC/13/102238

15 JUL 2013

Mr Cameron Costello
Chair
Quandamooka Yoolooburrabee Aboriginal Corporation
PO Box 235
DUNWICH QLD 4183

Executive Building
100 George Street Brisbane
PO Box 15185 City East
Queensland 4002 Australia
Telephone +61 7 3224 4500
Facsimile +61 7 3221 3631
Email ThePremier@premiers.qld.gov.au
Website www.thepremier.qld.gov.au

Dear Mr Costello

Thank you for your letter of 29 May 2013 about the Quandamooka People's native title rights and sandmining on North Stradbroke Island (NSI).

As you are aware, the Government is committed to delivering a framework that enables an orderly end to the mining leases on NSI and allows the island proper time to transition to an economy which is not dependent on sandmining. As I flagged before the last State Election, amendments to the *North Stradbroke Island Protection and Sustainability Act 2011* (the Act) will be necessary to deliver on this commitment.

While the Government has made no decision about how the Act should be amended, we are considering what options are available to facilitate the sustainable extension of sand mining operations. I can assure you, however, that any amendments to the Act will be done in accordance with the requirements of the future act provisions of the *Native Title Act 1993*. I also assure you the State remains committed to implementing and meeting its obligations under the current Indigenous Land Use Agreement.

I understand that the Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) may have concerns in relation to Sibelco's tenure proposal. I believe that it would be useful for QYAC to meet with Sibelco, with government representatives present if agreeable to both parties, to discuss the details of the proposal and the potential benefits to the Quandamooka People.

Again, thank you for bringing this matter to my attention.

Yours sincerely

CAMPBELL NEWMAN

Lucas Clarke

From: [REDACTED]
Sent: Friday, 19 July 2013 12:15 PM
To: The Premier
Subject: Our North Stradbroke Island

Dear Premier:

We are strongly opposed to amending legislation to allow expansion of the Enterprise mine on North Stradbroke Island beyond 2019.

We heard this on the ABC 7.30 Report last night and also the claim that Sibelco influenced the Ashgrove campaign.

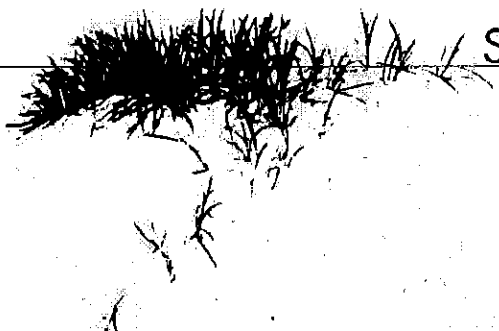
The mine already has a good phasing out period and the values of the Island and the Quandamooka agreements are more important to us locals.

The future of the Island lies in tourism, already dear to the Government, so we ask you to reconsider this proposed amendment and drop it in favour of the wishes of the locals.

Yours sincerely

[REDACTED]

Released under RTI/ATIP



Stradbroke Island Management Organisation

inc.

22 July 2013

The Premier
Hon Campbell Newman
PO Box 15185
City East
QUEENSLAND 4002

Digitised?	YES	NO
If digitised, file as an ELECTRONIC DOCUMENT DO NOT REMOVE ALL DATA BY TRIM		
24 JUL 2013	Date Received in DPC	
Document No.		
File No.		
Tracking Folder No.		

Dear Mr Newman

Your revelation on the ABC's 7.30 Report 18 July 2013 to amend legislation to extend the Enterprise sand mining lease on North Stradbroke Island beyond 2019 to 2035, to meet the demands of a foreign, privately owned Belgium mining company, namely Sibelco Australia, is nothing less than an act of subterfuge on your part toward the Quandamooka people of North Stradbroke Island.

Stradbroke Island Management Organisation Inc. strongly supports the Quandamooka people, the traditional owners of NSI, in having their right to Native Title upheld, the determination of which was heard in the Federal Court of Australia in 2011. At this time the Bligh Labor government entered into an Indigenous Land Use Agreement with the Quandamooka people; this ILUA was founded upon the Enterprise mine ending December 2019, the Yarraman mine closure in 2015 and Vance (the silica mine)expending its resource in 2025. Indeed, the latter mine has ceased to operate June 2013, due to lack of markets, when Sibelco gave notice to the last of the island miners. Currently numbers of fifty to seventy mainland mining employees arrive on the island on the first water taxi from Cleveland each day and leave again on the late afternoon service.

It should be apparent to your government the Quandamooka people do not want sand mining to continue to impact on the environment of their lands. Over the years scientific experts and planners have reported on the high value of NSI; its Aboriginal and European history, its geology, botany, zoology were reported at the 1984 symposium on North Stradbroke Island conducted by the Royal Society of Queensland at which sixty authors, each with expertise on their subject, contributed papers. This was the second symposium, an earlier one in 1975, held at Point Lookout, reported on this remarkable island when it became well-known in scientific terms. Despite this knowledge of a broad range of environmental factors the Federal government continued to grant export approvals.

In successive letters to you, Andrew Cripps and Andrew Powell SIMO has reported its concerns about rehabilitation of mined leases on NSI, not only on lease but off lease also. Your response has been poor and patronising as In your dealings with Indigenous Elders. There is the matter of the unresolved criminal charges and the question of protection of Sibelco from charges of stealing and fraud. In case you have forgotten, there is the advice from Peter Callaghan SC that there is a prima facie case against Sibelco on these serious charges. And there is the assurance from Andrew Cripps that the framework to phase out mining operations over a longer period will be developed with

1

P.O. Point Lookout, North Stradbroke Island 4183

"ensuring the best possible future for North Stradbroke Island through planning and management"

traditional owners, the mining proponents and other interested parties, including the organisation I represent as Hon Secretary. Our views would be welcome, Mr Cripps said. Not so; this has not happened, nor did you and your government have any sincere intent that it would occur to the betterment of the NSI environment. As a government your integrity is seriously at stake.

Also, I draw your attention to the many, many families in south east Queensland who have holidayed on this much loved island, over generations. Their care, over-riding concern for the island's environment is overwhelming when, despite best efforts to save it, along with the Indigenous people, have seen those rights undermined by governments. The electorate you represent has a large number of Straddie families which have quickly lost faith in your electoral promises, promises which rode on the back of millions of Sibelco dollars to win influence with the Newman government and to the shame of many of the Dunwich community, where as Quandamooka Elder Darren Burns has said: "... sand mining is a very destructive industry. As well as destroying the ecology it is slowly pitting people on the island against one another. There is a sophisticated campaign going on from the mining company to tell everyone mining is okay. But it is not."

SIMO has been a formal environmental stakeholder on NSI since the 1980s playing a significant role as a voluntary public body concerned with environmental matters on the Island. It is an important public and democratic function. Cameron Costello, Chairman of Quandamooka Yoolooburrabee Aboriginal Corporation, said his people believe sand mining is "Stradbroke's past" and will challenge miner's proposal to exploit the precious, rare northern island landscape allowing significant environmental impact to occur through the Newman government granting Sibelco Australia an extension of the Enterprise mine. SIMO will engage with QYAC to support this challenge.

Yours sincerely

s.73 Signature

(Mrs) Susan Martin
Honorary Secretary

(Mrs) Ellie Durbidge
President

Stradbroke Island Management Organisation Inc.
PO Box 304
POINT LOOKOUT
Queensland 4183

**LEGISLATION PROGRAM 2013 – as at 16 July 2013
(Minister for Natural Resources and Mines)**

June 2013 – June 2014

Title and Intent of Legislation	ATP (Cabinet Meeting Date)	ATI (Cabinet Meeting Date)	Proposed/ Actual date of Introduction	Reason for Bill e.g. implementation of Six Month action plan, election commitment, Ministerial Charter of Goals;	Desirable date for passage and reason why (If applicable)	Critical date for passage and reason why (if applicable) **

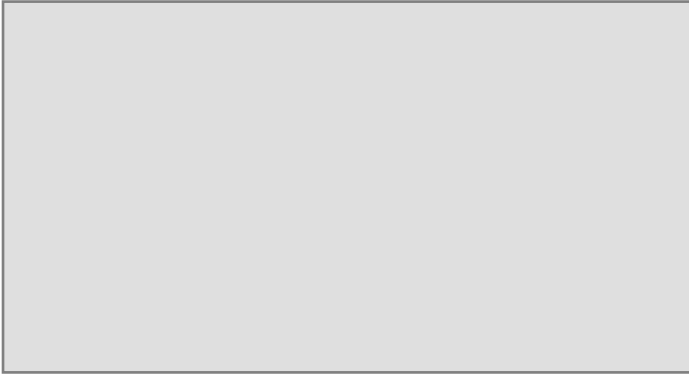
Released under RTI - DPC

Title and Intent	ATP date	ATI date	Intro date	Reason for Bill	Desirable date for passage and why	Critical date for passage and why
<p>Tel: 3199 8234</p> <p><i>May be an opportunity to include additional land / water amendments if required</i></p>				<p>report into the future and continued relevance of Government land.</p>		
<p>Mineral and Energy Resources Common Provisions and Other Legislation Amendment Bill 2014</p> <p>1. Amendments to commence the transition into a common resources Act framework, in addition to ancillary incremental amendments to the stand-alone acts for operational efficiency.</p> <p>Dean Barr Tel: 31998104</p>	<p>30 Sep 13</p> <p>(3) Policy/ATP 3 June 2013</p> <p>(5) ATP August 2013</p>	<p>17 Mar 14</p>	<p>18 Mar 14</p>	<p>(1) Minister's Priority: 3 Government has approved Modernising Queensland Resources Acts (MQRA) Program.</p> <p>(2) Minister's Priority: 1 Election commitment (No. 481) and stated in 2012-13 Budget Service Delivery Statement "Deliver a framework for appropriate management of mining leases on North Stradbroke Island" Dependent on negotiations with Native Title Holders.</p>	<p>(1) June 2014 - Passage date is to enable timely implementation of MQRA Program as work will continue on phase 2 and 3.</p> <p>(2) Late 2013 at earliest - factoring-in due process for negotiations to be finalized early in 2013; significant ILUA requirements under Native Title Act; and progression through the legislative processes.</p>	<p>N/a</p>
<p>2. Amendments to the North Stradbroke Island Protection and Sustainability Act 2011 to facilitate negotiations with Sibelco re their mining activities on Nth Stradbroke Island.</p> <p>Leanne O'Neill Tel: 3234 0525 Samantha Laurie Tel: 3199 7339</p> <p>3. A New Approach to</p>				<p>(3) Minister's Priority: 3 Scope of amendments dependent on response to industry consultation paper.</p>	<p>(3) Anticipated amendments will include results of overlapping framework; will be dependent on consultation process of discussion paper.</p>	<p>(4)</p>

Lucas Clarke

From: CTPI - Personal Information
Sent: Wednesday, 14 August 2013 2:53 PM
To: The Premier
Cc: TransportMainRoads@ministerial.qld.gov.au
Subject: FW: Toondah Harbour
Attachments: Letter to State Govt re Toondah Harbour.pdf

Try again



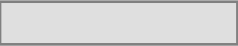
From: [Redacted]
Sent: Wednesday, 14 August 2013 2:49 PM
To: 'thepremier@premiers.qld.govt.au'
Cc: 'transportmainroads@ministerial.qld.gov.au'
Subject: Toondah Harbour

Dear Government Officials,

As a resident of North Stradbroke Island for the past 26 years, I am outraged at the current situation facing the transport upgrade for the island.

Please find attached my letter of concern.

Kind Regards



Released under RTI - DPC

Date: 3/8/2013

Premier Campbell Newman
PO Box 15185
City East QLD 4002
Email: thepremier@premiers.qld.gov.au

Minister for Transport and Main Roads
Hon Scott Emerson MP
GPO Box 2644
Brisbane QLD 4001
Email: TransportMainRoads@ministerial.qld.gov.au

To Premier Newman and Minister Emerson

This letter is to object to the unfair treatment the Stradbroke Flyer Water Taxi has been given by the Queensland Transport and Main Roads Department (TMR).

The Stradbroke Flyer is a local business owned the Groom Family that has been operating for 27 years. They provide a service from Toondah Harbour Cleveland to the One Mile Jetty on North Stradbroke Island.

It has been 2 years since State Government funded the Redland City Council with \$10.3 million, \$6 million of which was to go towards the dredging of Toondah Harbour and Victoria Point (Coochiemudlo Island). This has been a very long and drawn out process.

In June of this year, Mrs Betty Groom attended a breakfast event held by the Redlands Chamber of Commerce. The guest speaker, the Honourable John-Paul Langbroek MP announced that the dredging of Toondah Harbour was the top priority.

On Thursday 1st August 2013, Trevor Carter from TMR arrived unannounced at the Stradbroke Flyer office to inform the Groom family that the dredging for Toondah Harbour was now not a priority. First priority will now be Weinam Creek at Redland Bay used by Transit Systems to service to Macleay, Russell, Karragarra and Lamb Islands. Next on the list is Victoria Point to service Coochiemudlo Island. The last priority, if there was any money left over, would be Toondah Harbour. The only dredging in Toondah Harbour would be in front of Transit Systems operating as Stradbroke Ferries, the public boat ramp south of Stradbroke Ferries and a mud hump in Fison Channel which is NNW of the turning basin and is only a problem for Transit Systems barges.

The Stradbroke Flyer would not have any dredging to their lease or access to their leased area done. The Stradbroke Flyer struggles getting in and out of their leased area on every low tide and can only run their larger and more economical vessel on high tides. The ongoing problem for the Stradbroke Flyer is the mud and silt thrown

up by the Transit Systems barges as they turn in the turning basin. No dredging in Toondah Harbour causes such a lack of water at low tide that propellers and water pumps are constantly being damaged, let alone the extra cost in running 2 smaller boats to accommodate passengers during low tides.

Parking at the One Mile on North Stradbroke has also been a problem. Residents have parked here to use the Flyer for nearly 30 years with no major incidents or accidents. Redland City Council announced that residents could no longer park at the One Mile but was not going to book people for parking until they found an alternate parking solution. This only lasted a couple of months. Both Council and the Police are now booking cars at One Mile and the Redland City Council has not resolved any parking issues. This change to parking is in effect stopping people from travelling with the Stradbroke Flyer and funneling them to travel with Transit Systems, Stradbroke Ferries from the Dunwich Jetty. This forces passengers to travel with Transit Systems.

From our point of view, the Queensland Government and the Redland City Council are biased towards big business and are discriminating against one of our local families.

Transit Systems have the monopoly at Redland Bay (servicing Macleay, Russell, Karragarra and Lamb Islands); it seems that there are people in official roles wanting the same monopoly for North Stradbroke island.

I would appreciate a reply to this letter.

Yours Sincerely

CTPI - Personal Information

Name: _____

Address _____

Email: _____

Signature _____



QUANDAMOOKA YOOLOOBURRABEE ABORIGINAL CORPORATION
RNTBC
ICN: 7564

Premier Campbell Newman
PO Box 15185
City East Queensland 4002

Your ref: ERP/RL – TF/13/11830 – DOC/13/102238

Dear Premier

Thank you for your letter dated 15 July 2013 regarding Quandamooka People's native title rights and sand mining on Minjerribah (North Stradbroke Island).

We note your commitment to delivering a sustainable framework to end mining leases on the island.

Respectfully, we would like to clarify that the economy of NSI is currently not dependent upon sand mining. Mining only represents 18% of the employment on the island. Only 25 Quandamooka people were employed by mining in 2010, we believe this is less now.

The Quandamooka People also respectfully note that your commitment before the 2012 election on ABC Radio was not to extend sand mining but to return the status quo prior to the enactment of the legislation. We also note that the lease for Enterprise Mine was lapsed at that point in time.

I must reiterate QYAC's view sent to you in my letter on 28 May 2012 that an amendment of the *North Stradbroke Island Protection and Sustainability Act* (the Act) to allow Sibelco to mine without our consent will be a breach of the ILUA. Any such amendment will be an invalid future act under the Native Title Act. We would like to avoid this situation with a commitment not to legislate without our consent.

We thank you for your commitment to implementing the ILUA. There remains a long list of outstanding obligations for the State to action. In this regard, in our meeting with Minister Cripps on 8 May 2013, I proposed a round table of the relevant departments responsible for implementing the ILUA to ensure that there was consistency across government in the delivery of the ILUA. We are meeting with representatives from various departments on 26 August 2016 where I hope that there is genuine progress.

We do have major concerns with Sibelco's tenure proposal. Our first concern is that no one seems willing to show us the tenure proposal. In a meeting on 24 June 2013 with Campbell Jones, CEO and Managing Director, Sibelco it was made very clear by Sibelco that they did not want to table or talk about the proposal until the tenure had been secured for them by the legislation. They advised they expected it to get passed in 2013. Naturally we are concerned that they hold this view. If this were to

ABN: 30 457 275 826
Street Address : 7 Stradbroke Place, Dunwich
Postal Address: P.O. Box 235, Dunwich Qld 4183

occur you would be placing Sibelco, a foreign owned company, in a clearly superior bargaining position than the Quandamooka People, the Traditional Owners.

QYAC appreciates your invitation to facilitate a meeting with Sibelco. However we believe it is appropriate for Sibelco and QYAC to meet to discuss any extension to sand mining between themselves. As stated above we have already met with Sibelco to provide an opportunity for them to present a proposal – they do not want to give us any proposal until you pass the legislation. We continue to meet with them about other cultural heritage matters and access issues on leases.

Having already agreed under our registered ILUA to extend mining Enterprise Mine from 2011 until 2019, it would assist us greatly if you communicated clearly to Sibelco that you are unable to amend legislation without the consent of the Traditional Owners because you will be in breach of the ILUA.

Against this background, we request that no amendments to the Act be even considered unless Sibelco have obtained the consent of the Traditional Owners of the land that will be mined.

I will take the time to mention two other concerns:

Inaction on the Economic Transition Strategy for NSI

We agree with your recent comments that creating jobs are important on Minjerribah. However it appears that the State's focus is on extending sand mining for jobs at the expense of focusing on developing sustainable industries for jobs. There were a number of Economic Transition Strategy documents that were completed with the combined input of industry experts and the NSI community that identified clear projects to assist the transition to a sustainable economy. For example, the Tourism Strategy identified \$6M in projects to boost the tourism sector. These projects have not been actioned by the State. If you want to create jobs we should action these immediately.

Due to the fact the Quandamooka People had historically been locked out of economic development on the island, and had not received mining royalties for over 60 years of mining, the previous government committed to the development of a Quandamooka Business Action Plan. This would allow the Quandamooka People, as the Traditional Owners of the island, to be the first port of call instead of history repeating itself and Quandamooka People being sidelined from economic opportunities. We invite you to assist us to implement this Action Plan to create jobs for the Quandamooka People.

MP Behaviour:

Minister Cripps recently commented on public record in Estimates that the Quandamooka People have been unwilling to meet in relation to sand mining. Nothing could be further from the truth. We have written to you as far back as July 2012 to meet, we have invited Department officers to present at our AGM in February 2012 (this invite was not taken up), we met with Minister Cripps in May where I personally advised him that the Quandamooka People would always meet in good faith.

Given QYAC has been nothing but proactive in seeking out the State's intentions, and the Minister's comments in Estimates are very disappointing and paint a false picture of the Quandamooka People on the public record. We ask you to speak with the Minister to retract these incorrect statements.

MP Mark Robinson has on a number of public occasions stated that "the cheque's are flowing" to QYAC. Again, we do not appreciate statements which try to paint a picture of the Quandamooka People in a negative light. We ask you to advise Mr Robinson to desist from such negative public comments and focus on assisting outstanding ILUA obligations and implementation.

Premier, if you can provide the commitments we request in regards to mining and activating the transition to sustainable industries, it would be greatly appreciated. I believe the Quandamooka People will then feel respected as the Traditional Owners of the land and sea. We continue to invite you to Quandamooka Country to walk with and beside our Elders to make a better future for our children's children.

Yours sincerely

Cameron Costello

Chair QYAC
21 August 2013

Released under RTI/DP

Description - Milestone Status Guide	LEGEND	Description - Overall Commitment Status Guide
On Track - the milestone will be reached by the due date.	On Track	On Track - the commitment will be delivered by the expected delivery date.
Minor Issues - there are minor issues which have impacted reaching the milestone by the due date.	Minor Issues	Minor Issues - there are minor issues which may impede delivery of the commitment by the expected delivery date.
Major Issues - there are major issues which have impacted reaching the milestone by the due date.	Major Issues	Major Issues - there are major issues which will impede delivery of the commitment by the expected delivery date.
Delivered - the milestone has been reached.	Delivered	Delivered - the commitment is now complete.
n/a	Not yet commenced	Not yet commenced - the commitment has no milestones to report as it has not commenced.
Superseded - a milestone will not be reached as there is no longer a commitment OR the delivery of the commitment OR the milestone commitment has been superseded as the milestones will never be reached.	Superseded	Superseded - a commitment can no longer be delivered OR has been replaced by subsequent commitment OR will be reported on via a separate reporting process. Only use this category if approved by DPC.

Commitment No.	Minister	Commitment/initiative description	Milestones	Milestone Status as due date.	Progress as at 30 June 2013	Commitment overall expected delivery date	Status of commitment overall	Justification for expected delivery of commitment date	if commitment expected delivery date has changed, provide new date
481	Minister for Natural Resources and Mines	Mining leases on North Stradbroke Island Deliver a framework for an orderly ending of the mining leases on North Stradbroke Island, which requires the mining company to remediate to the highest environmental standards and allows the Island proper time to transition to a new economy.		Milestone Status as due date. 2013	Progress as at 30 June 2013	May 2015	On track	This commitment will be delivered upon a negotiated agreement with the native title parties in the form of an Indigenous Land Use Agreement (ILUA) being reached and legislative amendments being made. Due to Sibelco's amended tenure proposal an ILUA does not need to be entered into before legislative amendment is made giving effect to the extension of mining. An ILUA dealing with compensation can be entered into at a later date between Sibelco and QYAC.	
			4) Reaching a negotiated agreement with the ILUA Sibelco and QYAC to negotiate regarding proposed extension of mining operations	March 2013 - August 2013	Native Title Party has demonstrated an unwillingness to renegotiate the current ILUA. Minister met with the Quandamook Yoolooburrabee Aboriginal Corporation (QYAC) on 8 May and outlined the government election commitment to extend mining and the need for extension to enable the economy of NSI to transition, in a more orderly way, to one which is not dependent on mining. The QYAC agreed to meet with Sibelco to discuss the proposed mining extension. Meeting anticipated to occur on 5 July 2013. The Minister agreed to establish a co-ordination Committee to ensure the smooth implementation of the current ILUA between the State and QYAC. The co-ordination committee has been established and will meet in late July 2013.				

For reply please quote: *DNRM/ERP – TF/13/18015 – Department tracking number*

Mr Cameron Costello
Chairperson
Quandamooka Yoolooburrabee Aboriginal Corporation
ceo@qyac.com.au

Dear Mr Costello

Thank you for your letter of 9 August 2013, co-signed by several members of key organisations for the Quandamooka People, about the Quandamooka Indigenous Land Use Agreement (ILUA).

After I received your letter, I sought advice directly from my Cabinet colleague, the Honourable Andrew Cripps MP, Minister for Natural Resources and Mines so I could better understand the situation.

The State Government is committed to honouring its obligations under the ILUA and to working with the Quandamooka people to implement these obligations in good faith. In this regard I am informed the first round table of senior Quandamooka and departmental representatives took place on 26 August 2013. It has been agreed these meetings will occur quarterly in order to help facilitate an open dialogue around the implementation of the ILUA.

With respect to any legislative amendments to the *North Stradbroke Island Protection and Sustainability Act 2011* that will be required to give effect to the government's commitment to extend sand mining on North Stradbroke Island, it is the government's position that any amendments will not affect the rights or interests of the Quandamooka People arising out of the ILUA. Further, if any legislative amendments are made they will be done in accordance with the future act provisions in the *Native Title Act 1994* (Cth).

I reiterate the advice in my letter of 15 July 2013 that it may be useful for QYAC to meet with Sibelco, with government representatives present if agreeable to both parties, to discuss the details of the Sibelco tenure proposal and the potential benefits to the Quandamooka People.

I appreciate your kind offer to visit Minjerribah to discuss in person the ILUA in more detail and to meet with the Elders. Unfortunately, due to my current heavy work schedule, I am unable to meet with you at this time.

Again, thank you for writing to me on this matter and I hope this information has been of assistance to you.

