

## Scott Whitby

---

**From:** Brooke Hargraves  
**Sent:** Friday, 8 November 2013 1:20 PM  
**To:** Media Unit  
**Cc:** Lynette Keep  
**Subject:** FW: Clive Palmer - media enquiry

**Importance:** High

Please see below- FYI.

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**From:** Fraser, Cleo Mary [mailto:CFraser@aap.com.au]  
**Sent:** Friday, 8 November 2013 1:19 PM  
**To:** Brooke Hargraves  
**Subject:** Clive Palmer - media enquiry  
**Importance:** High

Hi Brooke,

Re: <http://www.theaustralian.com.au/news/investigations/clive-palmer-toxic-dam-at-risk-of-overflow/story-fnk76wj3-1226755314529>

Also see Palmer's release below.

- Please confirm details outlined in the Australian article regarding Palmer's nickel refinery are correct
- How concerning are these allegations and what does the minister/department propose to do about it?
- If the details are correct, what does the minister/department plan to do about the fact the refinery is **operating outside the regulatory "spill risk" limits? This is especially concerning given "there is not sufficient time prior to the commencement of the 2013-14 wet season to carry out a lift to the (tailings storage facility)".** What options are available and will the state government step in if something isn't done?
- Can you provide a copy of the briefing note mentioned in this article? If not, why?
- Palmer says the Newman government handed this confidential document to News Corp to attack Palmer politically. Did anyone from the Newman government provide this document to The Australian? If so, please provide reasons for doing so.

I need a response ASAP.

Please forward to the premier's office if Minister Powell isn't in a position to respond to the last question.

Thanks.

Cleo Mary Fraser | North Queensland Correspondent



Australian Associated Press  
Level 2, 127 Abbott Street, Cairns QLD 4870, Australia  
T +61 7 4051 3745 / M +61 8 73 Telephon  
E [cfraser@aap.com.au](mailto:cfraser@aap.com.au) | [www.aap.com.au](http://www.aap.com.au)

RTI P78

### QNI Committed to Environmental Management: Clive Palmer

Clive Palmer has hit back at misleading reports in The Australian newspaper today regarding wastewater from the Queensland Nickel (QNI) Yabulu Refinery near Townsville.

Mr Palmer said the report by Hedley Thomas alleging the plant's tailings dam was at risk of overflowing was a "beat up" which unfortunately will only cause concern for the hardworking staff at the refinery and the local community.

"Hedley Thomas is the king of fantasy and he needs to apologise to the 1000 staff doing a great job at QNI," Mr Palmer said.

"Rubbish reports like the one in The Australian today only cause angst for these hard working people. The real story is they have done a fabulous job in helping us collectively to run a business in a tough market."

Mr Palmer said QNI was legally compliant with respect to its tailings dams and environmental management.

"The facts are that QNI and the Department of Environment and Heritage Protection voluntarily agreed to a Transitional Environmental Program (TEP) in January, 2013," he said.

"QNI is compliant with this TEP. The QNI staff have worked very hard since then to maintain its compliance through innovative solutions and continual improvements in water management. QNI is committed to the protection of both the environment and our local community."

Mr Palmer said News Limited had continually attacked him with misleading reports regarding the refinery since he bought the plant from BHP Billiton four years ago.

He said it was disappointing that now the Newman government was feeding News Limited journalists confidential documents related to QNI to attack him politically.

"It's disgraceful that Campbell Newman is using QNI and its hardworking staff as a political football to attack me," he said.

"As for The Australian, its editor Chris Mitchell and his chief attack dog Hedley Thomas have waged a sad campaign against me for the past five months with more than 50,000 words of rubbish published.

"The newspaper's American owner Rupert Murdoch has been sacking large numbers of staff due to The Australian's dwindling circulation numbers and revenue. Surely he should read the riot act to Mitchell and Thomas over their Clive Palmer obsession."

