

# FRIENDS OF STRADBROKE ISLAND



Established in 1988, FOSI is dedicated to the protection of the natural environment of North Stradbroke Island and its surrounding waters. FOSI also works to ensure that urban and economic development of the island is founded upon the principles of environmental protection and preservation of the unique urban characteristics of its townships.

**MEMBERSHIP RATES, 2012: Individual \$15.00 Family \$20.00 Concession \$5.00**

Friends of Stradbroke Island, PO Box 167, Point Lookout QLD 4183.

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*Bush Stone Curlew.*

*(Bruce Martin)*

## Summer Nature Notes

Off Point Lookout the Manta Rays will have returned and dolphins with new calves may sometimes be sighted.

Koala breeding season is in full swing over summer. This is a time of increased activity and movement on the ground between trees, particularly from around November to January, and extra care should be taken when driving near koala habitat during this time especially around all the townships, Myora and along the road to Amity. The breeding season commences around July-August and can extend through until around April-May.

Migratory bird numbers are peaking as the last of the juveniles arrive from their breeding grounds in Siberia and Central Asia. This is a great time to check out Dunwich's Bradbury Beach high tide roost (early in the day before disturbance) and the tidal wetlands at Amity and Swan Bay. Birds to look for include Eastern Curlew, Whimbrel, Bar Tailed Godwit and Grey Tailed Tattler.

Many woodland trees including Brush box, Blackbutt, Pink Bloodwood and Euodia are in blossom. Midyim and many boronias are also summer flowerers. Look

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out for Paper Daisies flowering on the dunes and Coast Banksia on the headlands.

From late November to late January Loggerhead Turtles are breeding and laying eggs on the island's ocean beaches. If you are out walking early on the beach and sight turtle tracks please notify the island wildlife carers so the nest site can be monitored and protected.

The calls of the migratory Channel-billed Cuckoos and Eastern Koel add to the island's beautiful birdsong soundscape dominated by honeyeaters, lorikeets, kookaburras (and cicadas!) over summer. Bush stone curlew breed over summer and their courting duets are often heard at night. Look out for Dollarbirds which have arrived from PNG to breed perching prominently on the tops of trees.

In January dugongs are herding and breeding in Moreton Bay. On days when the Bay is very placid dugongs are sometimes spotted from the ferries. Straddie's only east-west migratory shorebird, the Double Banded Plover arrives from New Zealand – this little bird is often spotted on Flinders Beach and Main Beach. ^

**Mary Barram**

# Errors need to be corrected and be seen to be corrected

RICHARD CAREW



THE backflip by the Queensland Law Society over national regulation of the legal profession has a recent precedent.

After resisting correction for more than a year, the Law Society backed down in July and wrote to the Queensland parliament to correct errors it made in a parliamentary submission in March last year.

But it took a savage assessment of the submission by a prominent senior counsel and a call by a diverse group of senior lawyers for a special general meeting of members to persuade the society to own up to its mistakes.

In the public interest, the QLS makes submissions on parliamentary bills to assess their compliance with fundamental legislative principles defined in section 4 of the Queensland Legislative Standards Act 1992 as "the principles relating to legislation that underlie a parliamentary democracy based on the rule of law". The principles reflect hard-earned rights and liberties.

As the QLS's immediate past

president said: "It is important to draw breaches of legislative standards to the attention of government if those standards that government imposes on itself are to have any practical meaning".

Unfortunately, in the case of the submission on the North Stradbroke Island Protection and Sustainability Bill 2011, the purpose went seriously awry.

Sand mining on North Stradbroke, the world's second-largest sand island and only 35km from the Brisbane CBD, with some of Queensland's best surfing beaches and 50 per cent national park, has been a controversial issue since the federal government ended sand mining on Fraser Island in 1976 after accepting that sand mining caused major, permanent and irreversible environmental harm.

Stradbroke's sand mines are owned by Sibelco Australia, a private company owned by a wealthy Belgian family.

Sibelco's main island interest is a mine called Enterprise. Two years ago, Sibelco began an extensive media campaign because it wanted a key mining lease, ML 1117, which expired in 2007, renewed until 2027 so it could mine out all commercial mineral sand deposits at this mine.

