



Autumn 2010 Number 2/2010

Newsletter

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Banners and placards:

- 'NATIONAL PARKS
– NOT MINING'
- 'NSI IS SACRED LAND
NOT SURPLUS SAND'
- 'ENOUGH IS ENOUGH.
STOP MINERALS AND
SAND THEFT FROM NSI'
- 'UNIMIN
STEALS MEGATONNES
OF SACRED LAND!!'
- 'Come to Straddie before
it comes to you on a truck
'Let Straddie recover.
Don't renew mining leases
- 'National Parks not
Short-term Profits'
- 'Stradbroke Island is
Aboriginal Land'
- 'Sand Belongs to the
Island Not to the Million
Dollar Thieves'
- To unlawfully take is to steal
'Stop Covering Up
Multi Million \$ Mining
Company Crimes'
- 'Thou shalt not steal unless
it is from the First Nation's
Aboriginal People'
- 'Stop destroying
our Sacred Land'

SIMO was formed in 1978 to stop a bridge from the mainland. Since then, SIMO has waged many campaigns to protect Stradbroke Island's environment and to lobby for conservation, sustainability and wise development.

NSI sand miners in the courts

Sand mining dominates this *SIMO Newsletter*. Two court matters are in progress. One concerns the appeal in the Planning and Environment Court by Queensland Construction Materials against Redland City Council's unanimous August 2008 decision to refuse a development permit to sell sand for construction uses. The second matter concerns charges against Unimin Australia Limited (which wholly owns Consolidated Rutile Limited, which in turn owns QCM) brought by the Department of Environment and Resource Management. This case too is about selling sand for building and other uses. But while CRL/QCM has taken a legal route and applied for a development application to sell ordinary (non-mineral) sand, Unimin has allegedly been selling sand for some years without the necessary permits from the Council, DERM or the Forestry Department. It is for the first two offences that DERM is now prosecuting Unimin in the Cleveland Magistrates Court.

That case was due to commence on 22 January 2010. But Unimin applied for an adjournment, possibly because it is appealing a Supreme Court judgement handed down in November 2009 finding that the mining company has no right to the sand it has been selling for many years: the sand belongs to the State. The appeal is to be heard on 24 June and the charges are set down for another mention on 25 June.

The adjournment of the Unimin prosecution was not known to the islanders and supporters who thronged the forecourt of the Cleveland Magistrates Court on 22 January to protest peacefully against Unimin's alleged illegal construction sand business. Television and press reporters attended. The protesters included conservationists and Indigenous islanders furious at their land being stolen. Banners and placards displayed a range of anti-Unimin messages (see column, left, and pictures on page 2).

As reported in the *Bayside Bulletin*, Unimin asserts that it sold the sand 'in good faith, in the belief that the company had the appropriate permits'. However, it is difficult to believe that this sophisticated, well-resourced multinational mining company was unaware of the permits it needed to sell non-mineral sand from mining leases.

That Unimin attempted in the Supreme Court last year to extend the definition of 'silica sand' to include the ordinary sand it had been selling for building and landscape uses suggests the company was indeed well aware of its legal obligations, and intent on legitimising its unauthorised sale of island sand.



A protest against Unimin's unauthorised sale of Stradbroke Island sand was held outside the Cleveland Magistrates Court 22 January 2010. Clockwise from top left: Dale Ruska and Indigenous islanders with the core message that NSI is Aboriginal land; banners make the point; islanders make a stand; Auntie Joan Hendriks and Jackie Cooper interviewed by Channel 7; Susan Martin and Fran Quinn; (above) Elinor Drake and Genevieve Gall with a message for the government.



Miner defends record

Unimin Australia replied to its critics in the *Courier-Mail*, 'Sand miners contribute \$70 million a year to North Stradbroke Island' (4.2.2010). CEO Campbell Jones had an upbeat message: mining has brought prosperity to NSI; ensures services and infrastructure; employs 145 islanders, benefits tourism through keeping alive barge and water taxi services. Actually, \$70 million is not put into NSI: that claim is for the local regional economy. The main contribution to the island is \$9 million in wages annually.

