

Your Ref: Scrutiny of Legislation Committee

Our Ref: Planning and Environment Law Committee

30 March 2011

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

Email: 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
President