Moreton Island Preservation Bill 1987
(Private Senator's Bill)

Date Introduced: 26 February 1987
House: Senate
Presented by: Senator the Hon. Michael Macklin

Digest of Bill

Purpose
To prevent mining on Moreton Island.

Background

Moreton Island is situated 40 kilometres offshore from Brisbane and has an area of 18,960 hectares. The island is composed of sand and its highest point, Mt. Tempest is reputed to be the highest sand dune in the world with a height of 280 metres. The island was last mined in 1954 and has developed considerable tourism potential, largely due to its proximity to Brisbane.

In 1975, the Queensland government appointed a team of consultants to make recommendations on the future use of the island. The consultants report was forwarded to the government in April 1976 and contained two strategies. The first recommended that no mining be allowed while the second approved mining on approximately 7% of the island. Also in 1976, the Queensland government appointed a Commission of Inquiry (the Cook Inquiry) to examine the consultants recommendations. The inquiry largely supported the second recommendation, though with some modifications. Yet another inquiry, this time an interdepartmental one, was established to examine the findings of the Cook Inquiry. Following the examination by the interdepartmental committee, the Queensland government announced on 23 June 1981 that it had accepted the findings of the Cook Inquiry and would allow mining of 6.4% of the island, with 91.2% becoming a national park. The remainder would be largely residential.

Moreton Island was entered on the register of the National Estate by the Australian Heritage Commission on 25 August 1981 due to its geological importance, recreational value and the presence of significant Aboriginal artifacts. The use of the island was also examined by the House of Representatives Standing Committee on Environment and Conservation. The Committees report was released in October 1981 and, while not reaching a conclusion of whether mining should be allowed, concluded that a public inquiry should be allowed before export licences were granted for the sands mined. The issue of export licences was particularly important as a sufficient market did not exist in Australia to warrant mining. The refusal of export licences had been used previously to prevent mining on Fraser Island.
The Federal government's policy on Moreton Island was announced in February 1984, and was centered on the refusal of export licences. On 2 February 1987, the Queensland government announced that it had approved mining on the part recommended by the Cook Inquiry. On 8 February 1987 the Managing Director of Renison Goldfields Consolidated, the parent company of the company that holds the mining licence, was reported as stating that the mineral sands mined would be sold on the domestic market, thus rendering the ban on exports of no effect. On 11 February 1987 the Federal government reaffirmed its policy of banning exports of Moreton Island sand. This Bill will rely on the Commonwealth's corporation power (sub-section 51(xx) of the Constitution) to prohibit corporations from mining Moreton Island and the inter-State trade power (sub-section 51 (i)) to prevent inter-State trade of goods mined from the island.

Main Provisions

Clause 4 will prohibit corporations, except as allowed by regulations, from carrying out excavation work on Moreton Island for the purpose of extracting minerals, carrying out associated exploratory work, or transporting, processing, refining, manufacturing, selling or otherwise disposing of such minerals.

The Bill will also bind the Commonwealth, States, Commonwealth and State authorities and individuals where they engage in inter-State or overseas trade (clause 5).

Clause 6 will allow the Federal Court to issue injunctions to enforce the Bill on the application of an interested person which is to include anyone whose use and enjoyment of the Island is likely to be affected.

A breach of clause 4 will be punishable by a maximum fine of $50 000 for each day that the clause is breached (clause 7).

Where the operation of the Bill results in the compulsory acquisition of property, compensation will be payable in accordance with sub-section 51 (xxxii) of the Constitution (clause 9).

Clause 10 will authorise the Governor-General to make regulations under the Bill.

References

3. The Sunday Mail (Brisbane), 8 February 1987.

For further information, if required, contact the Law and Government group.

19 August 1987

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This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.