Mining in the past was central to NSI's economy, but that is no longer the case. ABS Census 2006 showed of the 935 people employed on NSI, 86 per cent (808) were not employed by mining: 34 per cent were in food, accommodation, retail and construction. Today, mining is still less than 20 per cent of the workforce. One of the two barge companies operates independently of mining. Tourism increasingly employs more islanders.

Meanwhile, heavy minerals are running out: Yarraman mine is to close in 2013, shedding jobs. Unimin faces prosecution for unlawfully removing non-mineral sand, ie, quarrying. Unimin claims it has paid royalties for years, a 'transparent exchange with the government'. But that's like saying it is OK to steal a car if you pay the rego.

Mining companies talk about mining and tourism co-existing. But continued mining means destroying some of the best high dune country that is still left: and it is this country that would greatly benefit a nature tourism future for NSI. Mining will end one day. Isn't it better to plan for that end point now by protecting all the country that remains in its original state?

QCM in Court of Appeal

It is confusing to keep track of all the different court cases involving the mining companies on NSI: CRL and Unimin Australia Limited. Three cases are current or pending: 1. QCM/CRL's appeal in the Planning and Environment Court against RCC's rejection of an application to remove and sell ordinary sand from mining leases; 2. DERM's prosecution of Unimin for selling sand without an authority (that has not yet commenced in the Cleveland Magistrates Court); and 3. Unimin's appeal against the November 2009 Supreme Court judgement finding that the company has no right to the ordinary sand it has been selling to building and landscape industries. The appeal hearing is 24 June. Environmental groups call for a fourth case against Unimin for *causing environmental harm* and *stealing sand*, not simply taking it *without a permit*. Were Unimin found guilty of this, the State would be entitled to recover proceeds of the alleged illegal activity, perhaps amounting to millions of dollars.

The first case, the QCM appeal, which resumed in the Court of Appeal in Brisbane on 26 March 2010, still has not got to the stage of a full trial. SIMO, FOSI, Birkdale Progress Association, Wildlife Preservation Society and individuals – the co-respondents – put three preliminary points to the Planning and Environment Court in March 2009; a finding was made against the co-respondents, which we appealed. That appeal, heard on 26 March, concerned CRL/QCM's inconsistent and insufficient development application and the legally interesting point that QCM did not obtain the consent of the owners of the land, the Native Title Claimants; it is rare for native title to be raised in the Court of Appeal.

A decision is expected in a matter of months. If the co-respondents are not successful in this appeal, they may be liable for the other side's costs. Should the matter go to full trial, the costs of presenting the case will be substantial.

There are various ways this case could be stopped. The Premier has publicly pledged support for RCC's decision to refuse QCM/CRL's development application to sell ordinary sand from mining leases. However, to date her government has not backed this support in practical terms. It could refuse to renew the expired leases on which the sand stockpiles are located; or it could refuse to amend the weighbridge lease to permit its use for ordinary sand; or it could withdraw the secret sand sales permit it issued to QCM. Any of these measures would put an end to the CRL appeal, saving co-respondents and ratepayers considerable outlays.



Islanders held a small demonstration outside the Court of Appeal, 26 March, protesting the unlawful sale of NSI sand.

Quotes from John Muir
(1838-1914):

'When we try to pick out anything by itself, we find it hitched to everything else in the Universe.'

'Any fool can destroy trees. They cannot run away; and if they could, they would still be destroyed – chased and hunted down as long as fun or a dollar could be got out of their bark hides.'

'There is a love of wild nature in everybody, an ancient mother-love ever showing itself whether recognized or no, and however covered by cares and duties.'

'The battle we have fought, and are still fighting for the forests is a part of the eternal conflict between right and wrong, and we cannot expect to see the end of it...So we must count on watching and striving for these trees, and should always be glad to find anything so surely good and noble to strive for.'

'All the wild world is beautiful, and it matters but little where we go, to highlands or lowlands, woods or plains, on the sea or land or down among the crystals of waves or high in a balloon in the sky...So universally true is this, the spot where we chance to be always seems the best.'