**ENDS**

**For further information contact**

Andrew Crook

Mb:

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## Scott Whitby

---

**From:** Brooke Hargraves  
**Sent:** Friday, 8 November 2013 4:00 PM  
**To:** Media Unit  
**Cc:** Lynette Keep; Andrew Powell  
**Subject:** FW: Clive Palmer - media enquiry

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Hi guys,

Please see our suggested response regarding the Australian & the enquiry below. Minister has yet to approve this as he is tied up in a meeting in his electorate but I just wanted to get your feedback so I can get it back to the journos.  
FYI we have had similar enquiries from ABC Townsville & the Townsville Bulletin.

**Suggested response:**

Mr Palmer is well aware how serious the situation is at Queensland Nickel. Last year Mr Palmer told ABC radio that if the tailings facility were to spill "wetlands would be destroyed, the fish breeding grounds would be destroyed and you would have serious carcinogens free to affect the people of Townsville so we're taking steps to ensure that doesn't happen."

Given the seriousness of the situation, my department has been working with Queensland Nickel to ensure the spill risk is minimised and those environmental issues are addressed.

EHP approved a Transitional Environmental Program (TEP) on 11 January 2013 for Queensland Nickel to address major water accumulation issues at the Yabulu Refinery by 2 December 2013.

Under the TEP, Queensland Nickel is working to further reduce the risk of a spill from the tailings storage facility and increase contaminated water storage capacity for the 2013-14 wet season.

A lift to the tailings storage facility, in combination with improved stormwater control, is necessary to provide a spill risk of less than 1% through the 2013-14 wet season.

Queensland Nickel has carried out a range of works to improve water management however, they have indicated there is not sufficient time to carry out a lift to the tailings storage facility.

I call on Mr Palmer to stop playing politics, stop making wild accusations and focus on what is important here- and that is ensuring his tailings dam facility is safe and poses no threat to the environment, or the Townsville community.

**ENDS-**

Cheers,

Brooke



**Brooke Hargraves**

Media Advisor

Office of the Hon. Andrew Powell MP | Minister for Environment and Heritage Protection

Phone: 07 3719 7336 | Fax: 07 3224 2496 | Mobile: S.73 Telephone  
Level 13, 400 George Street | Brisbane | QLD 4000  
GPO Box 2454 | Brisbane | QLD 4001

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Twitter: [www.twitter.com/qldplan](http://www.twitter.com/qldplan) | #qldplan

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Thanks.

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Level 2, 127 Abbott Street, Cairns QLD 4870, Australia  
T +61 7 4051 3745 M [REDACTED]  
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"QNI is compliant with this TEP. The QNI staff have worked very hard since then to maintain its compliance through innovative solutions and continual improvements in water management. QNI is committed to the protection of both the environment and our local community."

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He said it was disappointing that now the Newman government was feeding News Limited journalists confidential documents related to QNI to attack him politically.

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**For further information contact**

Andrew Crook

Mb:

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## Scott Whitby

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**From:** Brooke Hargraves  
**Sent:** Friday, 8 November 2013 4:31 PM  
**To:** Lee Anderson; Media Unit  
**Cc:** Lynette Keep; Andrew Powell; Troy Collings  
**Subject:** RE: Clive Palmer - media enquiry

Thanks Lee.

---

**From:** Lee Anderson  
**Sent:** Friday, 8 November 2013 4:31 PM  
**To:** Brooke Hargraves; Media Unit  
**Cc:** Lynette Keep; Andrew Powell  
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This is ok to me if the Min is happy with it.

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Media Advisor  
Office of the Hon. Andrew Powell MP | Minister for Environment and Heritage Protection

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Released under RTI - DP

## Aaron Wakeley

---

**From:** Lee Anderson  
**Sent:** Wednesday, 6 November 2013 1:23 PM  
**To:** Lynette Keep  
**Cc:** Media Unit  
**Subject:** Re: Waratah EPO - urgent request for media response dot points

Ok by me

Sent from my iPhone

On 6 Nov 2013, at 1:16 pm, "Lynette Keep" <[Lynette.Keep@ministerial.qld.gov.au](mailto:Lynette.Keep@ministerial.qld.gov.au)> wrote:

Hi team,

I was planning on sending the following information to both Owen Jacques and ABC following media requests. (I will of course take the top line out).