Yours sincerely

CAMPBELL NEWMAN

Released under RTI - DPC

Pages 54 through 55 redacted for the following reasons:

Exempt Sch.3(2)(1)(a) Consideration of Cabinet

Released under RTI - DPC



Premier of Queensland

For reply please quote: *DNRM/ERP - TF/13/18015 - DOC/13/164867*

11 SEP 2013

Mr Cameron Costello
Chairperson
Quandamooka Yoolooburrabee Aboriginal Corporation
PO Box 235
DUNWICH QLD 4183

Executive Building
100 George Street Brisbane
PO Box 15185 City East
Queensland 4002 Australia
Telephone +61 7 3224 4500
Facsimile +61 7 3221 3631
Email ThePremier@premier.qld.gov.au
Website www.thepremier.qld.gov.au

Dear Mr Costello

Thank you for your letter of 9 August 2013, co-signed by members of several key organisations for the Quandamooka People, about the Quandamooka Indigenous Land Use Agreement (ILUA).

I can assure you that the Queensland Government is committed to honouring its obligations under the ILUA and to working with the Quandamooka People to implement these obligations in good faith. In this regard I'm told the first round table of senior Quandamooka and departmental representatives took place on 26 August 2013 and that it has been agreed these meetings will occur quarterly to help facilitate an open dialogue around the implementation of the ILUA.

As I told you in my letter of 15 July 2013, any amendments to the *North Stradbroke Island Protection and Sustainability Act 2011* required to support the extension of sandmining operations on North Stradbroke Island will be done in accordance with the future act provisions in the *Native Title Act 1993* (Cth).

I appreciate your kind offer to visit Minjerribah to discuss in person the ILUA in more detail and to meet with the Elders. Unfortunately, due to my current heavy work schedule, I'm unable to meet with you at this time. However, I do reiterate my previous suggestion that it may be useful for the Quandamooka Yoolooburrabee Aboriginal Corporation to meet with Sibelco, with government representatives present if agreeable to both parties, to discuss the details of the Sibelco tenure proposal and the potential benefits to the Quandamooka People.

Again, thank you for writing to me on this important matter.

Yours sincerely



CAMPBELL NEWMAN

For reply please quote: DNR/ERP – TF/13/18866 – CTS21203/13

Mr Cameron Costello
Chairperson
Quandamooka Yoolooburrabee Aboriginal Corporation
PO Box 235
DUNWICH QLD 4183

Dear Mr Costello

Thank you for your further letter of 21 August 2013 about the Quandamooka people's native title rights and sandmining on North Stradbroke Island.

The government's election commitment is to deliver a framework for an orderly ending of the mining leases on North Stradbroke Island. This commitment requires Sibelco to remediate to the highest environmental standards and allow the island appropriate time to transition to a new economy.

While I agree sand mining does not employ the majority of people working on North Stradbroke Island, it is my understanding that sand mining does employ approximately 145 island residents. The loss of this employment would be significantly felt, not only by individuals but also due to the flow on effect for services currently enjoyed by residents.

I would like to clarify that a return to the status quo prior to the enactment of the *North Stradbroke Island Protection and Sustainability Act 2011* (Qld) (the Act) is not possible due to the Indigenous Land Use Agreement (ILUA) between the state and the Quandamooka people. While some of the Enterprise mine leases had nominally expired in 2011, they were continued in force due to the provisions of the *Mineral Resources Act 1989* (Qld) until a decision whether to renew them was made.

As you have noted, the round table did take place on 26 August 2013 in order to aid and facilitate the ILUA's implementation. The government remains committed to delivering the objectives within the ILUA and it is hoped that the continuation of the round table, with quarterly meetings, assisting in this regard.

I understand your concern to be involved in discussions about Sibelco's tenure proposal. I also note your preference that the state not facilitate such a meeting but that Sibelco and Quandamooka meet between themselves.

The proposal the government is currently considering from Sibelco does not include the extension of mining over any indigenous joint management areas. The government's position remains that any amendments to the Act will not affect the rights or interests of the Quandamooka people arising out of the ILUA, nor will they impact upon the state's ability to meet its obligations under the ILUA.

At this stage the government has not made any decision on what amendments to the Act will be required and what the timeframe for amendments will be. If any legislative amendments are made, they will be done in accordance with the future act provisions in the *Native Title Act 1994* (Cth).

The focus for the Economic Transition Strategy and the related Business Action Plan was to assist with planning to help North Stradbroke Island transition to an economy without sand mining. The government's position is that even with these initiatives, the time line for the cessation of sand mining is too soon to ensure the economy of the island smoothly transitions to a landscape without mining.

With regard to your comments about the Honourable Andrew Cripps MP, Minister for Natural Resources and Mines statements during Estimates, I am advised that there was reluctance on the part of the Quandamooka people to meet with government in late 2012 and early 2013 to discuss the proposal to extend sand mining in the context of new ILUA negotiations. The government appreciates the Quandamooka people's willingness to meet in May 2013.

I understand the public statement by Mr Mark Robinson MP, Member for Cleveland was simply that there has been no suspension of the ILUA and the Quandamooka Yoolooburrabee Aboriginal Corporation was still receiving cheque payments from the state pursuant to it.

Again, thank you for writing to me about this matter and I hope this information is of assistance to you.

Yours sincerely

CAMPBELL NEWMAN

For reply please quote: DNRM/ERP – TF/13/18866 – CTS 21203/13

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Chairperson
Quandamooka Yoolooburrabee Aboriginal Corporation
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DUNWICH QLD 4183

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While I agree sand mining does not employ the majority of people working on North Stradbroke Island, I'm told that sand mining does employ approximately 145 island residents. The loss of this employment would be significantly felt, not only by individuals but also due to the flow on effect for services currently enjoyed by residents.

I would like to clarify that a return to the status quo prior to the enactment of the *North Stradbroke Island Protection and Sustainability Act 2011* (Qld) (the Act) is not possible due to the Indigenous Land Use Agreement (ILUA) between the State and the Quandamooka people. While some of the Enterprise mine leases had nominally expired in 2011, they were continued in force due to the provisions of the *Mineral Resources Act 1989* (Qld) until a decision whether to renew them was made.

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The proposal the Government is currently considering from Sibelco does not include the extension of mining over any Indigenous joint management areas. The Government's position remains that any amendments to the Act will not affect the rights or interests of the Quandamooka people arising out of the ILUA, nor will they impact upon the State's ability to meet its obligations under the ILUA.

At this stage a decision has not been made on what amendments to the Act will be required

and what the timeframe for amendments will be. I'm expecting that the Cabinet will discuss a way forward before the end of 2013. If any legislative amendments are made, they will be done in accordance with the future Act provisions in the *Native Title Act 1994* (Cth).

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I understand the public statement by Mr Mark Robinson MP, Member for Cleveland was simply that there has been no suspension of the ILUA and the Quandamooka Yoolooburrabee Aboriginal Corporation was still receiving cheque payments from the State pursuant to it.

As you have noted, the roundtable did take place on 26 August 2013 in order to aid and facilitate the ILUA's implementation. The Government remains committed to delivering the objectives within the ILUA by continuing to hold quarterly roundtable meetings and I strongly support this collaborative approach.

Again, thank you for writing to me about this matter and I hope this information is of assistance to you.

Yours sincerely

CAMPBELL NEWMAN

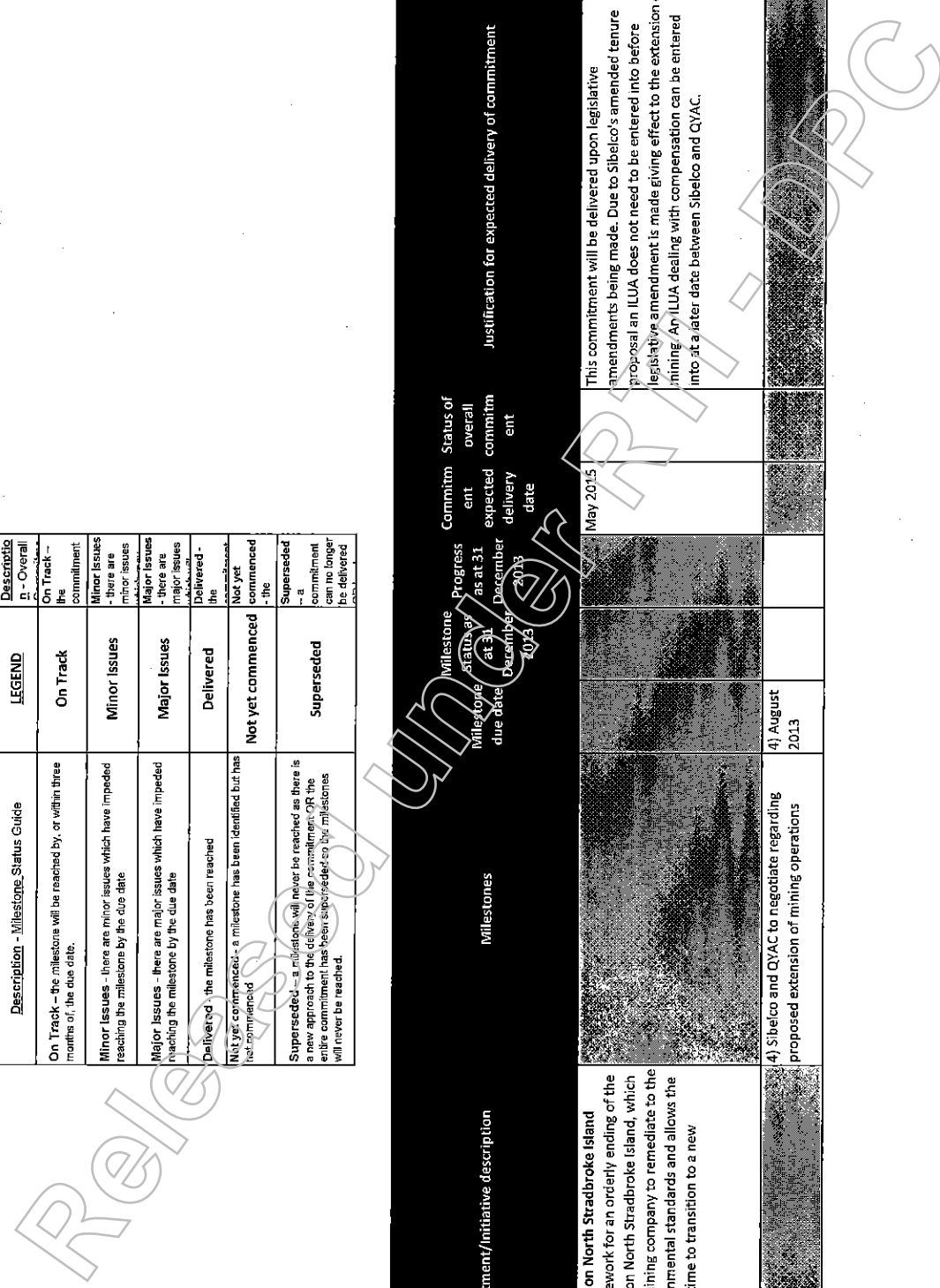
Pages 61 through 62 redacted for the following reasons:

Exempt Sch.3(2)(1)(a) Consideration of Cabinet

Released under RTI - DPC

Description - Milestone Status Guide	LEGEND	Description - Overall
On Track - the milestones will be reached by, or within three months of, the due date.	On Track	On Track - the commitment
Minor Issues - there are minor issues which have impeded reaching the milestone by the due date	Minor Issues	Minor Issues - there are minor issues
Major Issues - there are major issues which have impeded reaching the milestone by the due date	Major Issues	Major Issues - there are major issues
Delivered - the milestone has been reached	Delivered	Delivered - the
Not yet commenced - a milestone has been identified but has not commenced	Not yet commenced	Not yet commenced - the
Superseded - a milestone will never be reached as there is a new approach to the delivery of the commitment OR the entire commitment has been superseded by other milestones will never be reached.	Superseded	Superseded - a commitment can no longer be delivered

Commitment No.	Minister	Commitment/Initiative description	Milestones	Milestone status at 31 December 2013	Progress as at 31 December 2013	Commitment expected delivery date	Status of overall commitment	Justification for expected delivery of commitment	If commitment expected delivery date has changed, provide new date
481	Minister for Natural Resources and Mines	Mining leases on North Stradbroke Island Deliver a framework for an orderly ending of the mining leases on North Stradbroke Island, which requires the mining company to remediate to the highest environmental standards and allows the Island proper time to transition to a new economy.				May 2015		This commitment will be delivered upon legislative amendments being made. Due to Sibelco's amended tenure proposal an ILUA does not need to be entered into before legislative amendment is made giving effect to the extension of mining. An ILUA dealing with compensation can be entered into at a later date between Sibelco and QYAC.	
			4) Sibelco and QYAC to negotiate regarding proposed extension of mining operations			4) August 2013			



Pages 64 through 67 redacted for the following reasons:

Exempt Sch.3(2)(1)(a) Consideration of Cabinet

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the sand times

ISSUE 20 | SEPTEMBER 2013

IN THIS ISSUE



PROGRESSIVE REHABILITATION IN PRACTICE



MAD SCIENCE AT DUNWICH STATE School

PAGE 4

Straddie Salute 2013

In fantastic spring weather the 2013 annual Straddie Salute Multisport Festival was held on North Stradbroke island over the weekend of 7-8 September. The Salute has become a must-do weekend on the Queensland sporting event calendar with four fantastic events to choose from.

The first event of the festival was the Straddie 1,000 Ocean Swim, a 1km swim course off Cylinder Beach on Saturday afternoon. The first male to cross the finish line was local North Stradbroke Island resident Michael Bates, representing the Point Lookout Surf Life Saving Club. The first female was Caitlin Schluter of the Sunshine Coast. Caitlin was especially pleased with this swim as she is just returning to swimming after fracturing her foot in multiple places during training.

Sunday's line up of events included the Straddie Stride – an 8km run or walk around Point Lookout. This was followed by The Straddie Pure, a sprint triathlon of a 750m ocean swim, 20km road cycle and 8km run course of coastal trails, 4WD roads and beaches. The final event of the festival is the original adventure race on Straddie; The Straddie Salute Offroad Triathlon. The event encompasses the same swim and run legs as the Pure, but the 18km cycle leg consists of both sealed roads and 4WD trails.

Sibelco Australia is a major sponsor of the Straddie Salute, and has been a supporter since it first began. John Costigan Operations Manager - Mineral Sands from Sibelco Australia said "It's great to see so many of our staff and their families supporting this event and taking it as an opportunity to get active and look after their health and fitness as well."

This year 30 Sibelco Australia staff members and their families joined the various events as competitors and volunteers. John added "Some staff participating today live on NSI, others live on the mainland. We have a strong contingent from our Pinkenba plant in events today as well. Congratulations to all of them for being part of the Straddie Salute."

Thanks also to the The Greenslade and Savins families and to George Khan who volunteered on drink stations or as marshalls along the route. Sibelco are proud to also have signed on as a major sponsor for the event in 2014.



Durham Henderson and Luke Surawski in the Straddie Salute triathlon supported across the finish line by Luke's sons Zaydan and Koan

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Welcome to the new look Sand Times,
we hope you enjoy the new layout.

There was lots of news to share in this
edition. Our cover story on the 2013
Straddle Salute is something Sibelco is
proud to support, and we have already
signed on to sponsor the 2014 event.

We'd also like to take this opportunity to remind everyone that
submissions for the next round of funding for the Straddle Sand Mining
Community Fund are due by Friday 11th October. Straddle Advisory Board
members are committed to working with the community and are happy
to discuss ideas for future projects. Key criteria for projects are that they
help transition the economy of North Stradbroke Island post sand mining,
and enhance the quality of life for Island residents. For more information
see page 8.

There has also been a lot of talk about the sand dune south of Dunwich,
so we have taken this opportunity to highlight our rehabilitation
practices. If you have further questions about our rehabilitation, or
anything else you see in this edition of Sand Times please get in touch;
we welcome your feedback via the contact details.

Campbell Jones

Managing Director and Chief Executive Officer
Sibelco Australia & New Zealand



Contact Details:

North Stradbroke Island Office
PO Box 47
Dunwich QLD 4183
Phone: (61 7) 3409 6800
Fax: (61 7) 3409 6801
www.sustainablestradbroke.com.au

Sibelco Brisbane
Unit 1, 59 Metroplex Avenue
Mararie QLD 4172
Phone: (61 7) 3909 4500
Fax: (61 7) 3909 4501
www.sibelco.com.au

Straddle Sand Mining
Community Fund
PO Box 81
Dunwich QLD 4183
www.straddiefund.com.au
admin@straddiefund.com.au

Straddle Salute Gallery

A selection of our favourite pics from this year's challenge.



THIS MAGAZINE IS
PRINTED ON ENVY
RECYCLED PAPER



Hon Andrew Cripps MP
Minister for Natural Resources and Mines

Ref CLLO/CIC/13140

4 OCT 2013

Level 17 QMEC Building
61 Mary Street Brisbane Qld 4000
PO Box 15216 City East
Queensland 4002 Australia
Telephone +61 7 3225 1861
Facsimile +61 7 3224 2491
Email nrm@ministerial.qld.gov.au

Honourable Campbell Newman MP
Premier of Queensland
Member for Ashgrove
PO Box 15185
CITY EAST QLD 4002

Digitised?	YES		NO	
If digitised this is now an ELECTRONIC DOCUMENT Enter ALL DATA IN TRIM				
8 OCT 2013	Date Received in DPC			
Docum				
File No				
Tracking Folder No.				

Dear Premier

During 2012, an election commitment was made to deliver a framework to extend sand mining on North Stradbroke Island to allow more time for the economy of North Stradbroke Island to transition to one which is not dependent upon mining.

On 30 September 2013, Cabinet approved, that the *North Stradbroke Island Protection and Sustainability Act 2011* (NSIPS Act) be amended to implement the government's commitment.

Sibelco, the sand mining company involved places high commercial value on amending the NSIPS Act as soon as possible. Passage of the amendments as soon as practicable is necessary to deliver the certainty required for Sibelco to make the commercial investment decisions required to facilitate a smooth transition to one mineral sands mine from 2016. This will also minimise any economic impacts to employees, local contractors and the North Stradbroke Island community.

In particular, legislative amendment at this time is necessary to provide Sibelco with sufficient lead time to make commercial and investment decisions. For instance, Sibelco needs to upgrade the Enterprise Mine dredge and concentrator to make it better suited for mining the reduced mineral grade.

In order to meet Sibelco's commercial timeframes and provide the company with the certainty to begin their plant upgrades, the election commitment needs to be implemented as soon as possible. Therefore, I instructed my office to determine if it was possible for the government to introduce and pass the proposed legislation by the end of 2013.

My department has assured me that these timeframes can be met if I have your approval to bring the Authority to Introduce (ATI) submission and Bill to Cabinet for consideration on 14 October 2013, with introduction proposed during the sitting week of 15 – 17 October 2013. As such your approval is sought to relax the requirement to have 20 days between approval of the Authority to Prepare (ATP) and ATI.

Further, I would also seek your approval to lodge the ATI submission to the Cabinet Secretariat on 10 October 2013. This ATI submission is a Class A submission and only limited consultation will be undertaken with your department, Queensland Treasury and Trade and the Department of Environment and Heritage Protection.

Exempt Sch.3(2)(1)(b) Reveal Cabinet consideration

As you would be aware, after the Bill is introduced to Parliament, it will be referred to the Agriculture, Resources and Environment Committee. As it is the government's intention to have this legislation passed by the end of the year, I would appreciate your support for an abridged Committee inquiry. If the Bill is not debated until the last sitting of the year, there is time for the Committee to hold an abridged inquiry over three to four weeks.

If I have your support I will ensure discussions are held with the Committee of the Legislative Assembly to negotiate a shortened Committee process, so debate and passage can occur during the last parliamentary sitting week of 19-21 November 2013.

Alternatively, should there not be an opportunity to debate and enact the legislation prior to the upcoming Parliamentary break, I would not seek Cabinet's consideration of the ATI and subsequent introduction of the Bill until early 2014.

If you have any questions about my advice to you, Ms Susan McDonald, Chief of Staff, will be pleased to assist you and can be contacted on telephone 3227 8070.

Yours sincerely



Andrew Cripps MP
Minister for Natural Resources and Mines



Premier of Queensland

For reply please quote: *DNRM/ERP – TF/13/18866 – CTS 21203/13*

08 OCT 2013

Mr Cameron Costello
Chairperson
Quandamooka Yoolooburrabee Aboriginal Corporation
PO Box 235
DUNWICH QLD 4183

Executive Building
100 George Street Brisbane
PO Box 15185 City East
Queensland 4002 Australia
Telephone +61 7 3224 4500
Facsimile +61 7 3221 3631
Email ThePremier@premiers.qld.gov.au
Website www.thepremier.qld.gov.au

Dear Mr Costello

Thank you for your further letter of 21 August 2013 about the Quandamooka people's native title rights and sandmining on North Stradbroke Island.

The Government's election commitment is to deliver a framework for an orderly ending of the mining leases on North Stradbroke Island. This commitment requires Sibelco to remediate to the highest environmental standards and allow the island appropriate time to transition to a new economy.

While I agree sand mining does not employ the majority of people working on North Stradbroke Island, I'm told that sand mining does employ approximately 145 island residents. The loss of this employment would be significantly felt, not only by individuals but also due to the flow on effect for services currently enjoyed by residents.

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The focus for the Economic Transition Strategy and the related Business Action Plan was to assist with planning to help North Stradbroke Island transition to an economy without sand mining. The Government's position is that even with these initiatives, the time line for the cessation of sand mining is too soon to ensure the economy of the island smoothly transitions to a landscape without mining.

With regard to your comments about my Cabinet colleague, the Honourable Andrew Cripps MP, Minister for Natural Resources and Mines' statements during Estimates, I'm told there was reluctance on the part of the Quandamooka people to meet with Government in late 2012 and early 2013 to discuss the proposal to extend sand mining in the context of new ILUA negotiations. Please be assured I appreciated the Quandamooka people's willingness to meet in May 2013.

I understand the public statement by Mr Mark Robinson MP, Member for Cleveland was simply that there has been no suspension of the ILUA and the Quandamooka Yoolooburrabee Aboriginal Corporation was still receiving cheque payments from the State pursuant to it.

As you have noted, the roundtable did take place on 26 August 2013 in order to aid and facilitate the ILUA's implementation. The Government remains committed to delivering the objectives within the ILUA by continuing to hold quarterly roundtable meetings and I strongly support this collaborative approach.

Again, thank you for writing to me about this matter and I hope this information is of assistance to you.

Yours sincerely



CAMPBELL NEWMAN

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Yours sincerely



Andrew Cripps MP
Minister for Natural Resources and Mines

Pages 76 through 78 redacted for the following reasons:

Exempt Sch.3(2)(1)(a) Consideration of Cabinet

Released under RTI - DPC

Department of Natural Resources and Government Commitments as at 31 December 2013

Descriptive Legend	Description
I - Overall	On Track - the milestone will be
II - Minor Issues	Minor Issues - there are
III - Major Issues	Major Issues - there are
IV - Delivered	Delivered - the milestone
V - Not yet commenced	Not yet commenced - a milestone
VI - Superseded	Superseded - a milestone will never be reached as

Commitment No.	Minister	Commitment/Initiative description	Milestones due date	Milestone Status as at 31 December 2013	Progress as at 31 December 2013	Commitment expected delivery date	Status of overall commitment	If commitment expected delivery date has changed, provide new date
481	Minister for Natural Resources and Mines	Mining leases on North Stradbroke Island Deliver a Framework for an orderly ending of the mining leases on North Stradbroke Island, which requires the mining company to remediate to the highest environmental standards and allows the Island proper time to transition to a new economy.	4) Sibelo and QYAC to	4) August 2013	May 2015			This commitment will be delivered upon legislative amendments being made. Due to Sibelo's amended tenure proposal an ILUA does not need to be entered into before legislative amendment is made giving effect to the extension of mining. An ILUA dealing with compensation can be entered into at a later date between Sibelo and QYAC.

Lucas Clarke

From: Sue Ellen Carew [CTPI - Personal Inform
Sent: Tuesday, 5 November 2013 7:45 AM
To: The Premier
Cc: Premiers Master; attorney@ministerial.qld.gov.au
Subject: North Stradbroke Island Bill
Attachments: letter fosi to premier newman 5.11.13.pdf; letter to premier newman 5.11.13.pdf; 119-FriendsOfStradIsland(authforpub).pdf; Callaghan Boe joint opinion 3.11.10.pdf

Dear Premier,

Please find attached our letter dated 5 November, 2013, a copy of our published submission on the Bill and a copy of the legal opinion that there is a prima facie case of stealing and fraud against Sibelco. I have attached a signed copy as well as an unsigned copy of my letter to enable you to click on the links provided. I have cc'd the Attorney-General.