Quotations taken from the
Sierra Club website:

www.sierraclub.org

The Sierra Club of California, Faithful Defender of People's Playgrounds
Founded by John Muir in 1892, the Sierra Club is America's oldest, largest, and most influential grassroots environmental organisation.

**Mining leases and leases at application cover 52 per cent of NSI; Additionally, 40 per cent of NSI is Unallocated State Land not open to the public.*

Why national park?

National parks were a great American idea. The father of national parks was a 19th-century naturalist, inveterate trumper, explorer of the wilderness and staunch, often lone, defender of the beautiful rugged mountain country of California, John Muir.

Muir recognised the deep spiritual pull of natural places. His passionate writings about the land, and a trip on horseback through Yosemite that he took with President Theodore Roosevelt (with no other aides present), inspired Roosevelt to introduce conservation programs and establish National Monuments. Yosemite was the first National Park, declared in 1890. Others followed during Roosevelt's presidency: Sequoia, Mount Rainier, Petrified Forest and Grand Canyon National Parks.

American conservationists including John Muir argued for the protection of wild places for their own sake. Roosevelt invoked pragmatism in justifying conservation. He introduced the Antiquities Act in 1906 to protect places for their natural, scientific and archaeological values.

There was stiff opposition to Roosevelt's conservation policies. Landscapes were valued for the resources that could be extracted and the valleys that could be dammed. In 1913, the Sierra Club, led by Muir, lost a long battle to dam the beautiful Hetch Hetchy valley in Yosemite National Park. This major defeat served to awaken people to what they had lost, and to want wilderness saved, not exploited.

Muir, a wilderness prophet, advocated the need for places for human beings to satisfy their souls. The enemies of wilderness are invincible, he acknowledged, but the fight must go on. It was the battlecry for Hetch Hetchy.

Here on North Stradbroke Island, a century after Muir died, many yearn to tramp the land, as he did in California, and to experience the island's wilderness. But we are confined to just a few places and the pocket national park, Blue Lake. We are *forbidden* to walk among the ancient old growth forests (that mining continues to destroy) and to gaze on the magnificent vistas to be seen from the island's high country. These beautiful natural places are locked up in mining leases over 50 per cent* of Stradbroke. More than 20 leases have expired – covering much of the island. The expiry of so many leases is an unprecedented opportunity to re-cast NSI's future and open up the whole island finally for the enjoyment and wonder of all: not mining but conservation, at last.

The State Government acknowledges that Queensland lags well behind the rest of Australia in the provision of national parks, and pledges to declare more national park. Stradbroke Island is a perfect target: located in a fast-growing metropolitan region, it's an obvious and practical candidate to become national park.

Stradbroke has an intimate connection to a pioneer of conservation and the founder of national parks in Australia, Romeo Lahey. He was instrumental in the gazettal of Lamington National Park in 1915. Romeo Lahey was also central to the subsequent formation of the National Parks Association of Queensland (NPAQ). This was the first National Parks Association in Australia, and he was the driving force behind it for almost the rest of his life. He was awarded the MBE for his tireless service in the creation of national parks for all Australians to enjoy. Lahey bought land for his children at Point Lookout, where one of his grandchildren now lives.

Lahey's legacy – and that of John Muir – inspires those who love Stradbroke to fight the 'invincible enemies of wilderness' and secure the island's conservation. Bob Brown asks: 'Will future generations thank us for doing this?'. What is our answer to be?

Expired mining leases

A quick glance at the map shows how mining tenure dominates the NSI landscape – particularly if you discount the wetlands like Eighteen Mile Swamp. If we include wetlands, then 52 per cent of NSI's 27,000 hectares is covered by mining leases; 40 per cent is Unallocated State Land. The public is shut out from both tenures, so 90 per cent of NSI is off-limits.

Over 20 mining leases (in red, map 1) have expired or will expire by May 2011.

People are calling on the government to protect Stradbroke's pristine landscape and to not renew expired mining leases. Two expired leases, 1117 and 1121 (map 2) are very large.

Non-renewal of ML 1117 would end the court case over CRL/QCM's plan to sell non-mineral sand.