Minister spoke on this at Gladstone.

Any problems please advise.

Thanks Lyn :)

Begin forwarded message:

**From:** Troy Collings <[Troy.Collings@ministerial.qld.gov.au](mailto:Troy.Collings@ministerial.qld.gov.au)>  
**Date:** 5 November 2013 3:48:50 pm AEST  
**To:** Lee Anderson <[Lee.Anderson@ministerial.qld.gov.au](mailto:Lee.Anderson@ministerial.qld.gov.au)>  
**Cc:** Lynette Keep <[Lynette.Keep@ministerial.qld.gov.au](mailto:Lynette.Keep@ministerial.qld.gov.au)>, Paul Leven <[Paul.Leven@ministerial.qld.gov.au](mailto:Paul.Leven@ministerial.qld.gov.au)>, Michael Prain <[Michael.Prain@ministerial.qld.gov.au](mailto:Michael.Prain@ministerial.qld.gov.au)>, Ben Myers <[ben.myers@ministerial.qld.gov.au](mailto:ben.myers@ministerial.qld.gov.au)>  
**Subject:** Fwd: Waratah EPO - urgent request for media response dot points

As below.

Troy Collings  
Chief of Staff  
Minister for Environment  
and Heritage Protection

Note that while Waratah were verbally advised yesterday afternoon of our intention to issue an EPO, the EPO has not been issued yet, but will be by COB today.

- *Waratah Coal Pty Ltd (Waratah) is the principal Holder of Environmental Authority MIN200614607, which authorises mining activities under the Environmental Protection Act 1994, for an Exploration Permit Coal (EPC) 1040 in the Alpha Region.*

- *Waratah has carried out exploration activities on EPC 1040 since August 2009, to support investigations as part of the China First Project.*
- *The Department of Environment and Heritage Protection (EHP) has received a number of complaints from landholders regarding possible aquifer contamination and the potential for associated impacts on landholder's bores as a result of un-rehabilitated exploration drill holes.*
- *Most of these complaints have been regarding approximately 300 exploration drill holes, which have not been decommissioned and extended delays by Waratah in commencing decommissioning activities.*
- *EHP conducted a site inspection on 2 and 3 July 2012 and confirmed that a number of exploration drill holes remained un-rehabilitated.*
- *At the time of the site inspection EHP sort advice from the Principal Hydrologist, working for the Department of Natural Resources and Mines (DNRM), who advised that the risk of inter-aquifer contamination or depressurisation as a result of un-rehabilitated drill holes in the area are low.*
- *Based on the information collected as part of this inspection and subsequent investigation, EHP determined that Waratah had failed to take reasonable and practicable measures to ensure that their general environmental duty was met.*
- *In response to formal correspondence in relation to proposed enforcement actions by EHP, Waratah indicated they would commence works immediately on the provision of access by the landholder, and provided a plan detailing proposed rehabilitation activities on the property.*
- *The owners of the property have advised that they have denied Waratah access on the basis that Waratah have not negotiated an acceptable access agreement, given the scope of works required to complete rehabilitation.*
- *Following a private mediation meeting between Waratah and the landholder on 16 October 2013, EHP has been advised that an access agreement has not been reached, and that Waratah did not commit to prioritising access as a result of this mediation.*
- *EHP intends to issue Waratah with an Environmental Protection Order (EPO) on 5 October 2013, for not complying with their general environmental duty requirements, under the Environmental Protection Act 1994.*
- *The EPO will require the decommissioning and appropriate rehabilitation, or conversion to water bores of approximately 300 coal exploration drill holes.*
- *The EPO will require that the work is undertaken in accordance with best practice methods.*
- *The EPO will require regular work progress updates.*

- *The EPO will require all rehabilitation activities specified at this location, to be completed by 30 June 2014.*

<image001.jpg>

Released under RTI - DPC

## Paul Leven

---

**From:** Fiona Procter  
**Sent:** Friday, 1 November 2013 3:03 PM  
**To:** Paul Leven  
**Cc:** Troy Collings; Lynette Keep  
**Subject:** FW: contact - thanks  
**Attachments:** Response\_Final.docx; Attachment 1 QN TEP MAN16200 Notice.pdf; Attachment 2 QN TEP MAN16200 Certificate.pdf

**Importance:** High

Hi Paul

I think this might be the email trail that you are apparently looking for?