The barristers' joint opinion is based on evidence from public servants that when it unlawfully removed and sold large quantities of non-mineral sand, Sibelco knew it had no permits, falsely denied to public servants that it was selling the sand and continued to sell it even after it was told to stop. We understand that additional evidence that the company acted dishonestly has been given at the trial of the current charges which is continuing in the Brisbane Magistrates Court.

Regards,

Sue Ellen Carew
President
Friends of Stradbroke Island



Friends of Stradbroke Island Association Inc.

PO Box 167
POINT LOOKOUT, QLD 4183
ABN: 37 521 315 877

5 November, 2013

The Hon. Campbell Newman
Premier of Queensland
PO Box 15185
City East 4002

By Email: thepremier@premiers.qld.gov.au

Dear Mr Newman,

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

We have made a detailed submission to the parliamentary committee examining the Bill. We will forward a copy of the published submission to you with our email attaching this letter.

We refer to our letters of 30 March, 2012, 13th April 2012 and 16 July, 2012. We also refer to your letter of 24 April, 2012. We also refer to the attachments to our letters, particularly the opinion of the Honourable Tim Carmody QC (now Judge Carmody) which confirmed that our legal rights to challenge the extension of sand mining were "taken away" by the former government's 2011 North Stradbroke legislation.

Relying on your pre-election promise to restore rights, we requested a meeting with you to discuss the restoration of our rights. We note that you ignored our requests to meet with you.

We find it incredible that in 2013 the second largest sand island in the world is continuing to be treated in such a contrasting way to the largest sand island, Fraser Island. As you know, in 1976 the Fraser government accepted that sand mining causes, in the words of Prime Minister, Malcolm Fraser "major, permanent and irreversible environmental harm" (Federal parliament, 10 November, 1976). As you proudly announced in a utube on the eve of the 2012 State election, your late father, Kevin Newman, as Federal Environment Minister, was involved in bringing an end to sand mining on Fraser Island.

<http://www.youtube.com/watch?v=V25qDAH40Lw&list=PL88AA7C015EB6CEB6&index=2>

When your father conveyed the news to the Queensland government that sand mining was to be closed down within weeks of the announcement, the Queensland government protested. It asked for a 2 year transition in the interests of what it said were more than 600 workers who would lose their jobs. The Federal government refused the request, preferring to immediately act in the national interest to protect the environment and the area's future attraction to nature tourists. The old press clippings can be viewed here <http://savestraddie.com/media-clips/fraser-articles/> Few would argue that this was the wrong decision. The area has flourished as a result of the world's interest in Fraser Island.

To choose to extend sand mining at Enterprise mine to enable a total of approximately 14 square kilometres to be cleared of vegetation (including koala-habitat) so that sand mining can churn up ancient 300,000 year old sand dunes will be judged harshly by history. As the Environment department and the Mines department are aware, there is scientific opinion that we have reached a tipping point on North Stradbroke. Extending sand mining flies in the face of this and ignores the precautionary principle. We refer you to the opinion of Professor Carla Catterall, attached to our submission on the Bill.

Recently, the Mines department has admitted to the AREC, in a published answer to a question on notice, that more than 70% of the Enterprise future mine area has not been mined before and is "undisturbed" land. A map included with our submission shows the rich variety of that undisturbed vegetation.

Your government is also aware of the opinion of Dr Errol Stock that mining is having a significant impact on the internationally recognised wetlands bordering the mine and that the commonwealth environment department is investigating breaches of Federal laws which may lead to the conclusion that the Enterprise mine has been operating unlawfully since 2004.

The opposition to further sand mining on North Stradbroke island is widespread, even on the island. This was revealed by the written submissions to the AREC and the oral submissions on 30th October. At the committee hearing, apart from the LNP politicians, the supporters were thin on the ground. The opponents on the island include business people who believe the island's economy would be stronger without destructive sand mining.

If this Bill is to give effect to your pre-election promises to "restore rights" taken away by the former government and not to give Sibelco "something more than was originally there" it will need to be re-drawn. There are other reasons not to proceed with the Bill, including the unresolved criminal proceedings.

The unresolved criminal charges against Sibelco

The Attorney General is aware of the facts and circumstances relating to this issue. Sibelco, then called Unimin, was charged with offences in 2009. It changed its name in December, 2010. The trial of two charges is currently continuing in the Brisbane Magistrates Court, following last month's Supreme Court decision refusing Sibelco's latest application to stop the trial:-

<http://archive.sclqld.org.au/qjudgment/2013/QSC13-270.pdf>

The extraordinary delay in the trial coming to a conclusion raises serious questions about our criminal justice system but does not excuse this Bill's lack of respect for the Court. The delays are Sibelco's responsibility. Earlier this year the magistrate ordered Sibelco pay an unprecedented amount in costs (in excess of \$250,000) relating to a number of Sibelco's failed applications before the magistrate, which have delayed the trial - <http://archive.sclqld.org.au/qjudgment/2013/QMC13-003.pdf>

In these circumstances, it would be an extraordinary step for the government to proceed with the proposed Bill to gift the accused company, Sibelco, \$ 1.5 Billion in revenue, according to forecasts in the material published on the AREC's website, before the trial concludes.

Unresolved questions relating to the adequacy of the charges against Sibelco and the refusal of the Attorney-General to use his powers to resolve this issue

As the Attorney-General is aware from correspondence with our legal representatives, two experienced criminal law barristers, one a Senior Counsel and former prosecutor, are of the opinion that there is a prima facie case of stealing and fraud against Sibelco. Their joint opinion is based upon evidence of public servants that company representatives knew that the company did not have required permits to remove and sell the sand, falsely denied to a public servant that it was doing so and continued to sell it even when told by a public servant to stop. In other words, evidence of dishonesty. A copy of this legal opinion is attached to our email. We understand that additional evidence of the company's dishonesty has been given during the current trial.

We remind you that the Supreme Court and the Court of Appeal have already found that Sibelco had no lawful authority to take non-mineral sand and sell it to the landscaping and construction industries. It should be noted that, for some unknown reason, the evidence of dishonesty was not presented to those courts. Nevertheless, both courts still considered the payment of royalties by Sibelco to be irrelevant to the legality of its actions:- <http://archive.sclqld.org.au/qjudgment/2009/QSC09-384.pdf>

<http://archive.sclqld.org.au/qjudgment/2010/QCA10-169.pdf>

The Supreme Court and Court of Appeal held that the non-mineral silica sand could not be removed and sold for landscaping and construction without the required permits, but the company's criminal responsibility was not decided by those courts because the proceedings were civil in nature. Sibelco was charged with summary criminal offences shortly after the initial Supreme Court decision.

The Attorney-General has refused to use his extensive criminal justice powers to facilitate the Director of Public Prosecutions obtaining the prosecution files (held by the Department of Environment, DEHP), to enable the DPP to determine whether he agrees with the two criminal law experts that there is a prima facie case of stealing and fraud against Sibelco. If he agrees, then it would follow that the current charges do not properly reflect the serious nature of the offences and that Sibelco should be charged with stealing and fraud. It would also follow that Sibelco has received and continues to receive favourable treatment concerning which charges it faces – charges which some consider are overly complicated and may be subject to failure on a technicality.

There are so many questionable aspects relating to the North Stradbroke island decisions. These include your willingness to break pre-election promises to restore a level playing field and use special legislation to benefit a company still on trial over illegal sand mining. For these reasons, in the public interest, we call for a full, independent public enquiry before the Bill is taken any further. There have never been independent reports obtained about any of the important issues which bear upon the question of the extension of sand mining – including economic, environmental, social and geological. Your father had the benefit of an extensive enquiry into sand mining on Fraser. Isn't it time there was a thorough enquiry into sand mining on North Stradbroke Island?

Yours Sincerely,

s.73 Signature

Sue Ellen Carew
President



Friends of Stradbroke Island Association Inc.

PO Box 167
POINT LOOKOUT, QLD 4183
ABN: 37 521 315 877

28 October, 2013

Mr Ian Rickuss MP
The Chairperson
Agriculture, Resources and Environment Committee
Parliament House
George St
Brisbane 4000

BY EMAIL

Dear Mr Rickuss,

Submission on the North Stradbroke Island Protection and Sustainability and Another Act
Amendment Bill 2013

The committee's webpage concerning parliament's 17 October, 2013 referral of the Bill to the committee states:-

"The committee will examine the policies the Bill seeks to give effect to, the Bill's lawfulness, and the application of fundamental legislative principles, as set out in section 4 of the Legislative Standards Act 1992".

Introduction

This submission is by Friends of Stradbroke Island (FOSI) a voluntary community group established for 25 years with a broad membership of North Stradbroke Island inhabitants, ratepayers, business operators and visitors which aims to protect the island's special natural and urban environments.

The submission addresses each of the three issues being examined by the committee, relating to the proposed extension of sand mining. We make significant reference to what will be serious broken promises by the Premier if the Bill is enacted. It may surprise, but we rely on the Premier's own words when he announced his policy in January, 2012. We invite the committee to listen to the radio interview. Audio and written transcripts are **attached**.

We find it incredible that in 2013 the second largest sand island in the world is continuing to be treated in such a contrasting way to the largest sand island, Fraser Island. In 1976 the Fraser government accepted that sand mining causes, in the words of Prime Minister, Malcolm Fraser "**major, permanent and irreversible environmental harm**" (Federal parliament, 10 November, 1976).

When the Premier's late father Kevin Newman (Environment minister under Malcolm Fraser) conveyed the news to the Queensland government that sand mining was to be closed down within weeks of the announcement, the Queensland government protested. It asked for a 2 year transition in the interests of what it said were more than 600 workers who would lose their jobs. The Federal government refused the request, preferring to act in the national interest to protect the environment and the area's future attraction to nature tourists. Few would argue that this was the wrong decision. The area has flourished as a result of the world's interest in Fraser Island.

Although North Stradbroke Island has been damaged by past sand mining, it has a future in nature tourism. Fraser Island has too many tourists. North Stradbroke has similar attractions and additional ones such as a genetically unique and natural population of koalas. It also is much more accessible. It is virtually a suburb of Brisbane. To choose to extend sand mining at Enterprise mine to enable a total of approximately 14 square kilometres to be cleared of vegetation (including koala habitat) so that sand mining can churn up ancient 300,000 year old sand dunes will be judged harshly by history. As the Environment department and the Mines department are aware, there is scientific opinion that we have reached a tipping point on North Stradbroke. Extending sand mining flies in the face of this and ignores the precautionary principle. See the **attached** opinion of Professor Carla Catterall.

As we point out in this submission, your government is also aware of the opinion of Dr Errol Stock that mining is having a significant impact on the 18 Mile swamp, supposedly protected under an international treaty (RAMSAR) and the Environment Protection and Biodiversity Conservation Act (EPBC Act).

The proposed Bill extends the total area permitted to be cleared of vegetation for sand mining at the so-called Enterprise mine, to approximately 14 square kilometres. Dredge mining takes place up to a depth of 100 metres, often below the water table. The area includes old growth forests, the habitat of many plants and animals, including threatened species. This is confirmed in the mining company's own Environmental Studies Report 2003, which was provided by the Mines department to the committee last Friday. It is noted that this report states that it was prepared for only the first stage of mining at the so-called Enterprise mine ie up to 2012 - see section 1.2 of the main report (Volume 1) titled "Purpose of this Report". The second last paragraph of the introduction 1.1, also makes it clear that the second stage of the Enterprise mine (ie 2013 onwards) is subject to further "...environmental assessment". Of course, it was also subject to renewal of expired mining leases.

Although some of this land within the Enterprise mine area was mined decades ago, this was done in patches using the dry mining method, not to be compared with current dredge mining which consumes sand dunes up to 300,000 years old down to a depth of up to 100 metres, destroying the complex dune structures and the hydrological functions of these dunes. Dr Stock refers to these issues in his report. The company's ESR contains maps which show the patchy nature of the previous sand mining (less than the claimed 50%) and the large areas which have never been mined (eg Main Report - Volume 1, Figure 3-13 - figure **attached**). This map shows the rich variety of vegetation proposed to be cleared for mining.

We now address the three issues being examined by the committee as indicated on its website:-

1. The policies the Bill seeks to give effect to:-

The pre-election promises by Mr Newman

This Bill does not give effect to the Premier's little known pre-election promises to restore rights taken away and not to give Sibelco "something more than was originally there". As mentioned, we have **attached** an audio and a written transcript of the Premier informing the public of his policy on ABC radio on 20 January, 2012.

The North Stradbroke island sand mining issue received significant media coverage in the lead up to the Premier's policy announcement. Examples from one media source can be found here <http://www.news.com.au/search-results?q=sibelco>.

Prior to the Premier's policy announcement, it was unclear what the LNP's policy on North Stradbroke Island was. On 20 January, 2012 during an ABC radio interview with Steve Austin the Premier was asked by a caller whether he would extend sand mining either... 'in terms of the number of years or the area to be mined'.

Mr Newman very clearly stated that the mining company would not be given anything it was not entitled to previously... *"We will allow, we will allow the mine to proceed in the way that it was originally allowed to prior to the actions of the last 18 months.... **the premise has been put to me as though we're giving something more than was originally there and that is not the case. We would be restoring rights of the community and the company to continue so that the mine ultimately can progress orderly to a, in an orderly way to a shut down. That's what we're saying. Now that isn't weasel words, the premise was put to me that in some way we'd be extending – that's not the case, the community and the mining company had certain rights which Anna Bligh and Labor took away last year. There's a huge difference there.**"*

We request the committee to listen to the Premier's words by playing the supplied audio transcript. If this Bill is to give effect to the Premier's pre-election promises, to restore rights, it will need to be re-drawn.

The restoration of Sibelco's and the community's rights .

What were the pre-existing rights extinguished by the 2011 Act, to be restored by Mr Newman?

Despite misleading claims by Sibelco and others to the contrary, under the MRA there is no legal power to renew an expired mining lease unless the Minister is satisfied of each factor set out in section 286A (copy attached).

Mr Newman promised that he would not give the mining company any additional rights. This was clearly stated more than once in the interview. His policy was based upon his restoring Sibelco's and the community's rights in relation to expired mining leases.

It is important to distinguish what the Premier promised from the result he (and others) may have mistakenly believed would necessarily follow from honouring his promises. The reality is that in Queensland there is no automatic right to renewal of an expired mining lease. There are established requirements for renewal set out in the Mineral Resources Act 1989. Our legal advice included reference to legal precedents for judicial challenges to decisions on applications to renew – both by mining companies and opponents to renewal. An example of the community

members applying to the Supreme Court to review a renewal decision is Wright and Bright v Minister for Mines <http://archive.sclqld.org.au/qjudgment/2012/QSC12-112.pdf>

An example of a failed application for renewal being challenged by a mining company is Papillon Mining v Minister for Mines – <http://archive.sclqld.org.au/qjudgment/2009/QSC09-097.pdf>

Prior to the former government's intervention referred to by Mr Newman in the radio interview, a number of mining leases had expired, the most important of which was ML 1117. The law relating to expired mining leases is clearly set out in the State's Mineral Resources Act 1989 (MRA). An application for renewal is to be lodged before expiry (s.286) but mining can continue until the application is decided (s.286C).

Continued mining at Enterprise mine depended upon the renewal of ML 1117, as acknowledged by the explanatory notes to the 2011 Bill.

An interested party with sufficient standing who is dissatisfied with the decision under s.286A can apply for judicial review of the decision (as advised by the Honourable Tim Carmody QC – see below). FOSI and many others objected to the renewal of the expired leases including ML 1117. This is well known and received significant media coverage over several years. FOSI members also attended a meeting with the Minister's staff to personally object to renewal of expired leases. We were informed that our objections would be taken into account in the decision by the Minister under s.286A.

We had legal advice from barristers indicating that we had good prospects of successfully challenging any decisions by the government to renew. We were listed as a stakeholder in mining company documents (eg the mining company's own Environmental Studies Report (ESR) which the committee has a copy of, at Volume 3, Appendix N, page 4). It was likely that the court would accept that we had a sufficient interest to seek review of the decision. We were also aware that indigenous owners were likely to challenge any renewals.

As mentioned, we had legal opinions indicating good prospects of over-turning renewals. The advice included that, in the special circumstances existing on North Stradbroke, no minister could be genuinely satisfied of all of the factors listed in s.286A of the MRA, in particular s.286A (1)(d):-

(d) having regard to the current and prospective uses of the area of the lease, the operations to be carried on during the renewed term of the lease—

(i) are an appropriate land use; and

(ii) will conform with sound land use management;

Our organisation's rights and the rights of others opposed to the renewal of expired mining leases were acknowledged and confirmed in a legal opinion from The Honourable Tim Carmody QC dated 4 April, 2012. A copy of his opinion is **attached**. Mr Carmody (now Judge Carmody, Chief Magistrate of Queensland), concluded in relation to the 2011 Bill, that the explanatory notes and the submission of the Queensland Law Society in particular were "seriously deficient and unbalanced" in favour of Sibelco. He also concluded that Sibelco gained a significant benefit from the legislative renewal of ML1117 while significant detriment was suffered by environment

groups and indigenous owners opposed to renewal because our rights to challenge renewal were extinguished. It is important to understand that this was about existing applications before the minister relating to already expired mining leases. The process had already begun. Our rights to challenge decisions to renew were taken away retrospectively.

On 4 July, 2012 the Queensland Law Society, as recommended at the conclusion of Mr Carmody's opinion, sent a letter to the appropriate parliamentary office correcting its March 2011 submission by referring to the breaches of fundamental legislative principles not mentioned in its 30 March 2011 submission to parliament. A copy of the Law Society's correcting letter is **attached**. It recognises that our rights to challenge the renewal of already expired mining leases were removed by the 2011 Act in breach of fundamental legislative principles and the rule of law.

The premier's policy announcement, as has already been discussed, was fundamentally based upon the restoration of rights, with nothing more to be given to Sibelco. This Bill will, if passed, result in broken promises by the Premier. It does not restore rights taken away by the former government, as Mr Newman very clearly promised. It provides benefits to Sibelco which are far beyond any prior right held by the company. Mr Newman promised this would not occur.

Sibelco had a right to a decision on its applications to renew expired mining leases and a similar right to the opponents to renewal to challenge an unfavourable decision in the courts. That was the extent of its prior rights. The application (copy **attached**) to renew the key expired lease, ML 1117 was for 21 years from the date of expiry which was 31 October, 2007. The effect of the Bill is to hand Sibelco an extension totalling 28 years, while at the same time denying opponents their right to challenge the renewal. This is a direct result of Mr Newman failing to honour his election promise to restore rights. As Mr Carmody and the corrected Law Society submission point out, the restriction on rights to challenge renewals does not exist anywhere else in Queensland.

Elsewhere, judicial review is available. If the Bill is passed, the cumulative effect of Mr Newman's broken promises will be substantial.

We submit that the Bill should be re-drafted to reflect the Premier's pre-election promises. Consideration of the renewal of ML 1117 and other leases which had expired should take place under the MRA, s.286A, as occurs everywhere else. This can be achieved by amending the 2011 Act in various ways, including to reinstate Sibelco's applications to renew ML 1117 and ML 1120 in particular. This will restore both Sibelco's and the opponents' rights as far as possible and would honour the Premier's promises.

2. The Bill's Lawfulness

It is submitted that the Bill is unlawful because it conflicts with the native title rights of the Quandamooka people as set out in the judgement of Dowsett J of the Federal Court of Australia. <http://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2011/2011fca0741>

Under the Federal Court's orders, native title rights were recognised, including over non-exclusive areas covered by mining leases, including the entire area of ML 1117. The material provided on notice to the committee last Friday and published on its website, contains maps of the native title areas covering most of the Island. The native title rights attaching to the land under mining lease at the date of the Federal court orders, are exercisable upon the expiry of the mining leases. The State of Queensland and Sibelco, via subsidiary companies which hold the mining leases, consented to the orders. The Bill's proposed extension of the terms of mining leases is in conflict with the exercise of native title rights under the Federal Court's orders and breaches the State of

Queensland's and Sibelco's agreement with the orders, because it proposes to postpone the exercise of native title rights for 20 years and will involve substantial damage to the land mined as well as putting at risk off-lease areas including protected wetlands and the island's substantial aquifer.

You don't need to be a lawyer to appreciate that the extension of sand mining would obviously conflict with native title rights and interests recognised in the court's orders. For that reason it is submitted that those parts of the Bill which propose the extension of sand mining are unlawful.

3. The Bill's interference with individual rights and liberties in breach of fundamental legislative principles

The Legislative Standards Act (LSA) defines fundamental legislative principles in section 4(1) as being "the principles relating to legislation that underlie a parliamentary democracy based on the rule of law".

As section 4(2) states, "the principles include requiring that legislation has sufficient regard to—

(a) rights and liberties of individuals;"

Section 4(3) LSA provides examples of whether legislation has sufficient regard to the rights and liberties of individuals.

Mr Newman promised to restore rights of Sibelco and the community. He also promised not to give Sibelco "more than was originally there". What Sibelco and the community had before was a right to have the Mineral Resources Act applied to the expired leases on Stradbroke Island. This Act is applied to all other expired mining leases in Queensland.

A fundamental principle of the rule of law is that all citizens should be treated equally under the law. In other words, the same law should apply to all. No one could seriously dispute that this makes sense in a democracy. This means that if a mining lease expires in central Queensland and an application is made to renew it, the same law should apply as applies elsewhere in Queensland, so that everyone – the mining company and opponents to renewal – know where they stand and have the same rights to challenge the decision in the Supreme Court. This Bill breaches that fundamental principle – once again.

The Bill breaches this fundamental democratic principle because Mr Newman has broken his promise to restore rights. But he has gone much further than Anna Bligh. She took away our right to challenge the decision to renew ML 1117 – the lease critical to whether Enterprise mine could continue. Mr Newman proposes to put in place a mechanism whereby Sibelco can apply to renew ML 1117 and two other leases – in 2019 (see clause 9, s.11C of the Bill). The minister, in effect, must renew the leases (Clause 9, s.11D) and the decisions in reality cannot be challenged in court by opponents to renewal. (s. 11F).

In addition to the Bill seriously breaching fundamental aspects of the rule of law, by reference to s.4(3) of the Legislative Standards Act, we also submit that the Bill breaches the fundamental legislative principles because there is insufficient regard (in fact no regard) to our right to natural justice (s.4 (3) (b)). The rights enjoyed by Queenslanders elsewhere to be heard on the question of an expired lease renewal have been again denied – with the extinguishment of natural justice rights having an even greater impact than the 2011 North Stradbroke Act.

The Bill extends the retrospective adverse impact on judicial review rights to challenge the renewal of the expired mining leases – in breach of s. 4(3)(g). For example, FOSI objected to the renewal of ML 1117 when the application was being considered by the former minister. We even attended a meeting with his staff to discuss our objections. We expected a decision to be made.

We had the right to challenge the decision in the Supreme Court, as has already been explained. The current Act renewed ML 1117 to 31 December, 2019, extinguishing our rights. This Bill proposes to, in effect, extend the renewal period to 2035 for mining purposes. This will result in a substantial aggravation of the retrospective loss of our pre-existing rights to challenge the renewals in court.

In relation to ML 1120, the condition preventing mining is to be removed (Clause 9, s.11A) and then renewal is to be allowed for mining to 2035, in the same way as applies to ML 1117. The renewal of ML 1120 (for non-winning purposes) in 2011 by the 2011 Act was puzzling, as the lease is a long way north of the restricted mine path. However its renewal in 2011 could not be said to result in destruction of any bushland and sand dune structures because the winning of minerals was prohibited. Now, the situation has been reversed, with the land on this lease to be subjected to sand mining. Our right to challenge this renewal is extinguished by the Bill as has been explained.

Finally, it is apparent that the Bill has no regard whatsoever for aboriginal tradition and custom – as required by s. 4(3)(j) of the LSA. It seeks to permit major, permanent and irreversible damage to aboriginal land and to suspend the exercise of native title rights to that land for 20 years. Under this proposal, when finally handed back, it will obviously be in a significantly degraded state.

Other concerns relating to the Bill's legitimacy and its impact on democratic principles and the rule of law

(a) The Enterprise mine may be unlawful under commonwealth law

The Enterprise mine, which borders RAMSAR protected wetlands, was not subjected to commonwealth government scrutiny under the Environment Protection and Biodiversity Conservation Act (EPBC Act) 2000 before sand mining commenced at this mine in 2004. We **attach** a diagram showing the mine's proximity to the RAMSAR areas. The commonwealth department is currently investigating whether the mine is lawful under commonwealth law and, if not, what the consequences should be. Consideration of the Bill should be suspended until the commonwealth department completes its investigation.