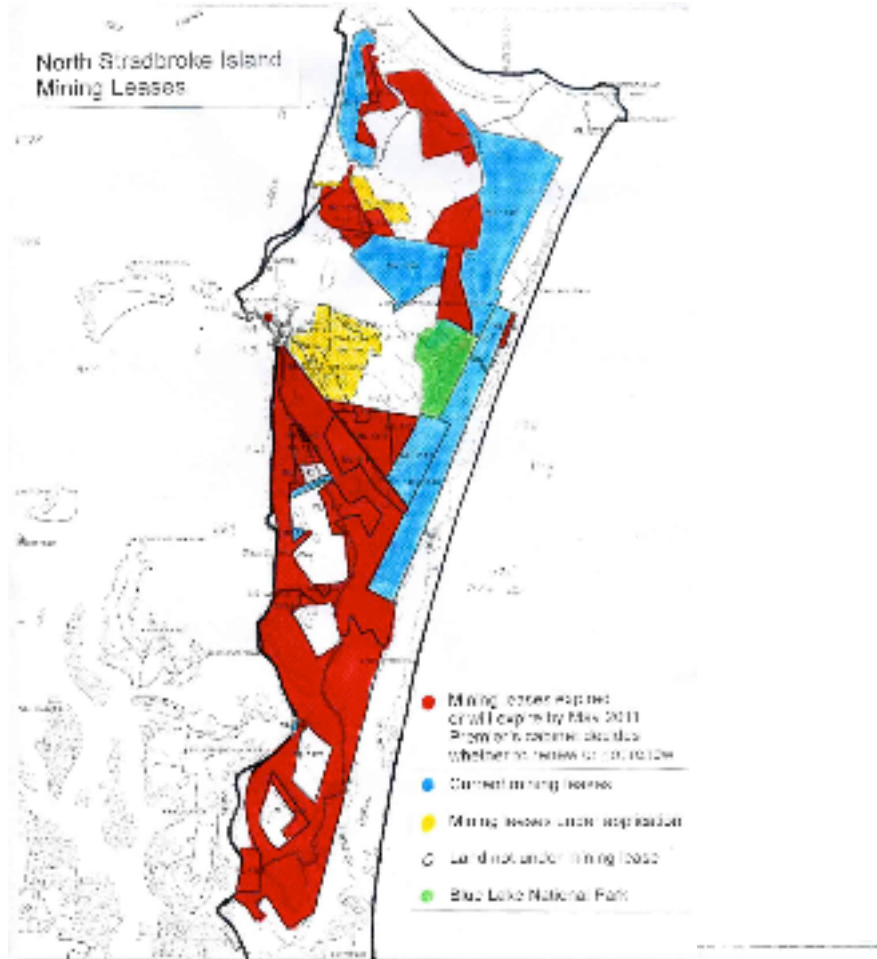
If mining does continue on NSI, it will dig up some of the best ancient dune country of high peaks, ridges and valleys. This would compromise a post-mine future in ecotourism.

Post-mining rehabilitation has improved since the old days but it's still a poor substitute for the original. It's simply not possible to re-create soil profiles and vegetation developed over thousands of years.

The government appears to be considering a staged approach to national park on NSI. It's important that as much of the island as possible is included in Stage 1, and gazetted in this term of government.