Kind regards  
Fiona

**From:** Brooke Hargraves  
**Sent:** Friday, 27 September 2013 2:31 PM  
**To:** Thomas, Hedley  
**Cc:** Lynette Keep  
**Subject:** RE: contact - thanks

Hi Hedley,

Please see attached- give me a call if you have any questions.

Kind regards,  
Brooke

**From:** Thomas, Hedley [mailto:thomash@theaustralian.com.au]  
**Sent:** Wednesday, 18 September 2013 3:05 PM  
**To:** Brooke Hargraves  
**Subject:** contact - thanks

**Hedley Thomas**  
National Chief Correspondent  
The Australian  
Level 1, Cnr Mayne Road & Campbell Street, Bowen Hills, QLD, 4006  
T: +61 7 3666 7463 | M: [S.73 Telephone Nu]  
E: thomash@theaustralian.com.au

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Released under RTI - DPC

## CURRENT ISSUES

1. QN has been in operation since 1974 and until 1997 operated under a license issued under the *Clean Waters Act 1971*. The *Clean Waters Act 1971* was subsequently repealed and in 1997 an EA was issued under the *Environmental Protection Act 1994*.
2. The latest water levels in the TSF and comparisons with past levels are a matter that should be referred to Queensland Nickel (QN).
3. Detailed information that EHP may have on its files such as past spill risk calculations and assessments and reports provided to EHP by QN should be sought through the RTI framework to ensure any issues (such as commercial-in-confidence) can be addressed through the process.
4. EHP continues to work with QN to resolve water management issues through;
  - involvement with the Independent Science Reference Committee,
  - working to contemporise the EA
  - monitoring actions to be taken under the approved TEP
  - conducting pre wet season inspection of the site.
5. The current Environmental Authority (EA) requires a 1% AEP (average exceedance probability) spill risk on 1 November and 1 May each year. The spill risk is calculated by QN using a predictive model for the coming 12 month period. The model uses variables including for example, predicted rainfall over that period to produce a predicted spill risk.
6. EHP undertakes a range of compliance activities including site inspections to ensure if there is any non-compliance it is detected and addressed in a timely fashion. It is also a serious offence to provide false and misleading information to the Department which has a maximum penalty of over \$900,000 or 2 years imprisonment.
7. For example, each year in preparation for the next wet season EHP staff carry out pre-wet inspections of a range of sites which have large contaminated water storages such as some mining activities and including sites such as QN.
8. These inspections focus on water storage and management on these sites in the lead up to the wet season.
9. A Transitional Environmental Program was approved by EHP for the site on 11 January 2013 and expires on 2 December 2013. The TEP was approved to transition the site to compliance with condition 1C6 of the EA relating to spill risk. A copy of the approved TEP and Certificate of Approval are in Attachment 1 and 2. These documents are available on the Public Register
10. As a part of that wet season preparation the BOM generally provide a forward outlook for the coming three months. The current outlook can be found online at [Northern Australian rainfall outlook](#)
11. The current outlook for October to December 2013 states;
  - i) The chances of a wetter or drier than normal season are roughly equal over northern and coastal Queensland, as well as parts of the NT, with the exception of the central areas south to the Queensland border

## FINANCIAL ASSURANCE/ POST-OPERATION MEASURES:

Aggregate amounts for industries are publically available, however the Financial Assurance held by individual companies is not a matter of public record and to ensure third-party rights are protected, EHP requires information requests about individual companies to be made through an RTI process.

The Department also has a range of mechanisms it uses to deal with non-compliances and these tools can still be utilised where a business ceases operation. In accordance with our published enforcement guidelines the Department considers culpability for non-compliance across a range of parties including individuals and directors and, of course, the company

itself. In instances where a company ceases operation the Department in the normal course would assess the use of these tools where appropriate with parties like company directors.