In October, 2012 a copy of a report from Dr Errol Stock dated 20 September, 2012 and a letter concerning the Enterprise mine's lack of approval under the EPBC Act was sent by our lawyers to the Director General of the Department of Environment and Heritage Protection and the Minister, Mr Powell. We **attach** copies of correspondence from Mr Powell and Mr Chesterman acknowledging receipt of the documents. No further correspondence has been received from either.

We also **attach** a copy of a letter dated 5 September, 2013 from the Acting Director of the EPBC Act compliance section of the Commonwealth Department of Sustainability, Environment, Water Population and Communities, Daniel Curtin, to confirm the on-going enquiry into the Enterprise mine. Dr Stock's September, 2012 report concluded that the Enterprise mine has caused (and is likely to cause) significant hydrological impacts to the 18 Mile swamp RAMSAR area to the east of the mine. Subsequently, our lawyers have provided the commonwealth department with evidence of recent damage, including the loss of substantial areas of vegetation, in a RAMSAR protected area immediately to the west of the Enterprise mine. Our scientific expert is of the opinion that the most likely cause of the damage is excess water emanating from the Enterprise mine operations and flowing into this sensitive, protected area, killing off the vegetation. If this is correct, we would expect serious consequences, based upon the commonwealth's actions elsewhere. This issue forms part of the commonwealth department's continuing investigation.

(b) The unresolved criminal charges against Sibelco

Sibelco, then called Unimin, was charged with offences in 2009. It changed its name in December, 2010. The trial of two charges is scheduled to continue in the Brisbane Magistrates Court on Wednesday, 30 October, following last month's Supreme Court decision refusing Sibelco's application to stop the trial:-

<http://archive.sclqld.org.au/qjudgment/2013/QSC13-270.pdf>

The extraordinary delay in the trial coming to a conclusion raises serious questions about our criminal justice system. It should not take the Magistrates Court 4 years to finalise charges. Earlier this year the magistrate ordered Sibelco pay an unprecedented amount in costs (in excess of \$250,000) relating to a number of Sibelco's failed applications before the magistrate, which have delayed the trial - <http://archive.sclqld.org.au/qjudgment/2013/QMC13-003.pdf>

In these circumstances, it would be an extraordinary step for the government to proceed with the proposed Bill to gift the accused company, Sibelco, \$ 1.5 Billion in revenue, according to forecasts in the material published on the committee's website, before the trial concludes.

[REDACTED]

The Supreme Court and Court of Appeal held that the non-mineral silica sand could not be removed and sold for landscaping and construction purposes unless the required permits were obtained, but the company's criminal responsibility was not decided by those courts because the proceedings were civil in nature. Sibelco was charged with summary criminal offences shortly after the initial Supreme Court decision.

[REDACTED]

Conclusion

The Bill is in stark contrast to the result which would follow if Mr Newman's pre-election promise to restore Sibelco's and the community's rights is honoured. We call upon the committee to recommend the suspension of further consideration of the Bill until:-

1. Mr Newman gives further consideration to honouring his pre-election promises to restore rights and not to give Sibelco benefits it was not previously entitled to;
2. [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
3. The criminal trial in the Magistrates Court is concluded or [REDACTED] those proceedings have concluded;
 4. The commonwealth completes its investigation under the EPBC Act into the Enterprise mine and decides what action, if any, is proposed;

There are so many questionable aspects relating to the North Stradbroke island decisions. These include the Premier's willingness to break pre-election promises as detailed in this letter and allow special legislation to be introduced benefiting a company on trial over illegal sand mining practices on Stradbroke. For these reasons, in the public interest, we also call for a full, independent public enquiry before the Bill is taken any further.

We wish to briefly address the committee this Wednesday at the public hearing in relation to our concerns with the Bill.

Yours Sincerely,

Sue Ellen Carew
President

(personal contact details will be included in email attaching this letter).

ATTACHMENTS

1. Audio transcript of extract of radio interview with the Premier on 20 January, 2012
2. Typed transcript of this interview
3. Opinion of Professor Carla Catterall
4. Figure 3-13 showing the rich variety of vegetation communities at the Enterprise mine
5. Section 286A of the Mineral Resources Act
6. [REDACTED]
7. Queensland Law Society's letter to the parliament dated 4 July, 2012 correcting its submission to the parliament on the 2011 Bill
8. Diagram showing Enterprise mine's proximity to the adjoining RAMSAR protected areas
9. Copies of correspondence between our lawyers and Mr Powell and the Director General of the Department of Environment and Heritage Protection re the EPBC Act issues
10. Copy of letter from Acting Director of Commonwealth environment Department dated 5 September, 2013

TRANSCRIPT OF RADIO INTERVIEW BETWEEN STEVE AUSTIN
& CAMPBELL NEWMAN (CALLER: JAN)
ON 20 JANUARY 2012

JAN: Hello Mr Newman

CN: Hello Jan

JAN: My question is will you be looking to increase sand mining on North Stradbroke Island in terms of the number of years or the area to be mined. At the moment there's specific dates legislated for when mining is to end and are you going to change it?

CN: Well look, this is the way that we feel about Stradbroke Island. Um, unlike um Anna Bligh and my opponent in Ashgrove, Kate Jones, I care about the people on Stradbroke Island who actually are seeing their livelihoods, um their business, um their jobs trashed. Now sand mining has to come to an end on Stradbroke Island let's be very very clear about that, we want to see ultimately a wonderful national park there, we want to see the island remediated, ah we want to see it ultimately to be all about um tourism, eco-tourism and the like. But where we differ from the government is we care about people, that mine is important currently and we're saying that the government shouldn't have, in a unilateral and a very capricious way, come in in the last 12 months and it was all about green preferences, come in and actually curtail mining in terms of what was originally permitted under the leases. We believe that there should be a proper orderly run out of those leases requiring the company to remediate to the highest environmental standards and allowing the island the proper time to transition to a new economy. It's got to happen eventually

SA: So you may increase the sand mining leases

CN: Well, well

SA: Or extend them or allow them to be extended?

CN: No no hang on, we would go, we would go back to where we were before the government came in and chopped everyone off at the kneecaps. This is about family Steve, this isn't just about a big mining company. This is about people who've seen you know their whole means of support, their income ripped out from underneath them and there's a lot of very unhappy people on Stradbroke Island and I think

it's about time we listened to them and not just the political messages from Anna Bligh and Kate Jones and others

SA: But how, but Kate Jones hasn't said anything about Stradbroke

CN: No she has

SA: No

CN: No hang on she was the minister for the environment and she's my opponent in Ashgrove and this is a decision where she has hurt people and you know I think what I'm saying is reasonable. I think it's a long-term best interest of the environment and the community we adopt approach

SA: But Jan's question was will you increase sand mining on North Stradbroke Island. So will you adjust the leases

CN: Well

SA: Will you give the mining company more latitude to

CN: We will allow, we will allow the mine to proceed in the way that it was originally allowed to prior to the actions of the last 18 months

SA: In my mind that's a yes

CN: yeah well the premise has been put to me as though we're giving something more than was originally there and that is not the case. We would be restoring rights of the community and the company to continue so that the mine ultimately can progress orderly to a, in an orderly way to a shut down. That's what we're saying. Now that isn't weasel words, the premise was put to me that in some way we'd be extending – that's not the case, the community and the mining company had certain rights which Anna Bligh and labour took away last year. There's a huge difference there.

SA: 20 past 9 across South-East Queensland, this is 612 ABC Brisbane, at ABC digital my name's Steve Austin and Campbell Newman is my guest.

Ecological Success of Post-mining Rehabilitation

Associate Professor Carla Catterall
Griffith University

The field of ecosystem restoration is currently in its infancy, something like the state of medical practice in the eighteenth century – attempts are being made which vary in their success, but whose outcomes have not been subject to the kind of scientific scrutiny that is needed in order to be even moderately confident of a successful outcome. Furthermore, even in the most promising of situations, there is an extremely high risk that restoration will fail to produce the hoped-for outcomes within the expected time frame (i.e. within a decade or two). Over longer periods, we simply don't know as the work has not been done.

For example, early revegetation of sand-mined areas in eastern Australia involved the widespread planting of Bitou Bush, which then became a significant weed species invading natural areas along much of the east coast. Thankfully, post-mining practices have improved during the past three decades (for example, they focus on establishing locally native rather than introduced plant species), but they would still fail a long way short of being able to replace the ecosystems that were present before mining.

Restoring an ecosystem requires the reinstatement of the full complement of pre-impact biodiversity. This encompasses both species diversity (including species of plants, worms, insects, birds, mammals, etc.) and the ecological processes which enable these species to persist in the longer

term while maintaining resilience to natural disturbances (such as fire, storms and climate variation). Such processes include dispersal, nutrient cycling, pollination, food-chain maintenance and many others.

A scientific review of past attempts at restoring biodiversity and ecosystems (Hilderbrand et al. 2005) concluded that there is a very high risk that restoration projects will fail to achieve their objectives.

Common reasons for this include the following:

1. **The 'field of dreams' fallacy.** For example, it is incorrect to assume that initial success in growing a limited number of plant species will eventually result in colonisation of the area by most of the other desired species (the plants, animals and microbes of the original ecosystem). Many species lack the movement and dispersal capabilities to move to these areas in sufficient numbers for restoration of their populations.

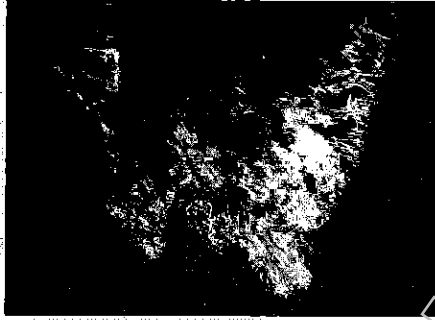
2. **The 'carbon copy' myth.** For example, it is not possible to copy an original ecosystem in situations where the physical properties of an area have changed (e.g. where soil nutrients or hydrological processes have been altered, as is the case in sand mining).

3. **The 'fast forward' myth.** For example, natural forest ecosystems take centuries to develop after large-scale disturbance, and there is no proof that restoration actions will be able to significantly accelerate this.

My own research into the use of replanted rainforest sites by birds, reptiles and insects has shown that,

while ecological development looks encouraging in the first decade (with apparently 50% recovery after 10 years), there is substantial risk that many sites may never regain the other 50% of biodiversity, and at best it will require many further decades. (see Catterall et al. 2008).

In the case of post-mining restoration of natural ecosystems to sand deposits of coastal Southeast Queensland, the failure risk is far higher, due to the unusual soil nutrient requirements of many plant species and the relatively poor ecological understanding of the fauna and flora. If the restored ecosystem only partially resembles the original, there is a further risk that it may lack resilience to fire, storms and climate change.



Rehabilitated ecosystems are much less resilient to disturbance events such as fire (RD)

In mainland regions, where large areas of land are currently degraded as a result of previous land uses, there are various useful attempts currently underway at restoration, and these are likely to produce a net ecological benefit in spite of their uncertainty of full success. However, in areas which currently support important natural or near-natural vegetation, the most likely outcome from removing the vegetation and soil structure, and then attempting to restore them, is a large net loss of ecological value, because this restoration will fall short of the previous natural community.

With respect to North Stradbroke Island in particular, there is currently a spatial mix of substantial areas of intact native habitat with other areas that were previously sand-mined and partially restored. This mix retains the potential to sustain the Island's biodiversity in the longer term: the large intact areas can provide a source of species to progressively recolonise partly-restored areas. However, if reduced, together with further mining of other areas, there is a considerably greater risk that the Island's ecological values will be irreversibly degraded over time.

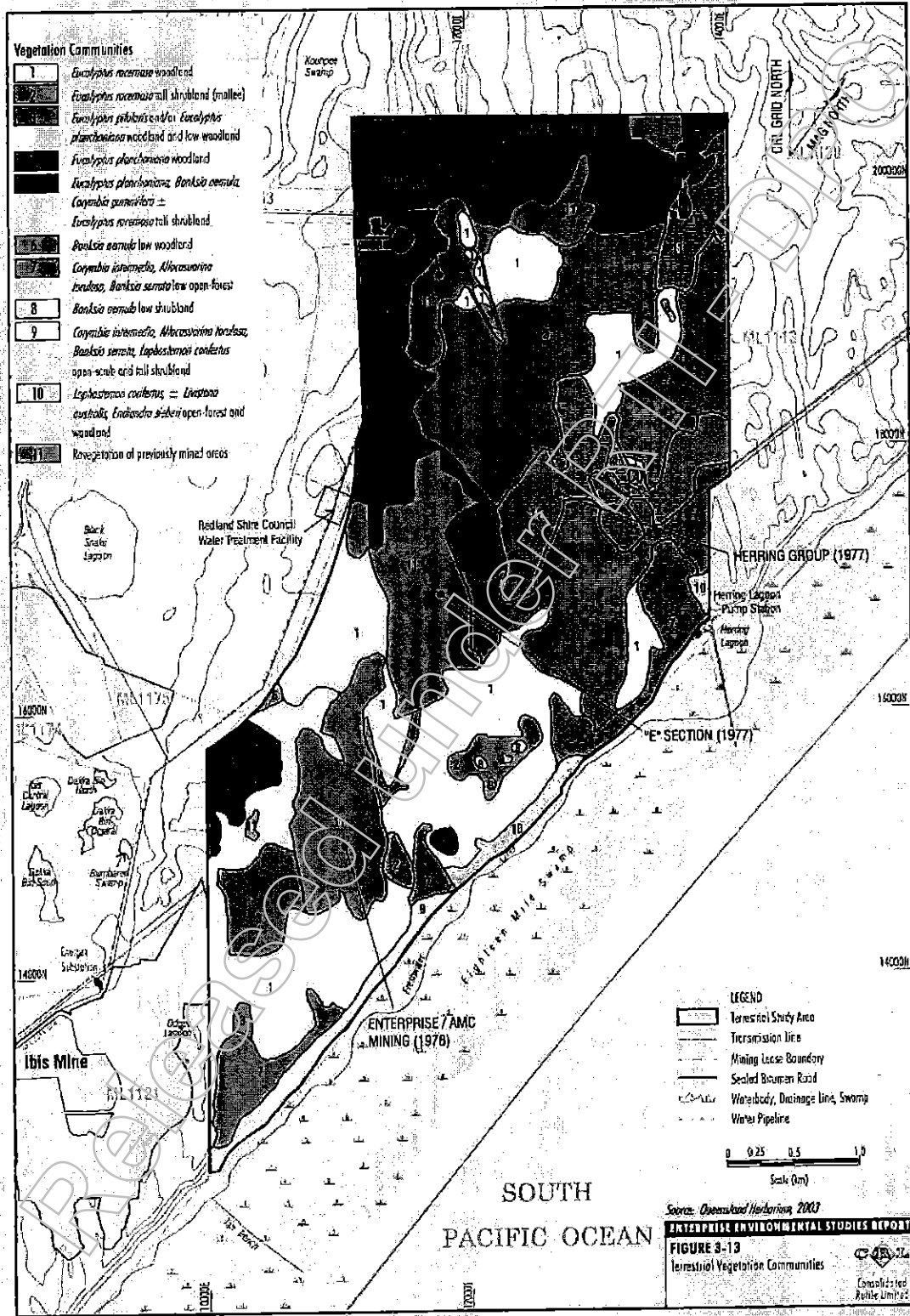
Catterall CP et al. 2008. Biodiversity and new forests: Interacting processes, prospects and pitfalls of rainforest regeneration. Pp 510-525 in: Stork N and Turton S (eds.) *Living in a Dynamic Tropical Forest Landscape*. Wiley-Blackwell, Oxford.

Hilderbrand RH et al. 2003. The myths of restoration ecology. *Ecology and Society* 10: 19.

Zoom Move Text Select Annotate

View

Search



[s 286A]

- (vii) whether the land and surface area in relation to which the renewal is sought is of an appropriate size and shape for the activities proposed to be carried out under the renewed lease;
 - (viii) the financial and technical resources available to the applicant to carry on mining operations under the renewed lease;
 - (ix) in relation to the parcels of land the whole or part of which are the subject of the application—
 - (A) a description of the parcels of land; and
 - (B) the current use of the land; and
 - (C) the name and address of the owner of the land (the *primary land*) and the name and address of any other land which may be used to access the primary land.
- (3) In this section—
- renewal period* means the period that is—
- (a) at least 6 months, or any shorter period allowed by the Minister in the particular case, before the current term of the lease expires; and
 - (b) not more than 1 year before the current term expires.

286A Decision on application

- (1) Subject to schedule 1A, part 6, division 5, the Minister may grant an application for the renewal of a mining lease if satisfied of each of the following—
- (a) the holder has complied with—
 - (i) the terms of the lease; and
 - (ii) this Act in relation to the lease;
 - (b) the area of the lease—

[s 286A]

- (i) still contains workable quantities of mineral or mineral bearing ore; or
- (ii) is otherwise required for purposes for which the lease was granted;
- (c) the proposed term of the renewed lease is appropriate;
- (d) having regard to the current and prospective uses of the area of the lease, the operations to be carried on during the renewed term of the lease—
 - (i) are an appropriate land use; and
 - (ii) will conform with sound land use management;
- (e) the land and surface area for which the renewal is sought is of an appropriate size and shape in relation to the activities proposed to be carried out;
- (f) the financial and technical resources available to the holder to carry on mining operations under the renewed lease are appropriate;
- (g) the public interest will not be adversely affected by the renewal;
- (h) for a lease subject to a condition mentioned in section 285—the lease should be renewed.

Note—

If the application relates to acquired land, see also section 10AAC.

- (2) Subsection (3) applies if—
 - (a) the application relates to land that is the surface of a reserve; and
 - (b) the Governor in Council's consent was given to the grant of the mining lease; and
 - (c) the owner of the reserve does not give written consent to the renewal.
- (3) Despite subsection (1), the Minister can not grant the application if the Governor in Council has not consented to the renewal.

[s 286C]

- (4) The renewal may be granted for the further term, decided by the Minister, that is not longer than the period for which compensation has been agreed or determined under section 279, 281 or 282.
- (5) The renewed lease is subject to—
 - (a) any conditions prescribed under a regulation; and
 - (b) any conditions decided by the Minister.
- (6) Without limiting subsection (5), the Minister may decide a condition of the renewed lease if the Minister considers the condition is in the public interest.
- (7) The Minister may refuse the application if the Minister—
 - (a) has served on the holder a notice in the approved form asking the holder to show cause, within the period stated in the notice, why the application should not be refused; and
 - (b) after considering the holder's response, is satisfied the application should be refused.
- (8) Without limiting subsection (7)(b), the Minister may refuse the renewal if the Minister considers the renewal is not in the public interest.
- (9) As soon as practicable after deciding the application, the Minister must give the holder a written notice stating—
 - (a) the decision; and
 - (b) if the decision is to grant the renewal on conditions or refuse the renewal—the reasons for the decision.

286C Continuation of lease while application being dealt with

- (1) Subsection (2) applies if—
 - (a) a properly made application for renewal of a mining lease is not withdrawn, refused or granted before the lease's expiry day ends; and
 - (b) after the expiry day, the holder—

Your Ref:

Quote in reply: 22000175:212180

4 July 2012

Scrutiny of Legislation Secretariat
C/- Parliament House
George Street
BRISBANE QLD 4000

Dear Sir/Madam

North Stradbroke Island Protection and Sustainability Bill 2011 (the Bill)

The Queensland Law Society writes to you concerning its submission to the then Parliamentary Scrutiny of Legislation Committee on the *North Stradbroke Island Protection and Sustainability Bill 2011 (the Bill)*. A copy of the Society's submission dated 30 March, 2011 is attached. We note that the Bill was passed without amendment and commenced on 14 April (the Act).

We have become aware of some controversy concerning the Society's submission on North Stradbroke Island sand mining, following media coverage of it.

The concern raised in our submission was whether some aspects of the Bill complied with the *Legislative Standards Act 1992* – in particular the fundamental legislative principles that underlie a parliamentary democracy based on the rule of law (s.4). However, given the time constraints and available resources, the QLS submission was based only upon an examination of the legal drafting aspects of the Bill.

At that stage the only breach of fundamental legislative principles identified was s. 6 (no compensation) and its association with Part 2, Division 2, provisions curtailing some existing mining interests.

Our submission referred only to mining company interests being adversely affected by the Bill. This had the potential to mislead as several expired mining leases were also to be renewed by s.11, providing a benefit to the miner.

Also, our submission did not refer to s.6 impacting upon traditional owners opposed to sand mining continuing. Section 6 may preclude them from claiming compensation for the impact upon their native title rights and interests arising from the renewal of expired mining leases.

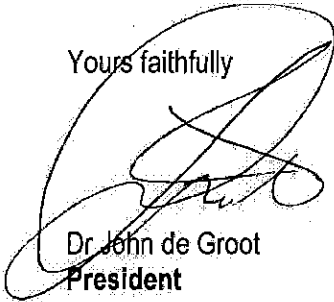
In fairness to all involved in the political debate on the continuance of sand mining on North Stradbroke Island we acknowledge that there are other aspects of the Bill which affect the rights and liberties of individuals which were not included in the Society's submission.

It is a fundamental element of the rule of law that laws should have general application and be applied equally to all. The Act breached this principle because it created a special law dealing with expired mining leases in one geographical area, North Stradbroke Island, instead of applying the general process under s.286A of the Mineral Resources Act 1989 (MRA) which applies elsewhere.

The effect of dealing with these expired mining leases outside of the general process under s.236A of the MRA, is that the Minister was not required to be satisfied of all the required statutory renewal factors set out in 286A(1)(a) to (h) and also parties aggrieved by the s.11 renewals do not have any right of judicial review of the decision. This impacts upon the rights and liberties of individuals, including traditional owners and environmental stakeholders.

In conclusion, because of the way the Society's submission has been interpreted we considered that, in fairness and in the public interest, we would write to you and other interested parties. We do so to acknowledge that there are arguments on both sides but to make it clear that we do not support any side in the debate over sand mining on North Stradbroke Island. That is not our role as a professional body.

Yours faithfully



Dr John de Groot
President

cc

Hon Andrew Powell MP
Member for Glass House
Minister for Environment and Heritage Protection
GPO Box 2454
Brisbane QLD 4001

4209

Office of the President

J 5/4/11

Your Ref: Scrutiny of Legislation Committee

Quote in reply: Planning and Environment Law Committee

30 March 2011



BB-11

Ms Julie Copley
The Research Director
Scrutiny of Legislation Committee
Parliament House
George Street
BRISBANE QLD 4000

scrutiny@parliament.qld.gov.au

Dear Ms Copley

NORTH STRADBROKE ISLAND PROTECTION AND SUSTAINABILITY BILL 2011

The Queensland Law Society wishes to raise some concern with aspects of the *North Stradbroke Island Protection and Sustainability Bill 2011* (the Bill) which breaches fundamental legislative principles.

The Society has no comments on Government's stated policy with respect to mining on North Stradbroke Island and acknowledges the right of Government to settle and implement its own policy position. The Society merely raises concern with aspects of the drafting of the Bill which would appear not to have sufficient regard to the rights and liberties of individuals.

The *Legislative Standards Act 1992* sets fundamental legislative principles which underlie a parliamentary democracy based on the rule of law. The principles require that legislation must have sufficient regard to the rights and liberties of individuals.

In the Bill a number of lawful mining interests are terminated unilaterally on various future dates. These terminations are subject to clause 6 of the Bill which denies any 'compensation, reimbursement or otherwise' to any person by the State due to the operation of the Bill. This effectively denies a party who presently lawfully enjoys use of one of the affected mining interests a portion of their legitimate expectation without recourse to any form of compensation or review of the decision.

The concern of the Society is that clause 6 breaches the fundamental legislative principle of having sufficient regard to the rights and liberties of individuals, as it denies compensation to a party whose lawful tenements have been extinguished by the State.

Thank you for providing us the opportunity to put these views to the Committee.

Yours faithfully

Bruce Doyle

Bruce Doyle
President



Law Council of Australia Queensland Law Society is a constituent member of the Law Council of Australia



Get directions

My places

Displaying content from wetlandinfo.ehp.qld.gov.au. The content displayed below and overlaid onto this map is provided by a third party, and Google is not responsible for it. Information you enter below may become available to the third party.

Moreton Bay Ramsar Internationally Important wetland

View wetland summary information

View wetland metadata

Download this feature as KML

Note all boundaries have been simplified to within a tolerance of 0.00001 degrees.