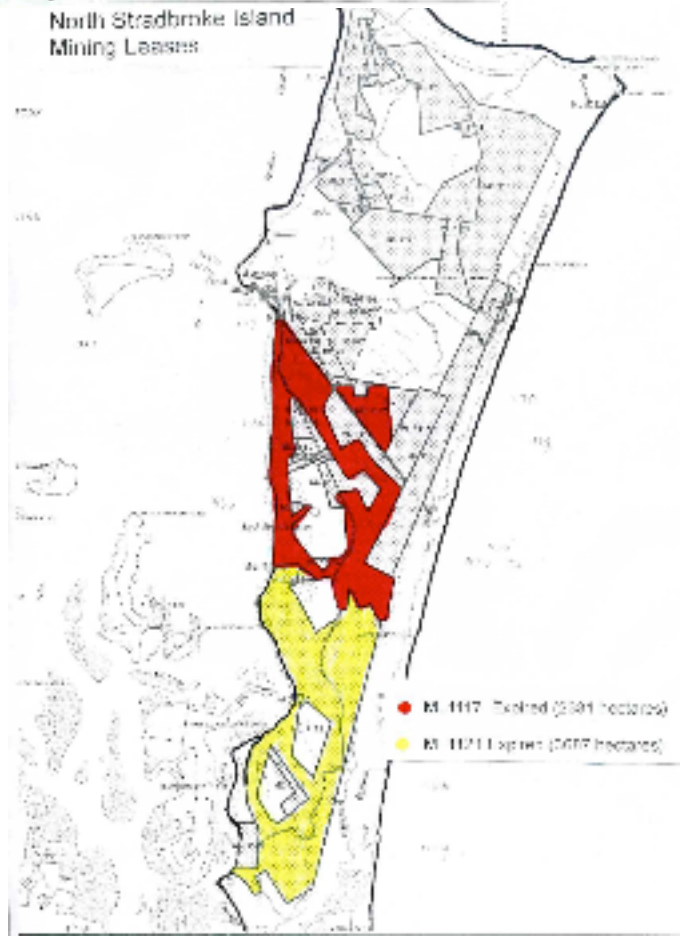
Where rehabilitation is nearing completion, land could be deemed In Recovery in the national park. Where extensive rehabilitation is required, it could be completed under a tenure other than a mining lease.

Major decisions about NSI's future are being negotiated now. It's time to write your letters to the Premier.



Above: Map 1 showing in red, mining leases expired or will expire by May 2011; blue, current mining leases; yellow, mining leases at application; white, land not under mining lease; green, Blue Lake National Park.

Map 2, right, shows the extent of just two mining leases, 1117 and 112, both expired (total 6018ha).



Here are some points you might like to include in your letter to the Premier.

Key messages

Gazette most of NSI national park **in this term of government** (remember, the government *intended* to make more than 60 per cent of NSI national park in 1992, but it didn't happen, and now we need real action) – to be co-managed with the Traditional Owners.

A token addition of National Park is not acceptable. The National Park should encompass all the island's rich biodiversity and range of habitats as well as landscape types.

Do not renew the 20-odd expired or soon-to-expire mining leases.

Do not grant any new mining leases.

Do not allow mining to continue to strip away old growth forest and destroy landscape that took thousands of years to create.

The last big tracts of high dune country should not be mined: it would ruin the amenity of country around Mt Bippo Penbean, Mt Corrie, Mt Vane, Swallow Lagoon, 18 Mile escarpment – all jewels for the national park.

Rehabilitated land is a poor substitute for the original landscape.

After 60 years, enough of NSI has been mined.

Continued mining would have a negative impact on Stradbroke's image as a significant nature tourism destination. People want to see original landscape, not a pale, rehabilitated imitation of what once was.

If you care deeply about more national park on Stradbroke, please write to:
The Hon Anna Bligh MP
Premier of Queensland
PO Box 15185, City East
QLD 4002



Looking south over country destined to be dug up by Enterprise mine

Reasons why NSI should be national park

There's a powerful sense that it is *now or never* for national park on Stradbroke Island. SIMO has strongly advocated more national park over many years. We argue for most of the island to be national park, to protect the range of ecosystems and habitats and preserve the glorious natural landscape: continued mining will destroy some magnificent country. We also call for national park on Stradbroke/Minjerribah to be co-managed with the Indigenous Traditional Owners. How many national parks, especially close to capital cities, belong to Indigenous people? Caring for country is a natural fit with managing national parks.

One of Stradbroke's natural treasures is the unique island koala population. Koalas are expected soon to be functionally extinct on the mainland, so it may well be Stradbroke's destiny to become an ark for the only remaining koalas in South-East Queensland.

The island's rich biodiversity of native species includes 244 birds (an unusually high number), 599 plants, 34 reptiles, 17 frogs and 18 mammals – all of which include rare and endangered species. Eco-system health and resilience depend on large tracts of unfragmented old growth forest and original landscape.

Stradbroke is famous for its special sand lakes, lagoons, streams, coastal wetlands and precious aquifer. The island is an integral part of the international Ramsar listing for Moreton Bay.

