



**Media release: 21 January 2010**

## **ILLEGAL MINING CHARGES LAND ISLAND MINER IN COURT**

North Stradbroke Island (NSI) miner, Unimin Australia Ltd is to appear in the Cleveland Magistrates Court this Friday, (22 /1/10) to face two criminal charges.

The first charge alleges it removed and sold non-mineral sand from the Island without a permit under the Integrated Planning Act and the second that it did so without being registered under the Environmental Protection Act.

Environmental and community groups are seeking answers as to why more serious charges have not been laid to reflect the severity of Unimin's alleged actions in removing and selling the sand without lawful authorisation.

Under section 45 of the Forestry Act, the sand is owned by the State. Unimin did not have a permit as required under that Act before sand can be taken and sold.

A spokesperson for the groups, Sue Ellen Carew said... "The sand should have been used to rehabilitate mined land as required under mining lease obligations but instead apparently substantial quantities were sold to the construction and landscape industries over the past decade."

"If any other citizen unlawfully took large quantities of sand over a decade and sold it for substantial profit, they would also be charged with 'stealing' the sand. If our laws are applied without fear or favour, then why hasn't Unimin, a multi-national mining company, been charged with stealing?" she said.

"Also, in order for the Government to seek to recover the money Unimin has made from these alleged unlawful actions, under the States confiscation of illegal profits legislation, indictable offences, such as 'stealing' and 'serious environmental harm' must be charged. Unimin so far has only been charged with non- indictable offences."

"Given the Government says it has to sell off public assets due to the financial crisis, the public would rightfully expect it to seek to recover ill-gotten gains from a mining company – if that company unlawfully removed and sold public assets for profit over a decade. "

Unimin Australia Ltd, a private Belgian-owned company that also owns NSI mineral sand miner CRL, was charged last month after an investigation by the Environmental Protection Authority (EPA), now part of DERM.

The EPA executed warrants on Unimin's offices and seized documents and computer records before the criminal charges were laid.

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Unimin was charged four days after a Supreme Court Judge **rejected** Unimin's application for a declaration that the sand was a mineral. This means it was not entitled to remove and sell the sand for building construction and landscaping.

In its reasons delivered on 30 November, 2009, the Court confirmed that Unimin was not authorised to take and sell the sand under the Mineral Resources Act or under the conditions of its mining leases, which permit it to remove and sell minerals only. Unimin has appealed this decision but no date has been set for the hearing.

The alliance of environmental and community groups seeking answers as to why more serious, indictable offences have not yet been charged includes **Friends of Stradbroke Island, Queensland Conservation Council, Wildlife Preservation Society of Queensland, Moreton Island Protection Committee and Community Alliance for Responsible Planning (CARP) Redlands.** .

"We are hoping the Government takes strong action, thus ensuring the public is fully and properly compensated," Sue Ellen Carew said.

**Ends**

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For more information visit: **savestraddie.com**

**<http://www.wildlife.org.au/conservation/issues/2009/sandmining.html>**

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