All these powers and tools are not influenced at all by whether the Department holds financial assurance for a particular operation.

COMPLIANCE/ ENGAGEMENT:

EHP has maintained regular and frequent engagement with Queensland Nickel in relation to refinery operations. The department has conducted 28 meetings, briefings and site inspections (including 7 briefings with an independent scientific panel) since March 2012. In addition to these meetings there is a large volume of associated correspondence in the form of phone conversations, emails and letters as well as numerous internal meetings and discussions.

Released under RTI - DRC



# Notice

## Transitional environmental programs

### Decision to grant an approval for a draft transitional environmental program

*This statutory notice is issued by the administering authority pursuant to section 340 of the Environmental Protection Act 1994, to advise you of a decision or action.*

Your reference : NR0404DA  
Our reference : MAN16200

Queensland Nickel Pty Ltd  
153-205 Gooding Drive  
MERRIMAC QLD 4226

c/c  
Queensland Nickel Pty Ltd  
PMB 5  
TOWNSVILLE QLD 4810

Attention: Mr Ian Ferguson,

**Re: Application for an approval for a transitional environmental program (TEP) for reducing environmental harm and transitioning to compliance with the spill risk requirements of Development Approval NR0404 at Queensland Nickel Pty Ltd, Greenvale Street, Yabulu QLD 4810.**

Thank you for your application for an approval for a transitional environmental program.

Your application, which was received by this office on 8 January 2013, has been approved with conditions.

A copy of the certificate of approval, which includes the schedule of conditions, is attached.

The reasons for the decision are:

- The conditions have been added to ensure that the transitional environmental program provides appropriate protection of the environment in relation to the activities authorised under the transitional environmental program.

Fees apply for the assessment of a draft transitional environmental program and any subsequent annual returns. The fees are outlined in the attached operational policy Transitional Environmental Program Fees (EM335).

A total fee of \$1358.50 has been determined as appropriate for the assessment of your draft transitional environmental program in line with the above mentioned operational policy.

A fee of \$1358.50 is payable and an invoice will follow shortly.

You may apply to the chief executive for a review of this decision within 10 business days of receiving this

**Decision notice regarding a transitional environmental program**

notice. You may also appeal against this decision to the Planning and Environment Court.

The information sheet—Internal review and appeal to Planning and Environment Court (EM1866) outlining the review and appeal processes under the *Environmental Protection Act 1994* is attached. This information is intended as a guide only. You may have other legal rights and obligations.

Should you have any queries in relation to this notice, Chris Wake on telephone (07) 4722 5371 would be happy to assist you.

s.73 Signature

Signature

11/1/13

Date

Dean Sharpe  
 A/Manager Mining and Industry - Northern  
 Delegate of the chief executive  
*Environmental Protection Act 1994*

**Enquiries:**  
 Department of Environment and Heritage  
 Protection (Townsville)  
 Phone: (07) 4722 5353  
 Fax: (07) 4722 5351

**Attachments**

Certificate of approval

Information sheet—Internal review and appeal to Planning and Environment Court (EM1866)

Released under EOI/DPS

# Notice

## Environmental Protection Act 1994

### Transitional environmental program certificate of approval number MAN16200

This certificate of approval is issued by the administering authority pursuant to section 339 of the Environmental Protection Act 1994. A transitional environmental program is a specific program that, when approved, achieves compliance with the Environmental Protection Act 1994 for the matters dealt with by the program by reducing environmental harm, or detailing the transition to an environmental standard.

Under the provisions of the *Environmental Protection Act 1994*, this certificate of approval is hereby granted to:

Queensland Nickel Pty Ltd  
153-205 Gooding Drive  
MERRIMAC QLD 4226

approving the draft transitional environmental program; titled *Transitional Environmental Program (TEP) Water* for reducing environmental harm and transitioning to compliance with the spill risk requirements of Development Approval NR0404 at Queensland Nickel Pty Ltd, Greenvale Street, Yabulu QLD 4810.