Being right on Brisbane's doorstep, NSI offers recreation, peace and the tranquil enjoyment of nature. Stradbroke is an ideal place for one of the Great Walks of Queensland, zigzagging the length of the island, with side tracks and lookouts for people of all ages and fitness levels. And a scenic bike path.

Greater Brisbane needs more national parks and public open space. South-East Queensland has only 19 per cent of public open space: Greater Sydney has 49 per cent. And only 5 per cent of Queensland is national park. The Bligh government has committed to a target of 7.5 per cent by 2020, but is falling behind in delivery. At the last election the Bligh government promised NSI would be part of the target. Importantly, the government doesn't have to buy the land to turn Stradbroke into national park.

NSI needs an economic future that protects and conserves the environment. Low-impact, nature-based tourism will provide more island jobs than transitory mining employment. Fraser Island, for instance, attracts 350,000 visitors annually and contributes more than \$277M to the Queensland economy. Tanglaloona resort on on Island employs 200-300 people. What about Stradbroke?

SIMO would appreciate donations to help us campaign for national park on Stradbroke Island

Please send donations to SIMO Treasurer: see page 8 for address

Below: A happy Jack Jackson at the RCC Awards night where his vital work of caring for island wildlife and advocacy on their behalf was acknowledged.



RCC Environmental Award 2010

Jack Jackson needs no introduction to readers of the *SIMO Newsletter*. The work of Jack and his colleagues in the North Stradbroke Island Wildlife Rescue Service, notably Carolyn Hahn, Stell Grimmett and Clare Milliken, is respected by everyone who puts a high value on wildlife and the environment.

In January, Jack won the Redland City Council's Environmental Award. The award recognises his dedication in caring for injured and orphaned animals and in bringing people's attention to the needs of wildlife. Jack is passionate about stopping the main causes of animal injury on NSI: speeding vehicles and dog attacks.

The problems for island wildlife are intensified several times a year when the population swells from 2000 to 20,000 overnight, bringing thousands of extra vehicles onto roads. There is a direct correlation between vehicles coming off barges and the increased incidence of wild-life roadkill. Additionally, several dozen heavy mining truck trips daily on the main road are a hazard for wildlife. The road from Dunwich passes right through prime koala territory, and Jack wants these habitat sections of road to be indicated to drivers and slowed to safer speeds. The proximity of the bush around all the townships allows wildlife to penetrate the urban areas, putting wild animals and birds at increased risk from vehicles and domestic cats and dogs. Unfortunately, NSI wildlife carers are kept busy.

In 2009, SIMO won this award.

Given the threats koalas face on NSI, and the current paucity of data on their population dynamics, better protection is needed.

Only one island survey has been done, so there are no data to indicate whether koala numbers are stable, rising or declining. It is necessary to conduct a follow-up island-wide census to get a better picture.

It is crucial to search in all places where koalas have been seen in the past, or are likely to be found, to fill in the incomplete mapping of key koala habitat areas.

Koala searches need to be conducted on mining leases. At a recent meeting, SIMO requested CRL to permit the community to enter leases to search for koalas, to help build up the database. We await a reply.

Koala habitat is defined as areas where koalas are currently or potentially could use. Climate change could limit koala habitat in low-lying areas.

Koalas need counting

February saw a deadline for yet another koala submission, on the Draft Koala State Planning Instruments. SIMO's comments were generally supportive of the government's direction. Our main recommendation is to list all NSI as Koala Priority Management Area.

While koalas are generally found on the west and north coast, there are past sightings of koalas on the east coast, some central areas, in the south and along creeks that extend inland, and around Brown Lake. Koalas must be given opportunities to move throughout the island; and a whole-island approach to conservation is crucial.

Koala habitat on leases can be cleared. SIMO argues that mining companies should not be exempted from the proposed regulations.

It's true that koalas feed and breed in rehabilitated country. This is a positive finding. But do they come back to all the places they once frequented before mining, and at the same densities? To know the answer requires systematic surveys of the country before and after mining: the 'before' studies have not been done. It is unlikely that the original koalas return to sites after rehabilitation. The fate of displaced animals is unknown. While big mine pits are open and until trees are established, koalas cannot recolonise. Also, open areas are a barrier to movement between habitats.