Under Queensland law, mining could continue until the renewal application was decided. Had ML 1117 not been renewed, sand mining would have immediately ended at Enterprise.

The North Stradbroke Act was passed in April last year. Part 2 renewed key expired mining leases. ML 1117 was renewed until 2020 and one at a less profitable mine until 2025.

Part 2 also terminated other leases earlier than their expiry dates. Section 6 provides that there is to be no compensation for any impact of Part 2.

Under Queensland's Mineral Resources Act's expired lease provisions, the mines minister has to be satisfied of each of nine factors before there is a legal power to renew.

## The Law Society's submission only identified potential breaches relating to early termination of leases

In the circumstances applying on North Stradbroke, renewal would have been difficult to justify and it was likely to have been challenged on judicial review, on strong environmental and Aboriginal cultural heritage grounds.

The North Stradbroke Bill breached the Legislative Standards Act provisions in two respects: the proposed renewal of expired leases and the early termination of other leases.

Both interfered, prima facie, with rights and liberties in ways

that offended the fundamental legislative principles.

However, the Law Society's submission identified only potential breaches relating to the early termination of leases. It completely failed to mention the special renewal of the expired leases, despite the obvious benefit to Sibelco. The submission was tabled in parliament. The bill was passed, without amendment.

In May last year I drew the Law Society's attention to its deficient submission. After a lengthy internal process, the society agreed in December to correct the submission, but then reneged on that agreement.

The submission was then reviewed by barrister Tim Carmody SC. He concluded it was "seriously deficient and unbalanced", in favour of Sibelco.

Mr Carmody also concluded, consistently with the explanatory notes to the bill, that "the NSI Act more than compensated Sibelco for early lease termination by automatically renewing the lapsed ML 1117 to 2020".

This is because ML 1117 may not have been renewed under the MRA and because the leases terminated before their expiry dates were comparatively unimportant to further mining plans.

Mr Carmody concluded therefore that the real victims of the NSI Act were the opponents to sand mining whose natural justice rights included the right to a decision on the pre-existing appli-

cations for renewal under the MRA and the right to challenge a renewal on judicial review. The NSI Act extinguished these pre-existing rights.

Mr Carmody recommended the dispatch of the correcting letter that the Law Society had agreed to last December.

However, the Law Society continued to resist correcting the submission, necessitating a number of senior lawyers requisitioning the society's council in June to call a special general meeting.

That meeting to overturn the resistance became unnecessary because in July the society wrote to the Queensland parliament to correct the errors, in exactly the same terms as it agreed to last December.

To add insult to injury, however, the society has since refused requests to notify its own members of this rare and significant correction.

It has merely placed the letter on the Law Society's website, where the prospect of it coming to the notice of members is minuscule. This unprofessional approach has led to this article.

*Richard Carew is an environmental lawyer who acted for a number of environmental groups and traditional owners in 2010 when they successfully prevented an expansion of Sibelco's interests on North Stradbroke Island into the sale of non-mineral sand.*

## Bush Fires Highlight Need to Protect All Koala Habitat

If we are serious about protecting our koala population, the recent bush fires on the Island highlight the need for all koala habitat and potential habitat to be protected and preserved. The reason is simple. If there is an extensive bush fire which burns down koala habitat, koalas which escape the fire obviously need alternative habitat which they may not currently occupy.

We know that koala habitat is being destroyed on a daily basis at the island's sand mines. The company's own documents reveal this. A few months ago we sent members the references in the company's environmental reports which establishes this. In other words, this comes "from the horse's own mouth".

But Sibelco is doing its best to focus attention on the so-called 'urban koala' and on koalas temporarily occupying revegetated mined areas. Its motive is obvious. It wants the focus away from what is occurring on its active mining leases. While FOSI of course is concerned about the welfare of koalas in the urban areas of the Island (ever wondered why there appear to be more of these 'urban' koalas?) we are more concerned about the bigger picture taking place out of sight but not out of mind – the destruction of large areas of habitat for sand mining. We are also concerned about the hidden deaths occurring 'behind closed doors' on the mining leases – from vehicle strike on the private mining company roads and from wild dog attacks. ^



## Marine Debris Impacts on Wildlife

The CSIRO is working on a national marine debris project which has as its aim identifying the threat to wildlife. The plastic ingestion and entanglement of marine species, especially turtles is something we are familiar with on Stradbroke due to the valuable local work of UQ scientist Kathy Townsend.