The draft transitional environmental program, dated 8 January 2013, was received by this office on 8 January 2013.

The draft transitional environmental program is approved subject to the following conditions:

#### MONITORING AND REPORTING

- (1) The holder of this certificate of approval must submit a final completion report demonstrating compliance with the transitional environmental program and the conditions of this certificate of approval by 16 December 2013.
- (2) Copies of monitoring results and documents required to be prepared under this approved transitional environmental program must be provided to any authorised person or the administering authority on request.
- (3) Where the approved transitional environmental program provides for things to be done or objectives to be achieved prior to 2 December 2013, then such periods as provided for in the program apply.

#### RELEASE OF CONTAMINANTS

- (4) Notwithstanding any other condition of this certificate of approval or the contents of the approved transitional environmental program, the direct or indirect release of contaminants to waters must not cause environmental harm in the receiving environment.
- (5) The concentration of total ammonia must be less than 25mg/L when measured at the levee bank overflow sampling point identified in Schedule 4B Figure 3 site plan 410-0000-024 of Development Approval NR0404.

The transitional environmental program remains in force until 2 December 2013.

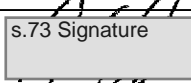
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## Transitional environmental program certificate of approval

In any case where conditions are imposed upon a certificate of approval, you may apply to the administering authority for a review of the decision. You may also appeal against the decision to the Planning and Environment Court.

Information relating to a review of decisions or appeals under the Environmental Protection Act is included with this notice. This information is intended as a guide only. You may have other legal rights and obligations.

Should you have any queries in relation to this notice, Chris Wake of the Department of Environment and Heritage Protection on phone number (07) 4722 5371 would be happy to assist you.

  
s.73 Signature

Signature

  
Date

Date

Dean Sharpe  
A/Manager Mining and Industry - Northern  
Department of Environment and Heritage Protection

**Enquiries:**  
Department of Environment and Heritage  
Protection  
Phone: (07) 4722 5353  
Fax: (07) 4722 5351

Released under RTIP

## Paul Leven

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**From:** Troy Collings  
**Sent:** Monday, 4 November 2013 2:49 PM  
**To:** Michael Prain; Paul Leven  
**Cc:** Ben Myers; Lee Anderson; Jeff Popp; Andrew Powell  
**Subject:** Urgent enforcement advice - Waratah Coal Pty Ltd

Please note that the Minister's office have just been advised that EHP intends to issue Waratah Coal with an Environmental Protection Order (EPO) on Tuesday 5 November 2013 for not complying with their general environmental duty requirements, under the *Environmental Protection Act 1994*.

The EPO will require all rehabilitation activities specified to be completed by 30 June 2014.

EHP is satisfied that Waratah have been given appropriate natural justice in relation to this matter.

Waratah (Nui Harris) has been advised this afternoon, Monday 4 November, of the intention to issue the EPO, who will in turn advise Mr Clive Palmer.

### **Our key points are:**

1. Natural Justice has been provided and every opportunity to remedy this situation was afforded;
2. Operational decisions such as this are made by departmental officers; and
3. The law applies equally to everyone.

### **Background Information below:**

Waratah has carried out exploration activities on EPC1040 in the Alpha region under Environmental Authority (EA) MIN200614607 since August 2009, to support investigations as part of the China First Project.

Since 2010, the Department of Environment and Heritage Protection (EHP) has received a number of complaints from landholders regarding possible aquifer contamination and the potential for associated impacts on landholder's bores as a result of un-rehabilitated exploration drill holes.

Most of these complaints have been received from the owners of 'Kia Ora' station near Alpha, regarding approximately 300 exploration drill holes, which have not been decommissioned, and extended delays by Waratah in commencing decommissioning activities.

EPC 1040 covers all of the Kia Ora property and part of a number of other properties in the area, with approximately 500 exploration drill holes in total remaining un-rehabilitated across the EPC,

EHP conducted a site inspection on 2 and 3 July 2012 and confirmed that a number of exploration drill holes remained un-rehabilitated.