Finding koalas is difficult and time-consuming. How thorough are pre-mining surveys in locating them? It depends on how much time is devoted to looking for the signs: scratches on trees, faecal pellets and the animals themselves.

Koala food trees occur throughout NSI, but anecdotally it seems that only those trees that get adequate water and certain nutrients are attractive. Pockets of suitable trees may be more widespread than previously thought, given indications from the community records SIMO is compiling.

SIMO membership

due June 2010

Thank you to those who have already paid 2010/11 and included a donation

Join SIMO

or renew your membership

Single \$11.00

Family \$13.20

Concession/student \$5.50

Please send your membership form (with contact details, email and mailing address) and payment to

The SIMO Treasurer

187/501 Queen Street,

Brisbane 4000

or pay SIMO by EFT to BSB

064138 Acc no:10137450

and use your name to

identify you

Enquiries about SIMO

membership and

donations by email to

quinnbris@optusnet.com.au



Two Stradbroke classics

SIMO derives an income from the sale of two special island books,

North Stradbroke Island

revised edition \$25.80

inc GST

and **A Taste of Stradbroke.**

A flavour of the island, its cuisine and cooking

community \$15 inc GST, or

\$10 each for three copies

Add \$9 postage to orders

Pure cotton bandannas

in teal, burnt orange, aqua, royal blue and pale orange are \$8.00 each (inc GST)

Orders to SIMO Secretary



Blot on the landscape

For decades, mining has been out of sight, out of mind: carried on deep in the body of NSI and hidden from the common view – unless you happened to be flying over the island in an aircraft. But now the mines are marching into everyone's view.

Yarraman mine is only about 3 km from Point Lookout and is now visible from the famous Gorge Walk and also the popular Cairns lookout. From the Cairns, you see not only the mine marching over wooded dunes but also the mine pit. The mine is even visible from homes in Tramican Street. And it's going to get closer. The lease boundary is just 1.8km from Tramican Street. Visitors have been expressing their alarm and shock to locals.

(View below of Yarraman taken from Blue Lake lookout June 2009)



Parts of Yarraman were dry-mined in the 1960s and 70s, but now that technology enables the mine to go deeper, the

area is being re-mined. Yarraman North has never been mined and is original landscape. Much of the Yarraman mineral resource is marginal. The mine is scheduled to close in 2013.

Given this, it is hard to believe that CRL is proposing to drain Fisherman's Swamp and lagoon for up to 18 months as part of its operations at Yarraman. The lagoon and most of the swamp are outside the mining lease, on public land. SIMO received written assurance from Minister McNamara in 2009 that CRL would not be permitted to drain the swamp. We have been following up with Minister Kate Jones to ensure the government directive is upheld.

Minjerribah Camping: yes

The hopes of many Stradbroke Island locals look closer to realisation after Redland City Council announced in March that it had voted to accept Minjerribah Camping's bid for the 30-year management lease for the island's camp grounds, subject to final contract details being agreed. This is good news, heralding a new era for NSI's economy, environment and social and cultural wellbeing.

Details of the contract process are still commercial in confidence. But the Council was impressed by the quality of the management team; commitment to island-wide promotion; intention to follow best practice environmental management and to employ from within the island community and building industry; commitment to existing staff; intention to establish an island reference group; and the quality of the proposed capital works program.

It is significant that the Council has put its faith in an island-based, Indigenous-run business. It is time to be thinking seriously about an alternative economic future for the island based on tourism, and nature tourism at that. This is a good first step and we thank the Council for its vision and commitment.

Also significant is that the Minjerribah Camping bid was initiated by the community, and Council took seriously the request by islanders for Council to consider the bid. Locals mounted a petition, signed by more than 1100, and rolled up their sleeves to help prepare the initial business reports. This outcome is something for all to be proud of.

Notice of SIMO's 32nd AGM, 19 June 2010, 1.30-3.30pm

To be held at Point Lookout Hall, 1.30-3.30, Saturday 19 June 2010
Guest speaker to be announced. ALL WELCOME