Moreton Bay



Satellite image of Enterprise Mine on North Stradbroke Island overlaid with Moreton Bay Ramsar Wetland boundaries (in red)

Source: Queensland Government Department of Environment and Heritage Protection website at <http://wetlandinfo.ehp.qld.gov.au/wetlands/facts-maps/ramsar-wetland-moreton-bay/> viewed 27/5/2013

Richard Carew

From: Environment <Environment@ministerial.qld.gov.au>
Sent: Wednesday, 3 October 2012 9:26 AM
To: Richard Carew
Subject: RE: North Stradbroke Island sand mine compliance issues

Saved: 0

Good morning

Thank you for your email which has been received.

Regards



Frangi Spilsbury

Administration Officer & Backbench Liaison Officer
The Hon Andrew Powell MP | Minister for Environment and Heritage Protection

From: Richard Carew [mailto:rcarew@carewlawyers.com.au]
Sent: Tuesday, 2 October 2012 5:55 PM
To: Andrew.Chesterman@ehp.qld.gov.au
Cc: Environment
Subject: North Stradbroke Island sand mine compliance issues

Dear Mr Chesterman,

We attach a copy of our letter to you dated 2 October, 2012, including the following attachments referred to:-

- a copy of our letter to Mr Grant Pink of the Commonwealth Environment department dated 28 September, 2012.
- a copy of the preliminary report of Dr Errol Stock dated 20 September, 2012.

We have not attached a copy of the relevant 2011 Plan of Operations referred to in the letter to Mr Pink, but your department has a copy.

Regards,

Richard Carew
Partner
Carew Lawyers

p 07 3236 1528
f 07 3236 1628
e rcarew@carewlawyers.com.au
w carewlawyers.com.au

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Department of
Environment and
Heritage Protection

Ref CTS 14480/12

17 OCT 2012

Mr Richard Carew
Partner
Carew Lawyers
By email: mailbox@carewlawyers.com.au

Dear Mr Carew

Thank you for your letter dated 2 October 2012 concerning Sibelco's operation of the Enterprise Mine on North Stradbroke Island.

A copy of Dr Stock's preliminary report has been provided to the Environmental Services and Regulation Division of the Department of Environment and Heritage Protection to review and take appropriate action.

Should you have any further enquiries, please contact Ms Amanda Gray, Senior Environmental Officer of the department on telephone 3896 3878.

Yours sincerely

Andrew Chesterman
Director-General

Level 13
400 George Street Brisbane
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone + 61 7 3330 6297
Facsimile + 61 7 3330 6306
Website www.ehp.qld.gov.au
ABN 46 640 294 485



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Contact Officer: Drew Mclean
Telephone: (02) 6274 2384

Our reference: CAS 506
Email: drew.mclean@environment.gov.au

Richard Carew
Partner
Carew Lawyers
Level 32, 239 George Street
BRISBANE QLD 4000

Dear Mr Carew

Thank you for the information provided to date about the operation of the Enterprise Mine on North Stradbroke Island. The information provided has been useful in assisting us in our enquiry as to whether the mine is operating in contravention of national environmental law. I note that your client intends to seek relief through the Federal Court in relation to this matter. At this point of time this department is not in a position to determine if a contravention of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) has occurred or otherwise. As such the departments EPBC Compliance Section enquiries are ongoing.

To further inform the department, Sibelco Australia Ltd has been requested to provide additional information on any reliance the Enterprise Mine may place on prior authorisations, in particular claims against section 43A and 43B of the EPBC Act. Additional information about the operation and possible future expansion of the Enterprise Mine is also being sought.

Officers will be undertaking a site inspection in the coming weeks. There may be an opportunity for your clients, the Friends of Stradbroke Island and/or the Quandamooka Yoolooburrabee Aboriginal Corporation to meet with departmental staff to discuss any issues pertaining to the operation of the mine at that time. The case officer will contact you in due course to arrange a meeting if this is fitting.

Yours sincerely

Daniel Curtin
A/g Director
EPBC Act Compliance Section

5 September 2013



APPLICATION FOR RENEWAL OF MINING LEASE

Section 246 and 286
Mineral Resources Act 1989
Form Number MRA-17 Version Number 2

OFFICIAL USE ONLY	
ML No.	
PART A	
Received AT SLO	Received BY mm
DATE 25/07	TIME 8:30 AM 3:30 PM
PART B	
Document accepted as an application for renewal of Mining Lease in accordance with section 81 of the Mineral Resources Regulation 2003.	
Mining Registrar (SIGNATURE)	
DATE / /	
FEE PAID	RECEIPT No
PART C	
ENTERED on register by (SIGNATURE)	
DATE / /	

The Queensland Government introduced Information Standard 42 - Information Privacy to establish a framework for the responsible collection and handling of personal information in the Queensland government public sector. Please refer to the section at the end of this form entitled "Privacy Statement" which provides details about why the personal information on this form is being collected and how it will be handled.

The original completed application document and any attachments, together with one copy of this application document and any attachments, must be submitted with the prescribed fee at the Office of the Mining Registrar for the mining district in which the land is situated.

Please print clearly in ink and use block letters.

All prescribed forms under the Mineral Resources Act 1989 are available through the internet on www.nrm.qld.gov.au.

1. MINING LEASE AND MINING LEASE HOLDER DETAILS

Mining Lease Number 1.1 1117

Specify Mining District 1.2 BRISBANE

Company Name/Surname 1.3 STRADBROKE RUTILE PTY. LTD.

Given Name(s) 1.4

ACN (if company) 1.5 009 693 074 Percentage 1.6 100 %

Company Name/Surname 1.3

Given Name(s) 1.4

ACN (if company) 1.5 Percentage 1.6 %

Company Name/Surname 1.3

Given Name(s) 1.4

ACN (if company) 1.5 Percentage 1.6 %

Company Name/Surname 1.3

Given Name(s) 1.4

ACN (if company) 1.5 Percentage 1.6 %

Total Percentage 1.7 100 %

GUIDE FOR APPLICANTS

Question 1.1
Insert the mining lease number.

Question 1.2
Insert the mining district.

Question 1.3
Specify company name or surname of applicant.

Question 1.4
Specify given name(s) of applicant.

Question 1.5
If company, what is the Australian Company Number (ACN)?

Question 1.6
Specify percentage of interest held by applicant.

GUIDE FOR APPLICANTS

Question 1.8

One person must be shown as the nominated applicant, upon whom any notice may be served on behalf of the applicant(s).

Question 1.9

Specify address of nominated applicant.

Question 1.10

Specify phone number of nominated applicant.

Question 1.11

Specify fax number of nominated applicant.

Question 1.12

Specify e-mail address of nominated applicant.

Question 2.1

Enter the expiry date of the mining lease.

Question 2.2

Enter the renewal term sought. Note: A mining lease cannot be renewed for a term longer than the period for which compensation has been agreed or decided. For example, if you agree to compensation for a five-year period then the renewed lease cannot exceed five years.

Question 2.3

Provide a detailed statement of the reasons why that term is sought.

Please attach separate list if insufficient space.

Question 2.4

Insert the Area of the Mining Lease which you wish to be renewed.

NOTE: Coal or oil shale mining leases are subject to additional provisions imposed under Part 7AA of the *Mineral Resources Act 1989*.

Question 3.1

Compliance with the native title provisions of the *Commonwealth Native Title Act 1993* is not necessary on land where native title is taken to have been extinguished (i.e. "exclusive" land tenures).

However, if you wish to include in your application land that may be subject to Native Title (i.e. "non-exclusive" land tenures), you must comply with the relevant native title procedure irrespective as to whether or not a native title claim is lodged over the area.

Nominated Person	1.8	STEPHEN BEST
Address	1.9	1158 METROPLEX AVENUE MURARRIE 4172
Phone Number	1.10	(07) 3909 4500
Fax Number	1.11	(07) 3909 4501
E-mail	1.12	STEPHEN.BEST@ILMURA.COM

2. RENEWAL APPLICATION DETAILS

Expiry date of mining lease	2.1	31/10/2007
-----------------------------	-----	------------

Term sought	2.2	21 year(s)
-------------	-----	------------

Reason for term sought:

2.3	MINING FOR GARNET, ILMENITE, LEUCOKENE, MONAZITE, PLATINUM, RUTILE, SILICA, SILICON, ROCK CRYSTAL, TIN ORE, ZIRCON
-----	--------------------------------------------------------------------------------------------------------------------

Area of Mining Lease	2.4	2331 ha
----------------------	-----	---------

NOTE: If you are applying to renew a mining lease for either coal, oil shale or for a specific purpose associated with coal or oil shale mining, Part 7AA of the *Mineral Resources Act 1989* places additional requirements on your application. These additional requirements apply regardless of whether the land being applied for is also subject to a petroleum lease, or an application for the grant of a petroleum lease or an authority to prospect for petroleum, or if the land is adjacent to existing petroleum tenure.

You must also complete form "MRA-16 Additional Information for Coal or Oil Shale Mining Lease Renewal Application" and lodge this form and all related documents with this application.

3. NATIVE TITLE

Was the mining lease originally granted after 23 December 1996?

3.1	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, go to Question 3.2.
-----	---------------------------------------------------------------------	-----------------------------

GUIDE FOR APPLICANTS

Question 3.2, 3.3, 3.4, 3.5 & 3.6

Compliance with the native title provisions of the Commonwealth Native Title Act 1993 is not necessary on land where native title is taken to have been extinguished (i.e. "exclusive" land tenures).

However, if you wish to include in your application land that may be subject to Native Title (i.e. "non-exclusive" land tenures), you must comply with the relevant native title procedure irrespective as to whether or not a native title claim is lodged over the area

Do you believe that the application area (including any access land) is over land tenures that may be subject to Native Title?

3.2	YES <input type="checkbox"/>	NO <input type="checkbox"/>	If YES, go to Question 3.3
-----	------------------------------	-----------------------------	----------------------------

If the land applied for is over land tenures where native title may still exist, is the land applied for subject to an Indigenous Land Use Agreement (ILUA)?

3.3	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO
-----	--------------------------	-----	--------------------------	----

Is the land within the subject of the mining lease within an approved open or gem mining area?

3.4	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO
-----	--------------------------	-----	--------------------------	----

Was the lease granted using the Alternate State Provisions?

3.5	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO
-----	--------------------------	-----	--------------------------	----

Was the lease granted using a section 61 agreement?

3.6	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO
-----	--------------------------	-----	--------------------------	----

Part 4

Please provide a description of all parcels of land, including easements, the whole or part of which are covered by your application. It is necessary to provide the landowner's name and address for each parcel of land. You can obtain this information from an NR&M service centre.

You are also required to provide details of which parcels of land are within the boundaries of the surface area being applied for.

Question 4.1

Insert Lot Number of land on plan registered in Titles Office.

Question 4.2

Insert Registered Plan Number for lot

Question 4.3

Insert Land Tenure Type (i.e. freehold, special lease, pastoral holding etc)

Question 4.4

What is the land currently used for?

Question 4.5

Name of the owner of the land.

Question 4.6

Address of the owner of the land.

Please attach separate list if insufficient space.

4. LAND DETAILS (not required if already lodged)

REFER TO COVERING LETTER

Describe the land parcels that are the subject of this application:

Lot Number	4.1	Plan Number	4.2
------------	-----	-------------	-----

Land Tenure Type	4.3
------------------	-----

Current Usage	4.4
---------------	-----

Owner's Name	4.5
--------------	-----

Owner's Address	4.6
-----------------	-----

Lot Number	4.1	Plan Number	4.2
------------	-----	-------------	-----

Land Tenure Type	4.3
------------------	-----

Current Usage	4.4
---------------	-----

Owner's Name	4.5
--------------	-----

Owner's Address	4.6
-----------------	-----



GUIDE FOR APPLICANTS

Lot Number	4.1		Plan Number	4.2	
Land Tenure Type	4.3				
Current Usage	4.4				
Owner's Name	4.5				
Owner's Address	4.6				

Question 5.1, 5.2 & 5.3

It is not necessary to mark out the boundary of the surface area if part only of the surface is going to be included in your application. However, the boundary of the surface area must be described by measuring the distance on the ground and by taking compass bearings. The description must be related to a boundary post by accurately measured distances and compass bearings.

5. SURFACE AREA CONNECTION AND DESCRIPTION
(not required if already lodged)

Is surface area required?

5.1	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	If YES, go to Question 5.2. If NO, go to Question 5.12.
-----	-----	-------------------------------------	----	--------------------------	------------------------------------------------------------

Why is surface area required?

5.2	PURPOSE OF MINING
-----	-------------------

Is the whole or part of the surface area required?

5.3	Whole	<input checked="" type="checkbox"/>	Part	<input type="checkbox"/>	2331	ha (read below)
-----	-------	-------------------------------------	------	--------------------------	------	-----------------

Describe the connection from a Corner Post of this application to the initial corner of the surface area.

Question 5.4, 5.5, 5.6 & 5.7

All bearings are to be magnetic.

Please attach separate list if insufficient space.

Commencing from the Corner **5.4** *MP 41124 & MP 40088* *REFER TO PLAN* corner of this application

	at a bearing of	5.5		for a distance of	
5.6		metres, to	5.7		then
	at a bearing of	5.5		for a distance of	
5.6		metres, to	5.7		then
	at a bearing of	5.5		for a distance of	
5.6		metres, to	5.7		then
	at a bearing of	5.5		for a distance of	
5.6		metres, to the initial corner of the surface area.			

GUIDE FOR APPLICANTS

Question 5.8, 5.9, 5.10 & 5.11

All bearings are to be magnetic.

Please attach separate list if insufficient space.

Describe the Surface Area of the land being applied for.

Commencing from the initial corner of the surface area for a distance of metres, to then at a bearing of for a distance of metres, to then at a bearing of for a distance of metres, to then at a bearing of for a distance of metres, back to the point of commencement.

Question 5.12

If no surface area is required to gain access to the area applied for in this application, provide details of your adjoining mining lease(s) that will enable you to gain access to the proposed area.

5.12 If no surface area is required, give details of the adjoining granted mining lease(s) held by you that will enable you to gain access to the area applied for in this application.

Mining Lease Number(s)	Holder Name(s)
ML 1105	STRADBROKE RUTILE PTY LTD

Part 6

Compensation must be finalised before a renewal of a mining lease can be granted. Compensation can be provided by an agreement between the parties or by a determination of the Land and Resources Tribunal.

6. COMPENSATION AGREEMENT DETAILS

Is a compensation agreement required?

Question 6.1

Section 279 of the *Mineral Resources Act 1989* provides when compensation will be required. If you answer NO to Question 6.1, go to Question 6.2. If you answered YES to Question 6.1, go to Question 6.3.

6.1 YES NO If YES, go to Question 6.3. If NO, go to Question 6.2.

Why is a compensation agreement not required?

Question 6.2

If compensation is not required, please provide reasons, e.g. Applicant is owner of land. Provide proof of ownership. If compensation is not required because of other reasons, please provide reasons. Go to Question 6.3.

6.2

Question 6.3

Please indicate whether a written agreement or a determination of compensation exists. If you answer NO to Question 6.3, go to Question 6.8. If an agreement or determination does exist, go to Question 6.4.

Has a written compensation agreement been signed by or on behalf of the parties and been filed in the Office of the Mining Registrar, or a determination of compensation been made by the Land and Resources Tribunal?

6.3 YES NO If YES, go to Question 6.4. If NO, go to Question 6.8.

Question 6.4

A mining lease can not be renewed for a period which is not covered by the agreement or determination of compensation.

Does the agreement or determination cover the whole of the proposed term of renewal?

6.4 YES NO

GUIDE FOR APPLICANTS

Question 6.5

A mining lease can not be renewed if the conditions of the agreement or determination have not been, or are not being, complied with.

Have the conditions of the agreement or determination been, or are they being, complied with by the holder of the Mining Lease?

6.5	YES <input type="checkbox"/>	NO <input type="checkbox"/>
-----	------------------------------	-----------------------------

What was the date of any determination of compensation by the Land and Resources Tribunal?

6.6	/ /	N/A <input type="checkbox"/>
-----	-----	------------------------------

Question 6.6

Complete the date of any determination by the Land and Resources Tribunal.

Question 6.7

Indicate whether any appeal has been lodged against the determination by the Land and Resources Tribunal.

Has there been an appeal lodged against the determination by the Land and Resources Tribunal?

6.7	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
-----	------------------------------	-----------------------------	------------------------------

Question 6.8

Indicate whether a party has applied to have the Land and Resources Tribunal make a determination of compensation.

If you answered NO to Question 6.3,

Has a party applied in writing to the Mining Registrar to have the Land and Resources Tribunal determine the amount of compensation and the terms and conditions and times of payment?

6.8	YES <input type="checkbox"/>	<input checked="" type="checkbox"/>
-----	------------------------------	-------------------------------------

Question 7.1 & 7.2

If you answered NO to Question 7.1, provide reasons at Question 7.2 for not observing and performing all covenants and conditions. If there is insufficient space, please attach a statement setting out further information. Title the statement Question 7.2. If you answered YES to Question 7.1, go to Question 7.3.

7. RENEWAL DETAILS

Has the holder of the Mining Lease observed and performed all the covenants and conditions applicable to the Mining Lease and on the holder's part to be observed and performed?

7.1	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	If NO, go to Question 7.2.
-----	-----------------------------------------	-----------------------------	----------------------------

Please provide details.

7.2	
-----	--

Has the holder complied with all the provisions of this Act applicable to the holder in respect of the Mining Lease?

Question 7.3 & 7.4

If you answered NO to Question 7.3 provide reasons for non-compliance at Question 7.4. If there is insufficient space, please attach a statement setting out further information. Title the statement Question 7.4. If you answered YES to Question 7.3, go to Question 7.5.

7.3	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	If NO, go to Question 7.4.
-----	-----------------------------------------	-----------------------------	----------------------------

Please provide details.

7.4	
-----	--

GUIDE FOR APPLICANTS

Question 7.5 & 7.6

Give detailed descriptions of the known existing quantities of remaining workable mineral or mineral bearing ore, and the exploration methods that have been used to define that workable ore in an attached statement.

(Note: The Mining Registrar must be satisfied that the land the subject of the mining lease still contains workable quantities of mineral or mineral bearing ore.)

Does the Land the subject of the Mining Lease still contain workable quantities of Mineral or Mineral bearing ore?

Please provide evidence that the land still contains workable quantities of Mineral and Mineral bearing ore. Please provide evidence in an attached statement

7.5	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
7.6	PLEASE REFER TO COVERING LETTER	

Does any one of these holders hold, or have a direct or indirect interest in, more than two mining leases?

Question 7.7 & 7.8

If you answered YES to Question 7.7, list the holder(s), ML numbers and the nature of the interest held. If insufficient space, please attach a statement setting out further information. Title the statement Question 7.8.

7.7	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	If YES, go to Question 7.8.
-----	-----------------------------------------	-----------------------------	-----------------------------

Please list the holder(s), ML Numbers and nature of interest.

7.8	PLEASE REFER TO COVERING LETTER.
-----	----------------------------------

Part 8

Please provide a description of all parcels of land, including easements, the whole or part of which is required for access to the mining lease. It is necessary to provide the landowner's name and address for each parcel of land covered by the proposed access.

Please attach list if insufficient space.

You can obtain this information from an NR&M service centre.

8. ACCESS, LAND DETAILS (not required if already lodged)

Is access to this mining lease via a dedicated road that is within or abutting the mining lease area?

8.1	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	If YES, go to Question 8.2. If NO, go to Question 8.3.
-----	------------------------------	----------------------------------------	-----------------------------------------------------------

Question 8.1

If you answered YES to Question 8.1, complete Question 8.2 and then go to Part 9.

What is the description of the dedicated road to be used for access?

If you answered NO to Question 8.1, go to Question 8.3.

8.2	
-----	--

Question 8.2

Upon answering Question 8.2, go to Part 9.

What is the description of the access?

Question 8.3

Insert the width of the access required in metres.

Width of Access required

8.3	20
-----	----

 metres.

Question 8.4

Insert the description of the start point, eg. At a point on the Mt Mulligan Road 2.15km NE of the Sandy Creek crossing at co-ordinates

What is the description of the start point?

8.4	AT THE INTERSECTION POINT WITH THE BITUMEN ROAD KNOWN AS THE TAZI ROAD BEING 1.1 KM ESE OF DUNWICH POST OFFICE AT COORDINATES 540691 E 6957780N
-----	-------------------------------------------------------------------------------------------------------------------------------------------------

GUIDE FOR APPLICANTS

Question 8.5

Insert the description of the end point, eg. The Southern boundary of the mining claim.

What is the description of the end point?

8.5	A POINT ON THE EASTERN BOUNDARY OF ML 1117 BEING 142° 44' AND 139.0 METRES DISTANT FROM THE NORTHERNMOST CORNER OF ML 1117.
-----	-----------------------------------------------------------------------------------------------------------------------------

Question 8.6

Enter the compass bearings taken along the centreline of the access.

Commencing from the start point, thence along the centreline

At a bearing of 8.6 PLEASE SEE for a distance of

8.7	SCHEDULE IN COVERING LETTER	metres, thence
-----	-----------------------------	----------------

at a bearing of 8.6 for a distance of

8.7		metres, thence
-----	--	----------------

at a bearing of 8.6 for a distance of

8.7		metres, thence
-----	--	----------------

at a bearing of 8.6 for a distance of

8.7		metres, thence
-----	--	----------------

at a bearing of 8.6 for a distance of

8.7		metres, thence to the end point.
-----	--	----------------------------------

Describe the land parcels over which access to this application is required:

Question 8.8

Specify lot number of parcel over which access is required. Details can be obtained from the local council.

Lot Number	8.8	82	Plan Number	8.9	USL 20272
------------	-----	----	-------------	-----	-----------

Land Tenure Type	8.10	UNALLOCATED STATE LAND
------------------	------	------------------------

Question 8.9

Specify the plan which the parcel of land appears. Details are available from the local council.

Current Usage	8.11	
---------------	------	--

Owner's Name	8.12	D.N.R. and W
--------------	------	--------------

Question 8.10

Insert land tenure type, eg. Freehold, special lease, pastoral holding etc.

Owner's Address	8.13	32 TANSEY STREET BEENLEIGH
-----------------	------	-------------------------------

Question 8.11

What is the land currently used for?

Lot Number	8.8	152	Plan Number	8.9	SP 104035
------------	-----	-----	-------------	-----	-----------

Land Tenure Type	8.10	WATER SUPPLY RESERVE
------------------	------	----------------------

Current Usage	8.11	
---------------	------	--

Owner's Name	8.12	D.N.R. & W.
--------------	------	-------------

GU FOR APPLICANTS

Question 8.13

Specify the address of the owner of the land parcel.

Owner's Address	8.13	32 TANSEY STREET BEENLEIGH
-----------------	------	-------------------------------

Lot Number	8.8	116	Plan Number	8.9	SL7337
------------	-----	-----	-------------	-----	--------

Land Tenure Type	8.10	PERMIT TO OCCUPY
------------------	------	------------------

Current Usage	8.11	PRIVATE ACCESS ROAD
---------------	------	---------------------

Owner's Name	8.12	D.N.R. & W.
--------------	------	-------------

Owner's Address	8.13	32 TANSEY STREET BEENLEIGH
-----------------	------	-------------------------------

Lot Number	8.8		Plan Number	8.9	
------------	-----	--	-------------	-----	--

Land Tenure Type	8.10	
------------------	------	--

Current Usage	8.11	
---------------	------	--

Owner's Name	8.12	
--------------	------	--

Owner's Address	8.13	
-----------------	------	--

Question 9.1

Enter the name of place where the application was signed, the day of the month, the month and the year when the form is signed.

Question 9.2

Insert full name of the applicant(s).

Question 9.3

Signature of applicant(s).

Execution of Documents by an Agent

If an agent or the holder of a power of attorney is signing a document, required to be lodged by an Agent on behalf of another, the agent or holder of the power of attorney must produce current, written evidence of their authority to act at the time of lodgement.

All of the holders of the tenure MUST execute the appointment of agent or the power of attorney for the appointment or power of attorney to be effective. A company signing an appointment of agent or power of attorney must do so in accordance with the corporation law and/or the articles of association of the company.

9. SIGNATURES AND ENDORSEMENTS

We solemnly and truly affirm and declare that the information provided in this form is true and correct. We make this solemn declaration by virtue of the provisions of the Oaths Act 1867.