The CSIRO is also looking at the impact on seabirds. The cause of the Shearwater strandings on Stradbroke beaches in 2010 and 2012 and possibly on earlier occasions, have been put down to the stresses of the long migratory process but this is now queried by the CSIRO researchers. Debris is now a suspect.

The massive amount of plastic and other debris washed up on Stradbroke beaches this year is an unavoidable indication of how much non-degradable rubbish the ocean creatures have to live with. ^

## The Spirited Wagtail

One of Straddie's most delightful common birds, the Willie Wagtail was recently the subject of a blog by Queensland wildlife writer Robert Ashdown. Robert gave permission to FOSI to reproduce his musings...

*"I don't usually associate Willie Wagtails (*Rhipidura leucophrys*) with beaches, but some beautiful images taken at North Stradbroke Island by Michael Hines made me ponder just how ubiquitous these real characters are.*



***A jaunty-looking Willy Wagtail ponders the surf, North Stradbroke Island.***



***Not your average backyard. Willie Wagtail on sand and pumice, Stradbroke Island. Willie Wagtails are one of five species of fantails (small flycatchers) in Australia. They are found throughout the mainland of Australia and, less commonly, in northern Tasmania. Mainly sedentary or locally nomadic, they tend to be solitary or to occur in pairs, but small flocks may form, where they are often mixed with species such as grey fantails.***

*The Willie Wagtail is one of Australia's most familiar birds, found throughout most of the continent. The name "wagtail" is confusing, because although it flicks and wags its tail from side to side, it is actually a member of the fantail family, and not one of the wagtails of Europe and Asia. [Bird: The DK Definitive Visual Guide]*

### **Found almost everywhere**

*Exploring clearings, and familiar in urban areas, Willie Wagtails forage conspicuously in open places and are the only fantails to feed constantly from the ground. Through this capacity they have spread throughout Australia, avoiding only dense forests and treeless, perchless plains. [Reader's Digest Complete Book of Australian Birds.]*



***A Willie Wagtail hunting dragonflies, Carnarvon Creek, Carnarvon National Park. Willie (sometimes spelled Willy) Wagtails often hawk for insects along creeks, launching into flight from boulders or other perches. We marveled at this bird's ability to snatch fast-moving and wary dragonflies out of the air. (Photo R. Ashdown)***

### **Small but fierce, with serious eyebrows**

*When breeding, Willy Wagtails defend their territory against even large predators, circling their attacker's head in a figure-of-eight pattern uttering an aggressive 'ricka-ticka-ticka-tick'. They defend their territory against other wagtails, enlarging their eyebrows in threat. Defeat is signalled by reducing the eyebrows and retreating. [Reader's Digest Encyclopedia of Australian Wildlife.]*

### **A spirited and sweet voice**

*As a child I remember lying in bed at night listening to a strange bird call that would echo off the quiet houses — "sweet pretty creature" — loud and repeated for what seemed forever. Adults had no answers to my questions about this call, and it took me many years to work out that it was a Willie Wagtail. The nocturnal call of the Willie Wagtail is most commonly heard during moonlit nights and especially during the breeding season (August to February). From my own experience, the presence of a bright street light or car park lighting can also contribute to this phenomenon.*

Once started, the song can continue for lengthy periods, often stimulating other birds nearby to also call. It is thought that the nocturnal song in Willie Wagtails is used to maintain its territory. During the night there is no need for parental duties such as feeding the young or protecting the nest, so the song can be used to consolidate the territory. Sound tends to carry further at night and there are fewer sounds in competition and this adds to its effectiveness. It has been found that most nocturnal songs are from a roosting bird some distance away from the nest.

### Eats almost anything

The Willie Wagtail is an adaptable bird with an opportunistic diet. It flies from perches to catch insects on the wing, but will also chase prey on the ground. Wagtails eat, among other things, butterflies, beetles, flies, dragonflies, spiders and millipedes.