Based on the information collected as part of this inspection and subsequent investigation, EHP determined that Waratah failed to take reasonable and practicable measures to ensure their general environmental duty was met.

EHP has made numerous attempts to facilitate the rehabilitation of drill holes on EPC1040 by Waratah, including a number of meetings and formal correspondence about the matter.

In response to formal correspondence in relation to proposed enforcement actions by EHP, Waratah indicated they would commence works immediately on the provision of access by the landholder, and provided a plan detailing proposed rehabilitation activities on Kia Ora.

The owners of 'Kia Ora' have advised that they have denied Waratah access on the basis that Waratah have not negotiated a fair access agreement given the scope of works required to complete rehabilitation.

Following a private mediation meeting between Waratah and the landholder of Kia Ora, EHP has been advised that an access agreement has not been reached, and that Waratah are unwilling to expedite the process.

Troy Collings  
Chief of Staff

The Hon Andrew Powell MP | Minister for Environment and Heritage Protection

P: 3239 0877 F: 3234 2496

E: [troy.collings@ministerial.qld.gov.au](mailto:troy.collings@ministerial.qld.gov.au)

Released under RTI - DPC

## Paul Leven

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**From:** Troy Collings  
**Sent:** Tuesday, 5 November 2013 3:49 PM  
**To:** Lee Anderson  
**Cc:** Lynette Keep; Paul Leven; Michael Prain; Ben Myers  
**Subject:** Fwd: Waratah EPO - urgent request for media response dot points  
**Attachments:** image001.jpg

As below.

Troy Collings  
Chief of Staff  
Minister for Environment  
and Heritage Protection

Note that while Waratah were verbally advised yesterday afternoon of our intention to issue an EPO, the EPO has not been issued yet, but will be by COB today.

- *Waratah Coal Pty Ltd (Waratah) is the principal Holder of Environmental Authority MIN200614607, which authorises mining activities under the Environmental Protection Act 1994, for an Exploration Permit Coal (EPC) 1040 in the Alpha Region.*
- *Waratah has carried out exploration activities on EPC 1040 since August 2009, to support investigations as part of the China First Project.*
- *The Department of Environment and Heritage Protection (EHP) has received a number of complaints from landholders regarding possible aquifer contamination and the potential for associated impacts on landholder's bores as a result of un-rehabilitated exploration drill holes.*
- *Most of these complaints have been regarding approximately 300 exploration drill holes, which have not been decommissioned and extended delays by Waratah in commencing decommissioning activities.*
- *EHP conducted a site inspection on 2 and 3 July 2012 and confirmed that a number of exploration drill holes remained un-rehabilitated.*
- *At the time of the site inspection EHP sort advice from the Principal Hydrologist, working for the Department of Natural Resources and Mines (DNRM), who advised that the risk of inter aquifer contamination or depressurisation as a result of un-rehabilitated drill holes in the area are low.*
- *Based on the information collected as part of this inspection and subsequent investigation, EHP determined that Waratah had failed to take reasonable and practicable measures to ensure that their general environmental duty was met.*
- *In response to formal correspondence in relation to proposed enforcement actions by EHP, Waratah indicated they would commence works immediately on the provision of access by the landholder, and provided a plan detailing proposed rehabilitation activities on the property.*

- *The owners of the property have advised that they have denied Waratah access on the basis that Waratah have not negotiated an acceptable access agreement, given the scope of works required to complete rehabilitation.*
- *Following a private mediation meeting between Waratah and the landholder on 16 October 2013, EHP has been advised that an access agreement has not been reached, and that Waratah did not commit to prioritising access as a result of this mediation.*
- *EHP intends to issue Waratah with an Environmental Protection Order (EPO) on 5 October 2013, for not complying with their general environmental duty requirements, under the Environmental Protection Act 1994.*
- *The EPO will require the decommissioning and appropriate rehabilitation, or conversion to water bores of approximately 300 coal exploration drill holes.*
- *The EPO will require that the work is undertaken in accordance with best practice methods.*
- *The EPO will require regular work progress updates.*
- *The EPO will require all rehabilitation activities specified at this location, to be completed by 30 June 2014.*