9.1	Signed at Brisbane this 30 th day of April	2007
-----	-------------------------------------------------------	------

9.2	Stephen Graham Best Company Secretary.	9.3	[Signature]
-----	-------------------------------------------	-----	-------------

9.2		9.3	
-----	--	-----	--

9.2		9.3	
-----	--	-----	--

9.2		9.3	
-----	--	-----	--

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Signature

JD

G. E FOR APPLICANTS

Question 9.4
Insert full name of Witness.

Question 9.5
Signature of Witness.

9.4	JANICE MARGARET SLOGETT	9.5	<i>J. Slogett</i>
-----	-------------------------	-----	-------------------

Full name of Witness

Signature of Witness

10. ACCOMPANIMENTS

The following must accompany this form:

Question 10.1
Tick the appropriate boxes to indicate compliance.

10.1	Tick
<ul style="list-style-type: none"> Prescribed application fee and if issued, the original Instrument of Mining Lease (if issued) 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> If the mining lease is for coal or oil shale, a proposed later development plan 	<input type="checkbox"/>
<ul style="list-style-type: none"> If the application is lodged less than 6 months from the expiry of the mining lease, a written request for late lodgement accompanied by reasons for lodging this application within a shorter period than 6 months before the expiry of the current term of the mining lease 	<input type="checkbox"/>
<ul style="list-style-type: none"> If the application is for renewal of a mining lease that is subject to a condition that the holder is not entitled to have the mining lease renewed, the applicant must also include a statement outlining detailed facts and circumstances as to why it should be renewed despite this condition 	<input type="checkbox"/>
<ul style="list-style-type: none"> A statement describing the mining operations that have occurred in the current term. 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Evidence that the land is otherwise required for the purposes for which the lease was granted. 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> A statement that the holder has complied with- <ul style="list-style-type: none"> the terms of the lease; and this Act in relation to the lease 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> A statement about whether the public interest will be adversely affected by the renewal 	<input type="checkbox"/>
<ul style="list-style-type: none"> A statement detailing that the financial and technical resources available to the holder to carry on mining operations under the renewed lease are appropriate 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> A statement that the land and surface area for which the renewal is sought is of an appropriate size and shape in relation to the activities proposed to be carried out 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> A statement that the proposed term of the renewed lease is appropriate and having regard to the current and prospective uses of the land comprised in the lease, the operations to be carried on during the renewed term of the lease- <ul style="list-style-type: none"> are an appropriate land use; and will conform with sound land use management 	<input checked="" type="checkbox"/>

Released Under the Access to Information Act /
Released Under the Access to Information Act

<ul style="list-style-type: none"> • A statement that the land the subject of the lease- <ul style="list-style-type: none"> ○ still contains workable quantities of mineral or mineral bearing ore, or ○ is otherwise required for purposes for which the lease was granted 	<input checked="" type="checkbox"/>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------

11. PRIVACY STATEMENT

The Queensland Government introduced Information Standard 42 - Information Privacy to establish a framework for the responsible collection and handling of personal information in the Queensland government public sector.

The Department of Natural Resources, Mines and Water is collecting the information on this form to process your application for renewal of a mining lease. This is required by section 246 of the *Mineral Resources Act 1989* (the Act).

The Department is required to facilitate and regulate the carrying out of responsible mining activities and the development of a safe, efficient and viable mining industry in Queensland under the Act.

The Department maintains a Register under section 387 of the Act. This register contains information collected from a variety of sources, including application forms submitted under the Act. The particulars to be recorded in the register are prescribed in Part 11 of the *Mineral Resources Regulation 2003* (the Regulations).

Under section 68 of the Regulations, the public can inspect the Register between the hours of 8.30 am and 4.30 pm on business days, and anyone may take extracts from the register and acquire, upon payment of the prescribed fee, a copy of all or part of a notice, document or information held in the register. Information contained in the register includes (but is not limited to):

- the mining tenement number;
- the full name of the holder/s of the mining tenement;
- the annual rent for the mining tenement; and
- any permitted dealings relating to the mining tenement that are approved by the Minister.

Information collected on this form, whether or not it is contained in the Register, may be provided to other Queensland Government Agencies, where such disclosure is necessary for the effective management of the mineral resources and industry in Queensland. These agencies may include the Environmental Protection Agency, the Department of Primary Industries and Fisheries and the Department of Energy.

Where information provided is commercial in confidence, it will be treated as confidential and not included in the Register or be disclosed outside the agency unless the Department is legally required to do so.

For more information on Information Privacy, please contact the Privacy Contact Officer for the Department of Natural Resources, Mines and Water on (07) 389 63705

Stradbroke Rutile Pty. Ltd.

A.C.N. 009 693 074

November 9, 2008

ML1117dc1.doc

Ms. Kate Byrne
A/Deputy Mining Registrar
Brisbane District Office (Mines)
Department of Mines and Energy
P.O.Box 1475,
Coorparoo, Queensland 4151

RE: RENEWAL APPLICATION FOR ML1117

Dear Ms Byrne,

In response to your letter dated 15th September 2008 please find attached statements pertaining to the renewal of ML1117.

1. Tenure

The background tenure of the mining lease is:

- Lot 82 on USL20272 Unallocated State Land Par Stradbroke Co Stanley
- Lot 116 on SL7337 Permit to Occupy Par Stradbroke Co Stanley
- Lot 152 on SP104035 Water Reserve Par Stradbroke Co Stanley
- Lot 21 on USL20674 Unallocated State Land Par Stradbroke Co Stanley
- Lot 12 on SP100594 Water Reserve Par Minjerriba Co Stanley
- Lot 2 on USL20675 Unallocated State Land Par Minjerriba Co Stanley
- Lot 3 on GP818899 Water Reserve Par Minjerriba Co Stanley

The background tenure of the access to the mining lease is:

- Lot 82 on USL20272 Unallocated State Land Par Stradbroke Co Stanley
- Lot 116 on SL7337 Permit to Occupy Par Stradbroke Co Stanley

2. Term of Lease

A term of 21 years for the renewal period of this lease is being applied for. The term is the same as the original grant of lease. ML1117 is one of fourteen contiguous leases that encompass our Bayside, Ibis and Enterprise mine sites, located centrally on North Stradbroke Island. The mining activities currently being undertaken at these mine sites include:

- The extraction of mineral by dredging

1/58 Metroplex Ave, Murarrie 4172

Telephone (07) 3909 4500

Facsimile (07) 3909 4501

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II

Stradbroke Rutile Pty. Ltd.

A.C.N. 009 693 074

- The extraction of mineral by dry mining
- The progressive tailing of previously mined land
- The progressive rehabilitation and maintenance of mined and tailed land to meet final rehabilitation criteria, prior to the surrender of the land back to the state

Mining activities specific to ML1117 that have occurred in the current term include all of the foregoing. Dredging and dry mining of mineral bearing ore is actively progressing as well as the continued placement of tailings sand and the rehabilitation of the contoured final landform.

3. Public interest

The public interest will not be adversely affected. All operations are being undertaken in accord with our existing Environmental Authority (MIM800088202) and our current plan of operations.

4. Financial and Technical Resources

Stradbroke Rutile Pty Ltd (SRPL) is a wholly owned subsidiary of Consolidated Rutile Limited (CRL) and CRL is 51% owned by Iluka Resources Limited. CRL is listed on the Australian Stock Exchange and has a market capitalisation in the order of \$250 million. CRL employs approximately 250 people, was incorporated in 1963 and has over 40 years experience in extracting mineral sands from mining leases on North Stradbroke Island.

There are no changes proposed to the current activities for our mining operations on North Stradbroke Island, during the term of the renewal period applied for.

5. Land and Surface Area

SRPL mine leases are an arrangement of 25 mine leases that are generally contiguous and encompass the Island's defined mineral resource outline. As the resource definition improved, the arrangement of leases was refined to ensure the mine leases covered the extent of the resource outline. As a result, each lease varies in shape and size as they were established to abut and complement the arrangement of their adjoining leases. It was necessary for the final surface area of these combined leases to encompass the resource outline to effectively undertake the mining and tailing activities required for the extraction of minerals.

These 25 leases have been arranged to define a number of mine sites or operational areas, these being:



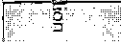








- Amity mine
- Bayside mine
- Dunwich operational area
- Enterprise mine
- Gordon Mine
- Ibis mine

Stradbroke Rutile Pty. Ltd.

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- Vance mine
- Yarraman mine

Along with ML1117, the following mine leases comprise the Bayside, Ibis and Enterprise mine sites:

- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 

ML121

6. Workable quantities of mineral


 This represents a major long-term

resource for CRL. Based on current mining rates and methods it is planned that CRL will still be operating on NSI past the year 2020.

SRPL mine leases are generally contiguous leases encompassing the Island's defined mineral resource outline. Consequently, each lease is at a different stage of mining as the mining equipment migrates across the various leases to mine the defined ore. Mining activity on all leases includes extraction, filling of the voids and rehabilitation of the tailed areas. Once rehabilitation is complete, the sites are under a program of care and maintenance to achieve a standard of restoration such that the mine leases can be relinquished.

CRL is still actively engaged in an exploration, drilling program to improve the definition of the mineral resource throughout its leases.

ML1117 covers about 85% of the Bayside mine site and is mostly under a program of mine site rehabilitation.

ML1117 also covers about 35% of the Enterprise mine site, which it is planned to mine over the next 15 years.

7. Mining Program

The mining program planned for North Stradbroke Island for the term of this application will include all phases of the mining process, including the following:

1/58 Metroplex Ave, Murarrie 4172

Telephone (07) 3909 4500

Facsimile (07) 3909 4501

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Stradbroke Rutile Pty. Ltd.

A.C.N. 009 693 074

- Resource definition and exploration,
- Dredging,
- Dry mining,
- Tailing and
- Rehabilitation.

Under the current plan of operations the Enterprise mine site will be subject to the mining process for the extraction of minerals for at least a further fifteen years. After that period the site will be undergoing a program of rehabilitation and maintenance of the mined land. Operational activities to be conducted on ML1117 for the term of this application will include all of the above mining activities.

I trust that all matters pertaining to the renewal of this lease have been properly addressed and that the renewal process can proceed unhindered. I look forward to your further instructions to complete any of the outstanding matters.

Yours Faithfully,

STRADBROKE RUTILE LIMITED



David Cruickshank Tel: 07 3409 6924

Snr. Surveyor Email: david.cruickshank@iluka.com

3 November 2010

Mr R Carew
Carew Lawyers
Level 32
239 George Street
BRISBANE Q 4000

Dear Mr Carew,

**Joint Opinion
Unimin Australia Limited**

Opinion sought

1. You have asked us to advise as to whether there is a basis to conclude that any indictable offence has been committed by Unimin Australia Limited (**Unimin**) under the *Criminal Code 1889 (Q)* (**the Code**) in respect of certain sand mining operations on North Stradbroke Island.

The conduct

2. Unimin conducts mining operations on North Stradbroke Island for, *inter alia*, silica sand, under certain mining leases¹ issued under the *Mineral Resources Act 1989 (Q)* (**MRA**). Only the mining lease ML1108 is currently being mined. The lease provides authority to mine 'the mineral Silica Sand'.² In the course of the mining, the sand undergoes gravity separation, whereby different components are isolated and stockpiled. Some of these products are the subject of the lease and are lawfully sold, the other components are settled and then used as backfill for rehabilitation in the lease areas. The principal purpose of the mining is to extract silica for use in glass manufacture. This silica, called 'Glass Grade silica sand' is a mineral within the meaning of s 6(1) of the MRA. It may thus be lawfully sold without any permit for its extraction or approvals under the *Integrated Planning Act 1997 (IPA)*.
3. There is also extracted, in the treatment process, a by-product of lower purity silica sand. Unimin has referred to this as 'B Grade silica sand'; although it has been sold by Unimin under various descriptions including "building sand", "washed white silica sand" and "B grade glass sand". Unimin has, it seems, sold

¹ Mining lease numbers 1108, 1124, 1132 and 7064.

² Para 24, affidavit of Mr Watkins, Exhibit GW-003.

this sand for use in the construction and landscape industries since it first purchased the sand mining operations from ACI on 1 March 2001.³

4. According to Supreme Court affidavit material, search warrants were executed upon Unimin in December 2008. In February 2009, the EPA issued a 'show cause' notice and in a letter dated 2 April 2009 the EPA advised Unimin that the supply of B Grade sand to the construction industry was unlawful.⁴
5. Unimin then brought an application for declarations that would have affected the legal character of its activities – see *Unimin v State of Queensland* [2009] QSC 384 (*the Unimin case*). The relevant facts were the subject of a 'Joint statement of agreed facts and issues' tendered by both parties.
6. In December 2009, Applegarth J found that the B Grade silica sand being sold for use in the construction industry is *not* a mineral under the MRA.⁵ (A mining lease can only be issued in respect of minerals.)⁶ His Honour also held that neither of the MRA, the mining leases nor any other authority existed to pass property to Unimin in respect of anything other than a mineral.⁷ Accordingly, Unimin had no lawful authority to sell the B Grade silica. To do so would require authorisation under the IPA. Not only should it not have been sold, but the mining lease in fact required it to have been settled and used for rehabilitation purposes.
7. The Court of Appeal confirmed the correctness of Applegarth J's decision.⁸
8. Unimin's apparent knowledge of the unlawfulness of its activities was not the subject of any evidence in the proceedings before Applegarth J or in the subsequent appeal.

Current litigation

³ Para 4, affidavit of Mr Watkins.

⁴ Paras 38-40, affidavit of Mr Watkins.

⁵ At [32], [92].

⁶ Section 234 MRA.

⁷ At [124].

⁸ *Unimin Australia Limited v State of Queensland* [2010] QCA 169

9. Unimin is currently being prosecuted by the Department of Environment and Resource Management (DERM) for summary offences against s 4.3.1 of the EPA (failing to carry out development without a development permit), s 427 of the EPA (carrying out a Ch. 4 activity without being a registered operator) and s.53(1)(c) of the Forestry Act (for getting a quarry material on a mining lease without authority). We note that under the *Penalties and Sentences Act 1992*, the maximum applicable fines in each case are increased by a factor of five in the case of corporations. Our understanding as to the state of these proceedings is based upon information supplied by you.

Report from The Consultancy Bureau (the TCB Report) February 2009

10. A report was commissioned by the Environmental Protection Agency from a private firm called The Consultancy Bureau (TCB). This has only very recently come into your possession. Attached to it are a number of statements which pertain to the issue of Unimin's actual appreciation of the lawfulness or otherwise of their conduct in relation to the B Grade sand.
11. Following are some excerpts from some of the relevant statements:

Statement of Parma Nand (Principal Environmental Officer, Redlands, Environmental Protection Agency)

- *I was formerly the Principal Environmental Officer in the Redland Team. I was given responsibility for a number of projections including Unimin's North Stradbroke Island sites.*
- *I was asked whether I was aware if Unimin was selling building sand. On ... 14 July, 2008, I received a verbal request from my regional manager ... enquiring whether Unimin had been engaged in the sale of construction sand ... and whether it had supplied, or was supplying, construction sand to landscaping suppliers. I then telephoned Mr Greg Watkins, the Environmental Manager of Unimin ... he was rather reluctant to respond to my specific enquiries but said words to the effect that Unimin had been sand mining for approximately 35 years and there may have been some construction sand activity previously. He told me that Unimin had held on-site meetings with representatives from Redland City Council regarding a possible material change of use application, but had lodged no such application. Mr Watkins also told me that Unimin does not have approval to extract construction sand but may apply to the Redland City Council by submitting a material change of use application. (Para 5 & 6 p2, para 1 p3).*
- *Later that same day (17 November 2008), after the meeting had ended, I was reviewing the EMOS and a map attached to it when I noticed that there was a stockpile of sand marked as building sand. I brought this to the notice of Louise (Jordan), and she raised it with Unimin*

representatives during the meeting the following day. They commented that it was a mistake or an error and needed to be quickly fixed. (Para 3 p4).

Statement of Louise Jordan (Manager, Redlands, Environmental Protection Agency as at date of statement)

- I do remember specifically asking them for a copy of their EMOS on the first day because we couldn't locate it on the files. They provided it... I noticed a site map at the back of the document and immediately showed it to Parma Nand. The site map showed an area marked as building sand. Earlier that afternoon when leaving the site in Greg's vehicle, I had asked Greg Watkins about the various stockpiles to the left of the driveway and what the stockpile product was used for, suggesting construction sand... Greg Watkins told me that Unimin are not permitted to sell building sand and they had been advised by one of my predecessors that they were not approved to do this. Greg Watkins stated that my predecessor told them to stop selling construction sand. (Paras 2 & 3 p4).
- After viewing the schematic diagram, I brought this to Greg's attention the following day when we returned to the Island. He seemed surprised and immediately spoke to someone else saying that they needed to amend that straight away... (Para 4 p4).

Statement of David Trezise (from May 2000 to 1 February 2008 - Chief Scientific Adviser (Mining) with the Environment Protection Agency)

- I became Project Manager for Unimin's sandmining activities on North Stradbroke Island in late 2005. (Para 3 p1).
- Later in the same paragraph Trezise makes reference to the Environmental Studies Report (ESR) (there is no mention in the report submitted in late 2005 of selling building sand).
- ...I produced notes from my journal referring to a site inspection in May 2006... Unimin personnel also mentioned the possibility of future extraction of construction sand and as my notes show they were advised that this would require a separate development application under the Integrated Planning Act 1997. I also produced a procedural guide titled 'Operation of Policy - Licensing Mine Sites for Quarrying and Screening'. This document was produced by the EPA to assist EPA personnel and operators understand their rights and obligations and clearly states that construction materials are not minerals and require separate approval under the Integrated Planning Act 1997. I recall that an email was sent by me to Unimin personnel advising them that the extraction of construction sand from mining leases would require an additional permit ... (Paras 2 & 3 p3). (Note this email was sent in 2007 - see below.)

Email from Trezise to Watkins - 30 July 2007

'The definition of a mineral under Section 6A(3)(c) of the Mineral Resources Act 1989 states that each of the following is not a mineral: 'soil, sand, gravel or rock if it is to be used, or to be supplied for use, as sand, gravel or rock, whether intact or in broken form.' Your

current Environmental Authority relates to mining activities only, namely the extraction of minerals as defined under Section 6A of the MRA.....⁹

12. These statements could afford evidence that Unimin, through its Environmental Manager, was aware that it was not authorised to sell or otherwise deal with B grade sand from as early as May 2006⁹. Ultimate proof of issue might require reference to other evidence as to the manner in which the Company operated and as to the status of Mr Watkins within the Company. On the materials before us, however, the inference is open that through his actions corporate knowledge might be imputed.

Did Unimin steal or misappropriate the B Grade silica sand from the Crown?

13. Stealing occurs where a person 'fraudulently takes' anything capable of being stolen, or 'fraudulently converts to the person's own use' that property: s 391(1). Section 391(2) sets out a number of circumstances where by someone is deemed to have fraudulently taken or converted property, relevantly, where there is: (a) an intent to permanently deprive the owner of the thing of it.
14. Misappropriation or fraud under s 408C of the Code particularly ss 408C(1)(a)(i), (c), (d), and (e) all bear examination in this context in respect of this conduct of removing and selling the sand in question.

408C Fraud

A person who dishonestly—

- (a) applies to his or her own use or to the use of any person—
 - (i) property belonging to another; or
 - (ii) property belonging to the person, or which is in the person's possession, either solely or jointly with another person, subject to a trust, direction or condition or on account of any other person; or
- (b) obtains property from any person; or
- (c) induces any person to deliver property to any person; or
- (d) gains a benefit or advantage, pecuniary or otherwise, for any person; or
- (e) causes a detriment, pecuniary or otherwise, to any person; or
- (f) induces any person to do any act which the person is lawfully entitled to abstain from doing; or
- (g) induces any person to abstain from doing any act which that person is lawfully entitled to do; or
- (h) makes off, knowing that payment on the spot is required or expected for any

⁹ Refer statement of Trezise in TCB Report

property lawfully supplied or returned or for any service lawfully provided, without having paid and with intent to avoid payment;

commits the crime of fraud.

15. To prove an offence against either s 391 or 408C, the evidence must always be capable of negating the defence contained in s 22 of the Code:

22 Ignorance of the law—bona fide claim of right

(1) Ignorance of the law does not afford any excuse for an act or omission which would otherwise constitute an offence, unless knowledge of the law by the offender is expressly declared to be an element of the offence.

(2) But a person is not criminally responsible, as for an offence relating to property, for an act done or omitted to be done by the person with respect to any property in the exercise of an honest claim of right and without intention to defraud.

16. The mining lease places Unimin in possession of the B Grade silica sand. Unimin is permitted to take the sand out of the ground in the course of its mining of silica, but the lease requires that the B Grade silica sand remain within the confines of the lease areas and used for rehabilitation and regeneration of the area. On the basis of the “agreed facts” in the Unimin case¹⁰, there seems little issue, for the purposes of either ss 398 or 408C, that what might be called the “physical elements” of the offence can be established. That is, Unimin took the sand and used it for its own purpose, always intending that it should not be returned to the lease area. The functional issues are whether the fault element - that is, dishonesty - can be established, and whether any claim of right can be refuted.
17. We note that aspects of the evidence militate against any conclusion as to dishonesty, and might support a defence under s 22. These include the facts that some royalties might have been paid on the relevant material, and that Unimin claims its actions enjoyed “ministerial approval”.
18. The test for dishonesty remains as was stated in *R v Maher* [1987] 1 Qd R 171 at 187, where the Court of Criminal Appeal, writing as one and applying the test from *R v Ghosh* [1982] QB 1053 held that the approach to be taken in respect of charging the jury with a question of dishonesty was:

¹⁰ See paragraph 6, above.

'First, to determine whether the conduct of the accused was dishonest according to the objective standards of the community and, only if that were answered affirmatively would they approach the second stage and determine whether the accused subjectively knew that his conduct was dishonest according to the standards of the community'

19. *Maher* remains the law in Queensland and underpins the present bench book direction which reads:

'To prove that the defendant acted dishonestly the prosecution must prove that what the defendant did was dishonest by the standards of ordinary honest people and that the defendant realised that what he or she did was dishonest by those standards'

20. Whilst the law applicable to this concept might in some contexts be unsettled, for current purposes this controversy is probably of little consequence.¹¹ The short point to be made is that if evidence of the kind contained in the TCB Report from EPA officers, Parm, Jordan and Trezise as to their dealings with Watkins and other representatives of Unimin was adduced, it would, *prima facie*, establish the requisite element and negate the applicable defence/s, at least in relation to any relevant conduct which occurred subsequent to these communications.

Conclusion

21. From this analysis of the materials with which we have been briefed, and in particular the material referred to in paragraph 11 (above), it would follow, in our opinion, that there is a *prima facie* case of stealing (s 391) and of misappropriation/fraud (s 408C) having been committed by Unimin.



PJ Callaghan SC



A Boe

This advice has drawn upon the research of P Morreau of Counsel.

¹¹ *Peters v The Queen* (1998) 192 CLR 493; *Glenmont Investments Pty Ltd v O'Loughlin (No 2)* (2000) 79 SASR 185

Bernadette Zerba

From: Oneill Leanne [Leanne.Oneill@dnrm.qld.gov.au]
Sent: Thursday, 13 June 2013 10:52 AM
To: Bernadette Zerba
Subject: Re: North Stradbroke Island - Premier response letter

No problems. Thank you.

Regards
Leanne

Sent from my iPhone

On 13/06/2013, at 8:39 AM, "Bernadette Zerba" <Bernadette.Zerba@premiers.qld.gov.au> wrote:

Hi Leanne, sorry for not getting back to you yesterday. The letter still hasn't been finalised. We will get you a copy as soon as it is.

kind regards
Bernadette Zerba
Director - Policy Division (Environment and Resource Policy)
Department of Premier and Cabinet
Ph: 3235 4879

Bernadette.zerba@premiers.qld.gov.au

-----Original Message-----

From: Oneill Leanne [<mailto:Leanne.Oneill@dnrm.qld.gov.au>]
Sent: Wednesday, 12 June 2013 2:50 PM
To: Bernadette Zerba
Subject: RE: North Stradbroke Island - Premier response letter

Bernadette

I was wondering if the Premier's response had been finalised and if so, whether I could have a copy.

Regards
Leanne

Leanne O'Neill
Director
North Stradbroke Island Project
Department of Natural Resources and Mines

Level 7, 61 Mary Street, Brisbane Qld 4000
t: 07 3199 7396
m: [S.73 Telephone Nu](tel:0731997396)
e: leanne.oneill@dnrm.qld.gov.au

-----Original Message-----

From: Oneill Leanne
Sent: Monday, 3 June 2013 1:41 PM
To: Bernadette Zerba
Subject: RE: North Stradbroke Island - Premier response letter

Bernadette

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John Skinner, Deputy Director General has suggested that perhaps the State should not skirt around the issue of legislative amendment being necessary to deliver the election commitment and its necessary tie to the Sibelco proposal. This is because any legislative amendment would need to reflect the tenure proposal by Sibelco as it is that mining proposal which is economically viable for the extraction of the sand by Sibelco and if the legislation does not reflect the tenure proposal then the legislation would arguably be moot.