They will often hop along the ground behind people and animals as they walk over grassed areas, to catch any creatures that they flush out. These birds wag their tails in a horizontal fashion while foraging. Why they do this is unknown but it may help to flush out hidden insects — or maybe they just like wagging their tails.

### Determined parents

Willie Wagtails usually pair for life. Anywhere up to four broods may be raised during the breeding season, which lasts from July to December, more often occurring after rain in drier regions.



Willie Wagtails build a cup-like nest, made of strips of bark or grass stems, and woven together with spider web or even hair from dogs or cats. They have even been seen trying to get hair from a pet goat. Photo courtesy Mike Peisley.

Wagtails may build nests on or near buildings, and sometimes near the nest of Magpie-larks, perhaps taking advantage of the aggressive and territorial nature of the latter bird, as it will attempt to drive off intruders.

From two to four small cream-white eggs with brownish markings are laid, and these are incubated for about 14 days. Both parents take part in feeding the young, and may continue to do so while embarking on another brood. Nestlings remain in the nest for around 14 days before fledging. Upon leaving, the fledglings will remain hidden in cover nearby for one or two days before venturing further afield. Parents will stop feeding their fledglings near the end of the

second week, as the young birds increasingly forage for themselves, and soon afterwards drive them out of the territory. [Wikipedia]

**The last word**

Widespread, well-loved. [Graham Pizzey. *The Graham Pizzey and Frank Knight Field Guide to the Birds of Australia.*]

**Thanks again** to Robert Ashdown for allowing FOSI to publish this edited (for space) version of his June 2012 blog – to read the whole blog including an interesting discussion of Aboriginal names and stories and view more beautiful photos go to <http://www.robertashdown.com/blog/> ^



*A Pied Cormorant catches a Butter Bream, east end of Deadman's Beach.*



*Tringa incana, Wandering Tattler.*

*(Heyn de Kock)*



*Rainbow Bee Eater, above the Quarry, Timbin Road.*



*Heart Urchin, *Echinocardium cordatum*. A wind direction change in Moreton Bay results in water current direction change with subsequent erosion of Sea Grass beds harbouring Heart Urchins. These have washed up on Deadman's Beach.*