Also Bernadette Ditchfield, Acting in John's role while he is on leave has suggested that if Adrian Jefferies wants to be briefed that offer is open.

Please let me know if I can be of any further assistance.

Regards
Leanne

Leanne O'Neill
Director
North Stradbroke Island Project
Department of Natural Resources and Mines

Level 7, 61 Mary Street, Brisbane Qld 4000
t: 07 3199 7396
m. [S.73 Telephone Num]
e: leanne.oneill@dnrm.qld.gov.au

-----Original Message-----

From: Bernadette Zerba [<mailto:Bernadette.Zerba@premiers.qld.gov.au>]
Sent: Monday, 3 June 2013 11:58 AM
To: O'Neill Leanne
Subject: Re: North Stradbroke Island - Premier response letter

No problem. Thanks

Sent from my iPhone

On 03/06/2013, at 11:41 AM, "O'Neill Leanne"
<Leanne.Oneill@dnrm.qld.gov.au> wrote:

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> Leanne

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> From: Bernadette Zerba [<mailto:Bernadette.Zerba@premiers.qld.gov.au>]

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> <Leanne.Oneill@dnrm.qld.gov.au<mailto:Leanne.Oneill@dnrm.qld.gov.au>>

> wrote:

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> Leanne O'Neill

> Director

> North Stradbroke Island Project
> Department of Natural Resources and Mines
>
> Level 7, 61 Mary Street, Brisbane Qld 4000
> t: 07 3199 7396
> m. S.73 Telephone Num
> e:
> leanne.oneill@dnrm.qld.gov.au<blocked::mailto:leanne.oneill@dnrm.qld.g
> ov
> .au>

> -----
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Bernadette Zerba

From: O'Neill Leanne [Leanne.Oneill@dnrm.qld.gov.au]
Sent: Monday, 3 June 2013 1:41 PM
To: Bernadette Zerba
Subject: RE: North Stradbroke Island - Premier response letter
Attachments: cc 250912.pdf; Draft_Premier Letter_to_QYAC_03.6.2013.docm

Bernadette

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Department of Natural Resources and Mines

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e: leanne.oneill@dnrm.qld.gov.au

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Sent: Monday, 3 June 2013 11:58 AM
To: O'Neill Leanne
Subject: Re: North Stradbroke Island - Premier response letter

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[please type on your letterhead]

Mr Cameron Costello
Chair
Quandamooka Yoolooburrabee Aboriginal Corporation
PO Box 235
DUNWICH QLD 4183

Dear Mr Costello

Thank you for your letter dated 29 May 2013.

I confirm as contained in my letter of 11 October 2012 that the Government is committed extending sustainable sand mining operations on North Stradbroke Island (NSI) to enable the economy of NSI to transition to an economy which is not dependent on mining. I understand that the Honourable Minister Andrew Cripps, Minister for Natural Resources and Mines reaffirmed this commitment at the meeting of 8 May 2013.

I encourage you to take up Minister Cripps offer to meet with you and Sibelco to discuss Sibelco's revised tenure proposal. I urge you to engage with Sibelco as I believe that Sibelco will provide significant benefits to the Quandamooka People in respect of their proposal.

The State is not 'standing behind a private mining operator' during these discussions. However, you would appreciate that to deliver the Government commitment to deliver a framework to enable a suitable time to complete mining of the valuable sand resources on the island it is necessary to amend the *North Stradbroke Island Protection and Sustainability Act 2011* (the Act) and legislative amendment is the responsibility of Government.

The Government has not made a decision about amendments to the Act. However, the Government is considering what options are available to facilitate the sustainable extension of sand mining operations. Any amendments to the Act will be done in accordance with the requirements of the future act provisions of the *Native Title Act 1993*.

I support the assurances provided by Minister Cripps at the meeting of 8 May 2013 that the State is committed to implementing and meeting its obligations under the current Indigenous Land Use Agreement (ILUA).

Again I encourage you to meet with Sibelco and the Minister for Natural Resources and Mines to discuss the way forward.

Yours sincerely

[insert signature block]

Released Under RTI - DPC

Bernadette Zerba

From: Oneill Leanne [Leanne.Oneill@dnrm.qld.gov.au]
Sent: Monday, 3 June 2013 11:05 AM
To: Bernadette Zerba
Subject: North Stradbroke Island - Premier response letter
Attachments: img-530111352.pdf

Bernadette

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Thanks
Leanne

Leanne O'Neill
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North Stradbroke Island Project
Department of Natural Resources and Mines

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QUANDAMOOKA YOOLOOBURRABEE ABORIGINAL CORPORATION
RNTBC
ICN: 7564

The Hon Campbell Newman MP
Premier of Queensland
Po Box 15185
City East QLD 4002

By email: ThePremier@premiers.qld.gov.au
cc: The Hon Minister Cripps MP, Minister for Mining nrm@ministerial.qld.gov.au
cc: The Hon Glen Elmes, Minister for Aboriginal and Torres Strait Islander and
Multicultural Affairs ATSI@ministerial.qld.gov.au

Dear Premier

**Quandamooka People Native Title Rights
Sand Mining on North Stradbroke Island**

I refer to your letter dated 11 October 2012 (ERP/MC – TF/12/18887 – Doc/12/190272).

In response to your referral, Minister Cripps finally met with our Elders and QYAC on 8 May 2013. He advised that the State was proceeding to implement the ILUA, and that he would encourage Sibelco to come and talk to Quandamooka People about any future plans they had with mining on North Stradbroke Island.

Contrary to the assurances in your letter, Minister Cripps did not advise the Quandamooka Elders and QYAC at that meeting that the Minister was currently considering amending *the North Stradbroke Island Protection and Sustainability Act 2011(Qld)* (**Act**) to enable Sibelco to extend Enterprise Mine. QYAC is very concerned to have it confirmed by the Ministers office less than 14 days later, that it is the Government's intention.

At this meeting, QYAC was advised that the Minister has met and received proposals from Sibelco on several occasions, but it was not advised that the Government would pre-empt such negotiations by amending the Act in Sibelco's favour first.

QYAC has been advised that an amendment of the Act consistent with Sibelco's proposal may be a breach of the ILUA entered into between Quandamooka People and the State of Queensland on 4 July 2011. We are advised that any such amendment to the Act may also be an invalid future act. We have urgently requested a meeting with Minister Cripps to discuss these concerns and were today advised that he would prefer that such a meeting be held with Sibelco present.

ABN: 30 457 275 826
Street Address : 7 Stradbroke Place, Dunwich
Postal Address: P.O. Box 235, Dunwich Qld 4183

QYAC is entitled to at least equitable access to the Minister, and we note that in this respect he is acting on a referral from you where you have given strong commitments about the process. QYAC seeks your intervention to encourage the Minister to meet with QYAC without Sibelco present and to disclose fully the Governments intentions, as we would have preferred he had done on 8 May 2013.

It is not appropriate in QYAC's view to have the State Government standing behind a private mining operator during their negotiations with QYAC. It raises serious issues about the 'good faith' character of any such negotiation.

Yours sincerely

s.73 Signature

Cameron Costello
Chair
QYAC
29 May 2013

Released under RTI - DRC

Bernadette Zerba

From: O'Neill Leanne [Leanne.Oneill@dnrm.qld.gov.au]
Sent: Monday, 27 May 2013 9:37 AM
To: Hobbs Emma; Mark Saunders; Dominique Gallagher; Bernadette Zerba; Young Liz; Savage Ross; Hertslet Bryce; Ackfun Alex
Cc: Rachel Lunnon
Subject: NSI - Draft Ministerial response to QYAC
Attachments: letter_mc_signed_cc_signed_160513.pdf

Dear All

Please find attached a copy of the correspondence received from QYAC dated 17 May 2013.

At the meeting between Minister Cripps, Minister for NRM and QYAC the Minister agreed to the concept of a round table to ensure the effective implementation of the current ILUA.

NRMs position is that a person being appointed for 3 years to provide a full coordination role is unnecessary (and unlikely in the current fiscal environment) and perhaps the best way forward would be for each department to nominate the 'operational staff' who are responsible for the day to day implementation of the current ILUA to be nominated for the 'round table' where matters can be raised by QYAC and then resolved through each department's own internal mechanisms with advice then subsequently provided to QYAC. If the matter raised is requires consideration by the Steering Committee it could referred to the Steering Committee for resolution.

One concern I have is that, for example, there is a process for matters to be raised and resolved under the IMA for joint management areas on national park - the IMA has its own process and is only relevant to NPRSR and if these types issues became a matter for the 'round table' as such then there will be duplication and potentially conflict.

It may be that the better course of action is for each department to nominate its contact for matters relevant to that department (in respect of the implementation of the ILUA) and that nominee is to be the person QYAC must liaise and there not be a round table.

I would appreciate everyone's thoughts on the round table, whether it is supported and whether it is considered it will be effective and useful.

Regards
Leanne

Leanne O'Neill
Director
North Stradbroke Island Project
Department of Natural Resources and Mines

Level 7, 61 Mary Street, Brisbane Qld 4000
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QUANDAMOOKA YOOLOOBURRABEE ABORIGINAL CORPORATION

RNTBC

ICN: 7564

The Hon Andrew Cripps MP
Minister for Natural Resources and Mines
Level 17 QMEC Building
61 Mary Street
Brisbane QLD 4000

By email: nrm@ministerial.qld.gov.au

Dear Minister

Quandamooka Indigenous Land Use Agreement (ILUA)

Thank you for meeting with Mr Ian Delaney, Uncle Bob Anderson, Christine O'Keefe, Cameron Costello, Michael Costelloe and Darren Burns, QYAC CEO and advisors to Quandamooka people and their prescribed body corporate, Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) on 8 May 2013, at Cleveland.

We note that you advised QYAC that Sibelco had been advised to discuss their plans for future mining on Stradbroke Island directly with QYAC. We also note your advice that the current government has significant concerns regarding the planned transition timeframe, but at this stage, your intention is to proceed with implementing the above Quandamooka ILUA, and that the State is not seeking to amend it.

As discussed the Quandamooka People, through QYAC, request that the Government appoint a single person to progress ILUA outcomes across government. This person should have sufficient resources and commitments from each agency to be resourced for at least 3 years

QYAC requests that the Government establish a regular (quarterly) whole of government round table with senior government representatives across all relevant agencies to meet on Minjerribah (North Stradbroke Island), including:

- Infrastructure and Planning;
- QPWS;
- Natural Resources and Crown Lands;
- Mining;
- Housing; and
- ATSI Affairs

ABN: 30 457 275 826

Street Address : 7 Stradbroke Place, Dunwich

Postal Address: P.O. Box 235, Dunwich Qld 4183



QYAC requests that the round table meet with QYAC to focus on implementation of the ILUA in an effective and efficient manner, perhaps meeting more frequently in the first 6 months to get the process back on track.

QYAC thanks the Government for progressing with the Land Use Planning grant payments, but notes that the process needs to be focused on a sensible planning outcome as envisaged in the Heads of Agreement, with a view to maximising the opportunities for Quandamooka People.

QYAC refers to Clause 2.2 and 4.1 of the Service Agreement between the State and QYAC regarding the Minjerrabah Recreation Area and the need for a further ILUA to regularise the current arrangements. Could you please advise of a process to ensure this is progressed in a reasonable timeframe?

As Chair of QYAC, I look forward to a more productive and effective working relationship with the Government to improve outcomes for Quandamooka People, and the community of North Stradbroke Island. As discussed the Quandamooka People have invested a lot of time and resources in articulating their future vision for North Stradbroke Island, and we look forward to working with the Government and Redlands City Council to deliver these outcomes.

Yours Sincerely

s.73 Signature

Cameron Costello

Chair QYAC

16 May 2013

Released under RTI/DOC



QUANDAMOOKA YOOLOOBURRABEE ABORIGINAL CORPORATION

RNTBC
ICN: 7564

The Hon Campbell Newman MP
Premier of Queensland
Po Box 15185
City East QLD 4002

By email: ThePremier@premiers.qld.gov.au
cc: The Hon Minister Cripps MP, Minister for Mining nrm@ministerial.qld.gov.au
cc: The Hon Glen Elmes, Minister for Aboriginal and Torres Strait Islander and
Multicultural Affairs ATSI@ministerial.qld.gov.au

Dear Premier

**Quandamooka People Native Title Rights
Sand Mining on North Stradbroke Island**

I refer to your letter dated 11 October 2012 (ERP/MC – TF/12/18887 – Doc/12/190272).

In response to your referral, Minister Cripps finally met with our Elders and QYAC on 8 May 2013. He advised that the State was proceeding to implement the ILUA, and that he would encourage Sibelco to come and talk to Quandamooka People about any future plans they had with mining on North Stradbroke Island.

Contrary to the assurances in your letter, Minister Cripps did not advise the Quandamooka Elders and QYAC at that meeting that the Minister was currently considering amending *the North Stradbroke Island Protection and Sustainability Act 2011(Qld)* (**Act**) to enable Sibelco to extend Enterprise Mine. QYAC is very concerned to have it confirmed by the Ministers office less than 14 days later, that it is the Government's intention.

At this meeting, QYAC was advised that the Minister has met and received proposals from Sibelco on several occasions, but it was not advised that the Government would pre-empt such negotiations by amending the Act in Sibelco's favour first.

QYAC has been advised that an amendment of the Act consistent with Sibelco's proposal may be a breach of the ILUA entered into between Quandamooka People and the State of Queensland on 4 July 2011. We are advised that any such amendment to the Act may also be an invalid future act. We have urgently requested a meeting with Minister Cripps to discuss these concerns and were today advised that he would prefer that such a meeting be held with Sibelco present.

ABN: 30 457 275 826
Street Address : 7 Stradbroke Place, Dunwich
Postal Address: P.O. Box 235, Dunwich Qld 4183

QYAC is entitled to at least equitable access to the Minister, and we note that in this respect he is acting on a referral from you where you have given strong commitments about the process. QYAC seeks your intervention to encourage the Minister to meet with QYAC without Sibelco present and to disclose fully the Government's intentions, as we would have preferred he had done on 8 May 2013.

It is not appropriate in QYAC's view to have the State Government standing behind a private mining operator during their negotiations with QYAC. It raises serious issues about the 'good faith' character of any such negotiation.

Yours sincerely

s.73 Signature

Cameron Costello
Chair
QYAC
29 May 2013

Released under RTI - DRG

Bernadette Zerba

From: O'Neill Leanne [Leanne.Oneill@dnrm.qld.gov.au]
Sent: Thursday, 16 May 2013 11:20 AM
To: Bernadette Zerba; Alex.Ackfun@dsdip.qld.gov.au; Klaassen Ben; Young Liz; Hertslet Bryce
Cc: Gray Amanda; Hobbs Emma; Kelly Mark (DME)
Subject: URGENT NSI - Approval to Prepare Submission for legislative amendment
Attachments: Exempt Sch.3(2)(1)(b) Reveal Cabinet consideration

Dear All

Should you have any queries and wish to discuss this document please do not hesitate to contact me.

Regards
Leanne

Leanne O'Neill
Director
North Stradbroke Island Project
Department of Natural Resources and Mines

Level 7, 61 Mary Street, Brisbane Qld 4000

t: 07 3234 0525

m: S.73 Telephone Nu

e: leanne.oneill@dnrm.qld.gov.au

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A Simplified Tenure Proposal

About this Briefing Note

This briefing note is provided by Sibelco Australia Limited (**Sibelco**) in preparation for a meeting between Ministers Cripps, and Dickson and the Quandamooka Yoolooburrabee Aboriginal Corporation (**QYAC**) on 8 May 2013 in relation to North Stradbroke Island (**NSI**).

This briefing note has been prepared for Minister Cripps to propose a simplified approach for delivering tenure outcomes to Sibelco. It sets out the content of a scaled back tenure package on the basis that this package does not impact on rights contained in the Indigenous Land Use Agreement (**ILUA**) between the State and QYAC and can therefore be delivered through a legislative process alone. We note that the terms of the ILUA are confidential to the State and QYAC as parties to that document. Sibelco has therefore made some assumptions based on our limited understanding of how the ILUA operates.

Sibelco anticipates that the State may be desirous of continuing good faith discussions with QYAC for the purposes of promoting the existing ILUA relationship as a separate but unconnected process to legislation. On the basis that any ILUA discussions are de-coupled from legislation, this briefing note also sets out Sibelco's commitments which we intend to offer in the future in our own formal agreement with QYAC.

Executive Summary

In light of the legal complexities created by the *North Stradbroke Protection and Sustainability Act 2011 (NSIPS Act)* and in recognition of entitlements granted to QYAC in the ILUA and through the joint management provisions of the National Park, Sibelco has taken the opportunity to re-define a more limited scope of tenure for NSI.

Sibelco places high commercial value on amending the NSIPS Act in 2013. This would deliver the certainty required for Sibelco to make the commercial investment decisions required to facilitate a smooth transition from two to one mineral sand mine from 2015. This would minimise impacts to employees, local contractors and the NSI community and economic environment.

Sibelco has designed a plan that will facilitate continuous mining at the Enterprise mine until 2035 on just one additional mining lease. This plan will see the mine continuing on the current mining leases of ML1117 and ML1105 and then onto the mining lease immediately ahead, being ML1120. It is our understanding that ML1117, ML 1105 and ML1120 are not included in the ILUA. Sibelco's revised plan has the benefit of being able to be implemented through a legislative process alone and will not invoke the need to amend the ILUA.

On the basis that a change to legislation is advanced for the benefit of all, Sibelco will forego the opportunity to mine the remaining leases that formerly comprised the Enterprise Mine and which have subsequently been included in the ILUA. While there is no need to amend the ILUA as a pre-condition to legislation, there remains an opportunity for the State to continue good faith discussions with QYAC to promote the existing ILUA relationship. Sibelco supports the State's discussions with QYAC in parallel with and unconnected from the legislation process.

To be clear, Sibelco seeks your commitment to advance this legislation separately from the State's discussions with QYAC.

Background

Sand mining is the largest industry and economic contributor to NSI and as such has the overwhelming support of the local community, as demonstrated following the Bligh Labor Government's decision to prematurely end mining.

The introduction of the NSIPS Act is the main threat to NSI's economy. As long as it remains in force in its current state it contributes to uncertainty for NSI's future. The Act enforces the closure of the Enterprise Mine on NSI by 2019 causing the loss of around 300 jobs and more than \$130 million in economic benefits.

In January 2012 Sibelco welcomed Premier Campbell Newman's commitment to overturn the Bligh Labor Government's decision to prematurely end sand mining on NSI and to reinstate Sibelco's rights. While the legal complexities of the NSIPS Act have made it difficult to put Sibelco in the same position we were in immediately prior to the Act, Sibelco and the State Government have been working collaboratively over the past twelve months to define a legal framework to allow Sibelco to continue mining on NSI until 2035.

On 30 May 2012 Sibelco provided the State with the *Discussion Paper – Sibelco's Operations on North Stradbroke Island*. Sibelco is not a party to the State and QYAC's ILUA and was therefore unaware that Sibelco's 30 May 2012 proposal necessitated an amendment to the ILUA and would therefore significantly delay legislative change. Sibelco is respectful of the rights granted to QYAC in the ILUA and through the joint management provisions of the National Park and desires an outcome that benefits everyone.

Through the constructive process of engagement with the State, Sibelco has been able to design a legislative approach that does not impact on ILUA rights, which we understand will address the legal process concerns highlighted by the State's legal representative Leanne O'Neill.



The Content of Legislative Change

In order to expedite the passage of legislation, the content of Sibelco's proposal has been broken down into four areas. Sibelco is comfortable that these outcomes will deliver on the Premier's commitment to facilitate mining on NSI until 2035 while avoiding any unintended impact on indigenous rights. We are confident that this content represents the best possible outcome for the NSI community, the Government and QYAC.

1. Remove geographical constraint on Mining Lease 1117 and Mining Lease 1105

Under Section 17 of the NSIPS Act and Condition A37 of Sibelco's Environmental Authority MIN 100971509 (EA), a restricted mine path is imposed on the Enterprise Mine at ML 1117 and ML 1105. This restriction prohibits the winning of material outside of a specified mine path on ML 1117 and ML 1105 and beyond 2019. As a result, Sibelco is the only miner in Australia to have a mine path dictated by legislation at a point in time instead of generated through ongoing technical processes of exploration, risk assessment, market review, and mine planning. Sibelco requests that the restricted mine path be removed from the NSIPS Act and Sibelco's EA so that Sibelco can generate a feasible mine path. There will be no impact on rights granted under the ILUA or through the joint management provisions of the National Park.

2. Remove the "no winning" constraint on Mining Lease 1120

Section 11 and Schedule 1 of the NSIPS Act prohibit the winning of mining material on ML 1120. Sibelco requests that the "no winning" constraint be removed so that Sibelco can mine ML 1120 without impacting on rights granted in the ILUA or through the joint management provisions of the National Park.

3. Adjust the temporal constraints on ML 1117, ML 1105 and ML 1120

Sections 10, 11 and 12 and Schedule 1 of the NSIPS Act operate to terminate ML 1117 and ML 1120 on 31 December 2019. ML 1105 will terminate on 30 November 2021. They also prohibit any renewals that would otherwise be permitted under the *Mineral Resources Act 1989*. In order to fulfil the Premier's commitment to allow mining to continue at the Enterprise Mine until 2035, Sibelco requests that the terms of ML 1117, ML 1105 and ML 1120 be changed to 31 December 2035.

Sibelco remains committed to industry-leading rehabilitation practices, regardless of cessation dates. Because the NSIPS Act does not permit renewals, there is no mechanism to permit tenure for rehabilitation once mining ceases in 2035. Sibelco requests that tenure for rehabilitation purposes only be granted by allowing a pro forma single renewal of ML 1117, ML 1105 and ML 1120 until 31 December 2040 with a "no winning" condition attached to the renewal.

There will be no impact on rights granted under the ILUA or through the joint management provisions of the National Park

4. Correct errors which are possible through legislation alone

While the above will enable Sibelco to continue mining on NSI until 2035, it is possible to correct some of the errors created by the NSIPS Act through legislation alone.

- There is currently no legal mechanism to permit tenure for rehabilitation of the Yarraman mine once mining ceases by 31 December 2015. Sibelco requests that tenure for rehabilitation purposes only be granted by allowing a pro forma single renewal of ML 1109 until 31 December 2020 with a "no winning" condition attached to the renewal.
- The commencement of the NSIPS Act interfered with Sibelco utilising the usual amendment process for removing the restricted mine path from our EA. Further there is an opportunity to bring Sibelco's EA in line with the Government's new "model conditions". Sibelco requests that legislative process be utilised to introduce a new EA on this basis, the detail of which will be provided to the State.

There will be no impact on rights granted under the ILUA or through the joint management provisions of the National Park.

Exempt Sch.3(2)(1)(b) Reveal Cabinet consideration

Rachel Lunnon

From: Oneill Leanne [Leanne.Oneill@dnrm.qld.gov.au]
Sent: Tuesday, 30 April 2013 11:31 AM
To: Young Liz; Siebuhr Michael; Savage Ross; Ackfun Alex; Hertslet Bryce; Bernadette Zerba; Rachel Lunnon; Luttrell Andrew
Subject: North Stradbroke Island Project - Meeting between the State and QYAC on Wednesday 8 May 2013
Attachments: Attachment 3_Q&A.doc; Attachment 2_State Presentation_NRM.docm

Dear All

I refer to the Government Commitment to extend mining operations on North Stradbroke Island. By way of update:

Minister Cripps, Minister for Natural Resources and Mines, representatives of the Department of National Parks, Recreation, Sport and Racing (NPRSR), representatives of Sibelco are meeting with QYAC, elders and their legal representatives to outline the State proposal to formally seeking Quandamooka's Agreement to negotiate with the State on matters relevant to NPRSR and NRMs portfolios. The draft State Proposal in respect of mining only is attached. Please note that the attached draft State Proposal Document is still subject to Ministerial approval.

It is expected that at this meeting QYAC are likely to seek to raise a number of issues which relate to the current ILUA and associated agreements and/or other concerns they may have outside of the proposal to negotiate in respect of mining. Accordingly I have prepared a Q&A (attached).