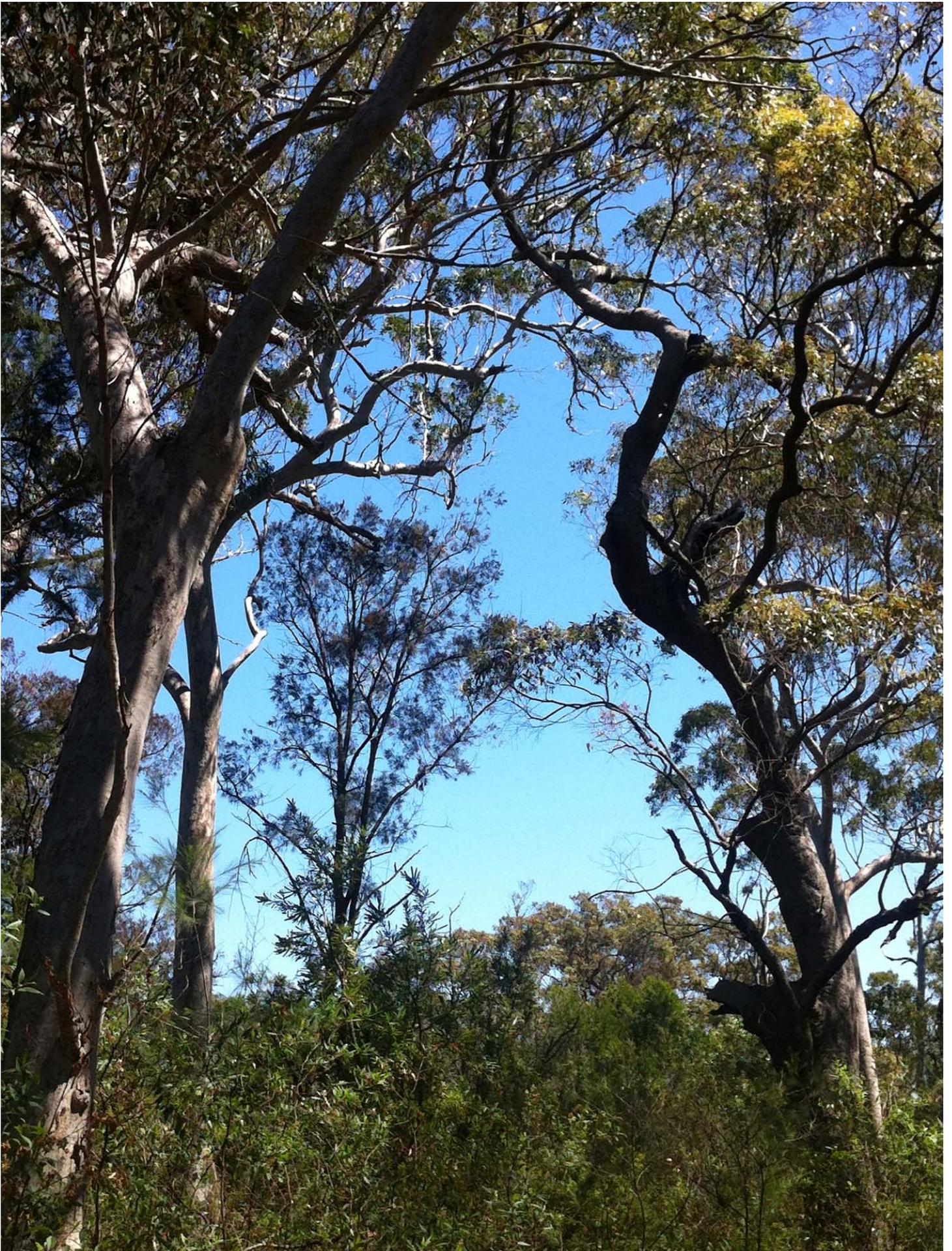


*Everlasting daisy, Xerochrysum bracteatum.*

*(Bruce Martin)*



*Bush Stone Curlew, Amity Caravan Park.*



**NSI Forest.**

**(Mary Barram)**

## Straddie Wildlife Rescue

Straddie Wildlife Rescue is seeking volunteers in all townships to help with island rescues. You will be trained, equipment will be provided and your expenses will be covered. You will not be required to care for the animal, just help rescue it and deliver it to a qualified carer. If you are interested in wildlife care training, that can be arranged as well, at a later date. Rescue is our current urgent need. Please ring 0407 766 052 or email [lee@ataglance.com.au](mailto:lee@ataglance.com.au) if you are interested. It is an incredibly rewarding experience and a wonderful way to contribute to the community. ^



## Feral animal control update

Due to the excellent efforts of Michael Dickinson, Wildlife Spotter / Catcher, 111 foxes in total have been trapped on land controlled by RCC on the Island. Michael has also had a big impact on the population of feral Myna birds with 38 Mynas trapped and humanely disposed of. Michael reports that the Myna's movement patterns have changed as from July this year - possibly due to breeding time or pressure as they have left Amity [38 caught from a group of 40+] and are now very sparse in Point Lookout. Numbers of Mynas are still present in Dunwich but not as visible as before. ^



**Feral fox Main Beach North Stradbroke Island.**

**(Michael Dickinson)**



*Crinum Lily Freshwater wetland, Deadman's Beach.*

# Holiday Greetings!

**Wishing you all a joyous holiday period and a Happy New Year!**

The Committee looks forward to continuing to work together with you to preserve and conserve Stradbroke Island's delicate environment. Thanks for your ongoing involvement and support.

## Summer Reading:

Check out Fosi's ongoing "National Park not Mining" campaign in the summer edition of Straddie Island News - SIN. Also see Mary Barram's informative Summer Nature article, an edited version of our newsletter story.

**Is your newsletter still arriving by post?** If you'd prefer to receive it by email, please send your email address to Edith McPhee at [emcphee@westnet.com.au](mailto:emcphee@westnet.com.au). Thank you. ♦

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