Please advise if you have any other matters which should also be included in the Q&A which are likely to be raised by QYAC and which the Minister should be aware of and prepared for.

Regards
Leanne

Leanne O'Neill
Director
North Stradbroke Island Project
Department of Natural Resources and Mines

Level 7, 61 Mary Street, Brisbane Qld 4000
t: 07 3234 0525
m: S.73 Telephone Nun
e: leanne.oneill@dnrm.qld.gov.au

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North Stradbroke Island

Government Proposal to extend mining operations

This confidential proposal has been prepared by the Department of Natural Resources and Mines for the purposes of Good Faith Negotiations with the Quandamooka People.

State of Queensland, 2013.

The information contained herein is subject to change without notice. The Queensland Government shall not be liable for technical or other errors or omissions contained herein.

Released under RTI - DPC



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Summary

This document outlines the Queensland Government's commitment to phase out mining on North Stradbroke Island over an extended period to ensure the sustainability of the current economy and to provide sufficient time to transition to a sustainable economy not dependent on mining.

Prior to the former government introducing the *North Stradbroke Island Protection and Sustainability Act 2017* (NSIPS Act) the island had 33 granted mining leases and 11 mining lease applications. Currently there are 21 granted mining leases covering 11,536 hectares on the island, with expiry dates ranging from 2013 through to 2025. The economy of North Stradbroke Island was and still is largely dependent on these mining operations.

The NSIPS Act provided for the cessation of mining activities (including all heavy mineral sand mining) in the North Stradbroke Island Region by the end of 2019 and to end all mining in the region by 2025. However, the framework under that legislation did not provide sufficient time for the economy of North Stradbroke Island to transition to an economy that is not dependent on mining.

Therefore, the Premier announced that although the Government is committed to ending sand mining on North Stradbroke Island it needs to be done in a timeframe that ensures a long term sustainable economy.

Extension of mining operations will be to the benefit of the Quandamooka People, the whole community of North Stradbroke Island and other Queenslanders because it will provide the time needed for viable alternative businesses which are not dependent on mining to develop. This will have a positive flow-on effect to the whole the community.

The Government would like to work with you and Sibeco to reach a negotiated agreement to amend the terms of the current ILUA with a view to entering into a new ILUA which facilitates the extension of mining operations. Any new ILUA which facilitates mining will not be disadvantageous as it will not take away benefits already agreed to. Any new ILUA can adopt the terms and benefits contained in the current ILUA.

What are the benefits of extending mining to the North Stradbroke Island Community?

The Government proposal to extend mining until 2035 will provide significant benefits to the North Stradbroke Island community.

The current legislative framework simply does not provide sufficient time for the economy of North Stradbroke Island to develop so that it is not dependent on mining. The strict timeframes do not allow sufficient time for the local community and businesses to develop adequately enough to support the Island's economy.

Currently, approximately 270 people are employed by Sibeco as a direct result of mining on the island and at least 50 per cent of those employed are island residents. Approximately 15 per cent of mine workers are from the local Indigenous community. The loss of employment without other viable business alternatives that are already up and running by the time mining ceased would have significant impacts on both the Indigenous and local North Stradbroke Island community.

The creation of new businesses which will form the basis of the economy of North Stradbroke Island will take time, and will require amongst other things the development of business cases, feasibility studies, business models and implementation. A firm end date of 2035 provides the community time to transition the economy to a sustainable future without sand mining.

What mining should be extended and to when?

Briefly, the current legislative regime provides that mining activities (including all heavy mineral sand mining) in the North Stradbroke Island Region end by 2019, and provides for the cessation of mining in the Region by 2025, by ensuring mining interests for:

- Yarraman Mine end at the end of 2015;
- Enterprise Mine end at the end of 2019; and
- Vance Mine end on 31 October 2025;
- Bayside Mine was renewed until 19 December 2019 but a 'no winning condition' was imposed preventing extraction operations.

The Government is committed to phasing out mining operations in the long term but is proposing a process and timeframe which is sustainable and which provides sufficient time for the economy of North Stradbroke Island to adjust. This would include the extension of appropriate mining operations and removal of conditions which restrict the winning of materials in a sustainable way.

The Government is committed to ensuring that this commitment is delivered in accordance with the future act provisions of the *Native Title Act 1993* and to seek a negotiated agreement with you as may be required under the current ILUA and associated agreements and by the *Native Title Act 1993*.

The Government would encourage you to work with Sibeco and the State to develop a framework for the extension of mining which best enables the economy to transition in appropriate timeframe to one that is not dependent on mining.

What benefits could be realized pursuant to an ILUA?

An ILUA within the context of the government proposal would provide the Quandamooka People with significant additional short and long term financial, social and community benefits.

It is the State proposition that the types of benefits that could be realized could include:

Monetary Compensation – extended percentage of royalty payments.

Additional Land Ownership – potentially further land ownership for the Quandamooka People in addition to that granted under the current ILUA. Additional land ownership would provide the Quandamooka People with additional financial, social and community benefits and could be used to facilitate future business aspirations. The type of tenure and location would be a matter for negotiation.

Sibeco will also provide the Quandamooka People with significant additional short and long term financial, social and community benefits. This may include:

Employment opportunities – this could include training packages as well as new job opportunities.

Business development grant – This type of assistance will help the economy of North Stradbroke Island to transition to an economy not dependent on mining.

Compensation – for the impact of the extension of mining on your native title rights and interests.

The Government would encourage you to work with Sibeco and the State to develop a negotiation package that reflects the extension of mining framework. Your views as to what could be included in a negotiation package will also be very important during the negotiations.

How can this commitment be achieved?

For the State, Sibeco and the Quandamooka People to work together to reach a negotiated agreement in the form of an ILUA where the proposed extension and restrictions on mining require negotiated agreement.

By the Government amending the current legislation that finalises mining on North Stradbroke Island and amending other legislation as necessary to achieve jointly agreed outcomes.

Timing of negotiations

It is appreciated that such complex negotiations take time. However, the current legislative regime imposes timeframes for ending mining operations on North Stradbroke Island. Therefore the timing of any negotiated ILUA is necessarily constrained by that legislation. The State, the Quandamooka People and their representatives and Sibeco would need to work together in developing a reasonable timeline and process to be followed in any negotiations.

However, it is the Government's position that due to time constraints it would be necessary to have an in-principle agreement on the terms and content of any negotiated agreement by the end of 2013 with an executed agreement and registered agreement completed by June 2014.

Government assistance in this process

The Government is committed to making this process work. Therefore, the Government as previously advised will provide a one-off grant of \$100,000 to assist you with your external legal costs in relation to negotiating an ILUA to enable the continuation of mining until 2035. Importantly, this grant is not dependent on an agreement being reached but is being provided to assist you in participating in good faith negotiations regarding the extension of mining operations.

Recognising the costs involved in authorisation meetings for the purposes of authorising Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) to negotiate on the Quandamooka People's behalf, the Government is prepared to discuss how these costs could also be alleviated.

The State is committed to assisting QYAC to develop its capacity as a viable business entity and to assist QYAC in meeting its obligations to the Quandamooka People. The State has already paid the first two installments totaling \$840,000 pursuant to the Capacity Development Grants. The State is committed to providing the rest of the \$2 million pursuant to a Capacity Development Grant over the next two financial years.

What does this mean for the current ILUA and other agreements?

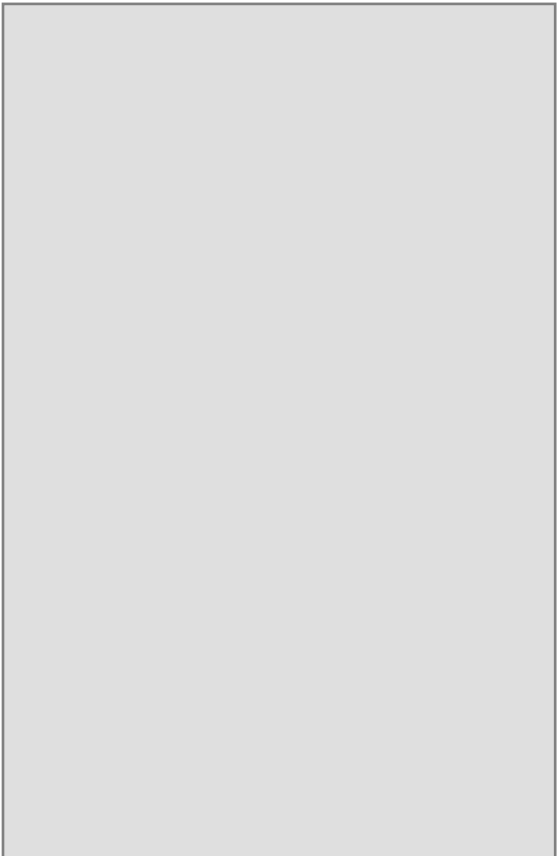
If the Quandamooka People and the State reach agreement to extend mining it will be necessary for this agreement to be recorded in a new ILUA. This is because, pursuant to the *Native Title Act 1993* (Cth), it is not possible to register two LUAs dealing with the same matters that are over the same area. Nor is there provision to amend the current ILUA without going through registration again.

Should a new ILUA be negotiated it would be necessary for the parties to agree to remove the existing ILUA from the register upon registration of a new ILUA. There would be no impediment to including in the new ILUA those aspects of the existing ILUA and associated agreements that the parties want to retain.

In seeking to negotiate an ILUA that extends mining, it is not the intention of the State to undo the current ILUA or to remove or limit benefits under that ILUA. It is the intention of the State to fulfil its legal obligations under the current Agreements subject to any other agreement reached between the parties. The State assures you that current legal obligations under the current ILUA and associated agreements will continue to be implemented unless there is agreement between the parties to the contrary.

Exempt Sch.3(8)

Released under the Information Privacy Act 2009



ATTACHMENT 3

Q & A

Why are NRM officers going onto our land where we have an exclusive determination of native title without our permission?

The State has on-going land management obligations on Unallocated State Land, even where there is a determination of exclusive possession. Many of these obligations are for the purposes of protecting life and property and include matters such as fire management. It is important for all parties concerned that these land management activities continue to be undertaken.

Why is the ILUA suspended?

The ILUA is not suspended. A temporary hold was placed on the implementation of the ILUA, this was not a suspension of the ILUA. The temporary hold outlined in the letter of 16 November 2012 was to provide an opportunity to QYAC to raise any issues that Quandamooka would want to form part of any negotiations with the State. This was explained in correspondence of 3 December 2013.

On the basis of QYAC's response the temporary hold was lifted and the State has continued to implement the current ILUA while trying to engage with QYAC in negotiations on the extension of mining.

Is the State going to fulfil its legal obligations under the current ILUA?

Yes, the State is continuing to fulfil its legal obligations under the ILUA and associated agreements. In fact the State has paid the ex gratia payments required under the ILUA. The State has commenced the planning study under the Heads of Agreement scheduled to the ILUA. And the State has continued to work through the numerous land tenure dealings under the ILUA.

A new agreement would be negotiated on a 'no disadvantage' basis, which means that any new agreement would not take away any benefits already agreed to under the current ILUA.

Where are the land tenure dealings under the ILUA up to and when are they going to be completed?

QYAC has been provided with a list detailing the status of all land tenure dealings under the ILUA. QYAC has been requested to provide some feedback to the State so that a 'roll-out' program which will include prioritisation of survey work can be developed.

Is the Economic Transition Taskforce going to be continued?

It is my understanding that the taskforce was disbanded following the election. Continuation of the project is a matter for the Department of State Development Infrastructure and Planning to decide.

Background:

1. *This taskforce was established pre-election.*
2. *The taskforce completed a number of documents including a draft economic transition strategy and a draft action plan to provide for a framework to assist in the economic transition on the island following consultation with community and industry.*
3. *The State paid \$66,682 to QYAC to develop a draft Indigenous Business Plan. This draft Indigenous Business Plan was never finalized.*
4. *The project has never been budgeted for and previously spent funds were found through internal savings in the NSI budget.*
5. *On 15 May 2012 QYAC were advised that continuation of the project was uncertain and on 4 June 2012 were advised that continuation of this project is a matter for the Department of State Development, Infrastructure and Planning.*
6. *QYAC have since advised Mark Robinson MP the local member at the Point Amity Progress Association that the community wants this project continued.*

Why can't our indigenous oyster operations continue?

I understand that the previous lease for oyster area 21 has expired, and the former lease area is also subject to the requirements of the Oyster Industry Management Plan for Moreton Bay Marine Park.

This matter is one for consideration by the Department of Agriculture, Fisheries and Forestry with respect to the former lease, and the Department of National Parks, Recreation, Sport and Racing with respect to the Moreton Bay Marine Park. On this basis I must defer to the respective departments to consider this matter.

Released under RTI

Rachel Lunnon

From: Robbie Meddick
Sent: Tuesday, 20 August 2013 9:56 AM
To: Rachel Lunnon
Cc: Bernadette Zerba
Subject: FW: Ltr to TSY
Attachments: Attachment 1 - Letter to Treasurer from Minister NRM (DDG amended).doc

Sensitivity: Confidential

Sorry Rachel. Wasn't quite sure whether you were leading on Straddie. I'll come chat about this.

From: Laurie Samantha [<mailto:Samantha.Laurie@dnrm.qld.gov.au>]
Sent: Tuesday, 20 August 2013 8:47 AM
To: Robbie Meddick
Cc: Meadowcroft Rex
Subject: Ltr to TSY
Sensitivity: Confidential

Hi Robbie

As we discussed, please refer to the attached letter that is currently on the way to the Treasurer. Please feel free to discuss with Patrick Wilde if need be. Give me a call if you want to discuss further.

Cheers
Sam

Samantha Laurie | Manager -- Legislative Support
Policy and Program Support | **Department of Natural Resources and Mines**
Level 7, 61 Mary Street, Brisbane, Queensland | PO Box 15216, City East QLD 4002
t: 3199 7339 | e: samantha.laurie@dnrm.qld.gov.au

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Prepared by: Jemima Neisler Title: Senior Leg Officer Division/Region: Legislative Support Telephone: 07 3199 7340 Date Prepared: 31 July 2013	Endorsed by: Rex Meadowcroft Title: Director Division/Region: Legislative Support Telephone: 07 3199 7351 Date Endorsed:	Endorsed by: John Skinner Title: Deputy Director-General Division/Region: Policy and Program Support Telephone: 07 3008 5793 Date Endorsed:	Approved by: Dan Hunt Title: Director-General Division/Region: Office of the Director-General Telephone: 07 3199 8217 Date Approved:
Date Received in MO	MO clearance by:	Date Cleared:	

Ref [Min Office No]
CTS No.

The Honourable Tim Nicholls MP
Treasurer and Minister for Trade
Member for Clayfield
GPO Box 611
BRISBANE QLD 4001

C/C The Honourable Jeff Seeney MP
Deputy Premier and Minister for State
Development, Infrastructure and Planning
Member for Callide
PO Box 15009
CITY EAST QLD 4002

Dr Malcolm Roberts
Chairman
Queensland Competition Authority
GPO Box 2257
BRISBANE QLD 4001

Referred by direction for information only.

Dear Treasurer

In 2012, an election commitment was made to extend sand mining on North Stradbroke Island (NSI). To deliver on this commitment, amendments to the *North Stradbroke Island Protection and Sustainability Act 2011* (NSIPS Act) are required (refer to Attachment 1 for further details). In light of recent press coverage, the proposed amendments are proving controversial. My department has advised that a Regulatory Impact Statement (RIS) would be required under the RIS System. A Regulatory Principles Checklist for the amendments is at Attachment 2.

I am writing to you to seek an exemption from conducting a RIS on the proposed amendments on the grounds that there is an urgent need to have them enacted as soon as practicable. This is so that Sibelco Australia Limited (Sibelco), who is the only active sand mining company on NSI, does not withdraw from the island, which would have a negative and serious impact on the island's economy.

Proposal - Extension of mining to 2035

Refuse Sch.4 Part 4 s.7(1)(b) Commercial value

The extension of mining will not have any adverse environmental impacts, and will not impact on the unique environmental values on NSI currently protected in the National Parks (which covers 50% of the island). The footprint of the mine will not be expanded but reduced over time with parts of tenements being relinquished by Sibelco ahead of time, and with mining concentrated at the Enterprise Mine.

This Proposal is considered the most suitable to deliver on the government's commitment, and will deliver the greatest net benefit. The Proposal will not impact on the rights contained in the Indigenous Land Use Agreement (ILUA) between the Quandamooka People and the State Government, and the Proposal is valid as against native title. The State Government will benefit from the delivery of continuous royalty revenue estimated to be an additional \$40-\$55 million from 2019 to 2035.

Exempt Sch.3(8)(1) Breach of confidence

Request for exemption

I am seeking to introduce the abovementioned legislative changes to Parliament in 2013 and as outlined above request an exemption from preparing a RIS on the ground that an immediate regulatory response is required as Sibelco needs legislative certainty for their forward operations on NSI if mining is to continue on the island until 2035.

Legislative amendment at this time is necessary to provide Sibelco with sufficient lead time to make commercial and investment decisions. For instance, Sibelco needs to upgrade the Enterprise Mine dredge and concentrator to make it better suited for mining the reduced mineral grade. The upgrade is necessary as the Enterprise Mine is characterised by a diminishing grade. A diminishing grade means that there is a reduced recovery rate and therefore an increasing unit of cost of mining for each tonne of final product. This upgrade needs to occur while the Yarraman Mine is still operational (due to cease productive mining by 31 December 2015) because with the Yarraman still supplying the raw material, the Pinkenba processing plant can continue to produce final products as opposed to incurring down time which would be to the detriment of employees, contractors and customer supply.

I also note the requirement that a post-implementation review must be commenced within two years of the implementation date of any regulation with significant impacts where a RIS was not conducted, including where a Treasurer's exemption was granted.

Undertaking such a review could potentially frustrate the delivery of the Premier's election commitment to facilitate mining on NSI until 2035. Further, undertaking a post-implementation review would also undermine the legislative certainty provided to Sibelco, again running the risk that Sibelco will walk away from the Proposal. However, given the high profile nature of the Proposal, I am not proposing to seek an exemption from this requirement at this time.

Should you have any further enquiries, please do not hesitate to contact Mr Rex Meadowcroft, Director, Legislative Support on telephone 07 3199 7351.

Yours sincerely

Andrew Cripps MP
Minister for Natural Resources and Mines

Att

Released under RTID208

Rachel Lunnon

From: Michael.Webster@treasury.qld.gov.au
Sent: Thursday, 19 September 2013 3:38 PM
To: Rachel Lunnon
Subject: BD 2133 North Stradbroke Island Protection and Sustainability Amendment Bill 2013.docx
Attachments: BD 2133 North Stradbroke Island Protection and Sustainability Amendment Bill 2013.docx

Hi Rachel

Attached is our suggested brief. Note the update on RIS process.

Exempt Sch.3(2)(1)(b) Reveal Cabinet consideration

regards

Michael Webster
Senior Treasury Analyst
Transport Group
Queensland Treasury and Trade
Phone: 303 51419

[Mailto:michael.webster@treasury.qld.gov.au](mailto:michael.webster@treasury.qld.gov.au)

(See attached file: BD 2133 North Stradbroke Island Protection and Sustainability Amendment Bill 2013.docx)

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Prepared by: Samantha Laurie Title: Manager Division/Region: Legislative Support Telephone: 3199 7339 Date Prepared: 9 August 2013	Endorsed by: Rex Meadowcroft Title: Director Division/Region: Legislative Support Telephone: 3199 7351 Date Endorsed:	Approved by: John Skinner Title: Deputy Director-General Division/Region: Policy and Program Support Telephone: 3008 5793 Date Approved:	Approved by: Dan Hunt Title: Director-General Division/Region: Telephone: Date Approved:
Date Received in MO	MO clearance by:	Date Cleared:	

Ref [Min Office No]
CTS No.

Honourable Campbell Newman MP
Premier of Queensland
Member for Ashgrove
PO Box 15185
CITY EAST QLD 4002

Dear Premier

I request your approval for the early engagement of the Office of the Queensland Parliamentary Counsel (OQPC) to commence drafting of legislative amendments to the *North Stradbroke Island Protection and Sustainability Act 2011* (NSIPS Act) to deliver the government's election commitment to extend mining on North Stradbroke Island (NSI).

The government made an election commitment to deliver a framework to extend mining on North Stradbroke Island (NSI) to allow sufficient time for the economy of NSI to transition to one which is not dependent on mining.

My department has been negotiating with Sibelco to define a legal framework to continue mining on NSI until 2035. Various options have been considered, however the preferred option is a simplified approach that can be implemented through a legislative process alone, without needing to amend the indigenous Land Use Agreement (ILUA) between the Quandamooka People and the State Government.

In short, the proposal includes extending mining operations and removing the restricted mining path on several mining leases. Mining on these leases will cease in 2035, with a further five years for rehabilitation purposes. This proposal is considered the most suitable to deliver on the government's commitment and will deliver the greatest net benefit. Importantly, the proposal will not impact on the rights contained in the ILUA. The State Government will also benefit from additional royalty revenues estimated to be in the vicinity of \$40-\$55 million as from 2019 through to 2035.

During negotiations, Sibelco has indicated that if the legislation is not progressed as soon as practicable its current projected operations will be amended due to the lack of investment certainty and may wind down their operations within the next two years (ahead of the NSIPS Act timeframes).

The early cessation of mining (i.e. before depletion of the resource) under the NSIPS Act gives rise to concerns over sovereign risk. If Sibelco ceased mining earlier than the timeframes under the NSIPS Act, this would highlight the impacts of sovereign risk to future investors in the mining and exploration industry in Queensland. It may increase perceptions about reduced security of long-term business investment opportunities for mining and other industries.

Prepared by: Samantha Laurie Title: Manager Division/Region: Legislative Support Telephone: 3199 7339 Date Prepared: 9 August 2013	Endorsed by: Rex Meadowcroft Title: Director Division/Region: Legislative Support Telephone: 3199 7351 Date Endorsed:	Approved by: John Skinner Title: Deputy Director-General Division/Region: Policy and Program Support Telephone: 3008 5793 Date Approved:	Approved by: Dan Hunt Title: Director-General Division/Region: Telephone: Date Approved:
Date Received in MO	MO clearance by:	Date Cleared:	

Also, if mining operations were to cease by 2016, there would be significant economic consequences to the NSI community as 14 per cent of all jobs located on NSI are related to mining with the accommodation and food services providing 16 per cent of jobs. The flow on effects could be economically devastating as there would not be enough time for the community of NSI to transition and develop other suitable industries.

Therefore, to provide certainty to Sibelco and the community of NSI I am proposing to have the amendments introduced and passed by the end of 2013. As such I seek your approval to combine the Authority to Prepare (ATP) and Authority to Introduce (ATI) Cabinet processes.

An amendment is also required to confirm the dedication of the national parks / prescribed protected areas over parts of Aboriginal Land over mining leases ML1113, ML1119, ML1121, ML1122, ML1129, and ML1130 on NSI.

Only State land can be dedicated as a prescribed protected area under sections 4 and 4A of the *Nature Conservation (Protected Areas) Regulation 1994*. When the *Nature Conservation (Protected Areas) Amendment Regulation (No. 8) 2011* was passed it purported to dedicate areas of Aboriginal land (a form of freehold tenure, not State land) as national park (s5) and national park recovery (s6).

This oversight is required to be corrected in the NSIPS Act. Under s42A(2)(a) of the *Nature Conservation Act 1992* the Minister is under a continuing obligation to recommend to the Governor in Council the dedication of the areas of Aboriginal Land as prescribed protected area. The amendment to the Act will alleviate this obligation.

The submission could be scheduled for Cabinet consideration on 14 October 2013, to allow introduction of the Bill to Parliament during the sitting week of 15 – 17 October. Due to Parliamentary and Cabinet process timeframes, it will be difficult to have this legislation introduced by the end of the year without your approval to combine the submissions.

Attached for your consideration is a draft copy of the drafting instructions (refer Attachment 1) which will be used to form the basis of this legislation. We also seek your approval to provide these drafting instructions to the Office of the Queensland Parliamentary Counsel and make, if necessary, any minor or consequential amendments to these as required in order to progress the legislation in a timely manner.

I look forward to receiving your approval to ensure this legislation is introduced and passed prior to the end of the year.

If you have any questions about my advice to you, Ms Susan McDonald, Chief of Staff, will be pleased to assist you and can be contacted on telephone 3227 8070.

Yours sincerely

Andrew Cripps MP
Minister for Natural Resources and Mines

Pages 37 through 50 redacted for the following reasons:

Exempt Sch.3(2)(1)(a) Consideration of Cabinet

Released under RTI - DPC