

The Hon. Anastasia Palaszczuk  
Premier of Queensland  
PO Box 75  
Inala Q 4077

RECEIVED

27 MAR 2017

Inala EO

Dear Premier Palaszczuk,

I saw on the news this past week of your visit to India in order to encourage Mr Adani to open his mine in the Galilee Basin.

I am a Queenslander who does not agree with the opening of this mine.

I heard you say to Geoff Cousins, on the news footage, that you totally supported the Great Barrier Reef. You must surely be aware that every piece of Queensland coal burnt anywhere in the World will encourage Global Warming. Therefore, how can you support Mr Adani's mine and support the Reef at the same time?

I also heard you say that you wanted jobs for Queensland. Are you aware that in the United States there are more jobs in renewable energy industries than fossil fuel industries? You must surely realise therefore that if you encouraged renewable industries into Queensland you would create more jobs than fossil fuel industries ever could.

Why back something that is not only destroying the Reef, but also creating Global Warming that puts our whole existence at risk?

I would like to hear your response to these questions, but I also have a number of other issues I would like to hear from you about the Adani proposal. These are as follows:-

1. Will the Adani mine pay full coal royalties to the Queensland Government, or has it been granted a 'royalty holiday', as was promised under the Newman Government?
2. How much will the Adani mine pay for the billions of litres of water it will use?
3. Will the Adani mine pay the full company tax rate in Australia, or will Australian coal be sold through Adani's entities in tax havens like the Cayman Islands and Singapore?
4. Will Adani commit upfront to employing the tens of thousands of workers so frequently cited by Australian politicians and will it rule out automating the mine from pit to port?
5. If Adani exports 60 million tonnes per year of subsidised new coal supply, will this reduce coal exports and jobs in other parts of Queensland and NSW?
6. Does the Australian government think the world will use more coal or less coal into the future under the Paris climate agreements?

I think all Queenslanders deserve to know the answers to these questions.

I also ask you for further information.

Can you please tell me the name and location of every Queensland fossil fuel electricity generator. Can you also please tell me the date each fossil fuel electricity station generator was commissioned, and when it will be decommissioned.

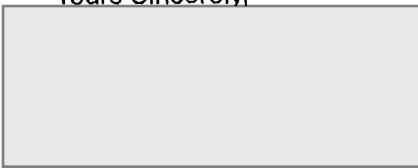
Can you also please tell me what the replacement plan will be as each station is decommissioned? (All of this simple and fundamental detail does not seem to be available on the relevant web sites.)

South Australia has a plan, for renewable energy to take over the electricity supply in that State and I wish Queensland had a comparable plan (without the gas component). Has the Queensland Government had discussions with Tesla, or other battery companies, to build a large scale renewable energy storage capacity for renewable energy? Is there an active plan to begin this infrastructure? What are the details? As you know Tesla say they can do it in 100 days.

Could I also please request that you don't reply with vagaries and window dressing type of comment. I am eager for genuine information of real activity and commitment.

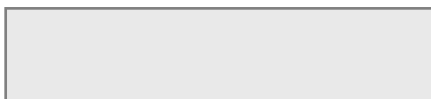
I am appreciative of your consideration and look forward to your response.

Yours Sincerely,



Released under RPA/ATPC

For reply please quote: ECP/TP – TF/17/5899 – DOC/17/77881



Dear 

Thank you for your email of 28 April 2017 regarding renewable energy in Queensland, Adani's proposed Carmichael coal mine and the Great Barrier Reef. I have been requested to reply to you on behalf of the Premier and I apologise for the delay in responding.

I commend you on your advocacy for more renewable energy to address climate change and support a cleaner and more innovative energy future for Queensland. You may have seen the Queensland Government recently unveiled the *Powering Queensland Plan*, a comprehensive \$1.16 billion package to unlock thousands of megawatts of renewable energy investment across the State. As part of the *Powering Queensland Plan* the Queensland Government has established a pathway to stable and secure supply in Queensland, with a focus on job creation.

This had been done by confirming our commitment to a 50 per cent renewable energy target by 2030. This commitment is based on the final report of the Queensland Renewable Energy Expert Panel (Expert Panel). The Expert Panel's final report notes the strong pipeline of renewable energy projects coming through in Queensland. We are seeing unprecedented investment with 17 large-scale projects either commencing construction or finalising commercial arrangements. These projects are set to deliver almost 1200 megawatts of clean power to the State and boost investment by \$2.2 billion. The current pipeline of projects will create around 2200 jobs, with benefits largely flowing to regional centres.

The Expert Panel modelling indicates that, in achieving a 50 per cent target by 2030, Queensland could create an additional 6400 to 6700 full-time equivalent employees, on average, per year, between 2020 and 2030. The Expert Panel outlines that achieving the 50 per cent renewable energy target also drives benefits in the Queensland economy, largely as a result of an additional \$6.7 billion in new investment in large-scale generation plant and the development of a competitive advantage in supply chain components including design, fabrication and construction. Importantly, the Expert Panel has also confirmed that Queensland has the baseload power it needs to make the transition securely and affordably.

With regard to the Adani Carmichael coal mine, the resources sector is a major source of employment for the State, and it contributes significantly to communities and the broader economy. The Queensland Government recently announced a new policy to create economic growth and jobs that includes a new royalties framework. This framework encourages investment while ensuring the security of royalties payments, with no adverse budget impact to the State.

In May 2017, the Queensland Government and Adani reached the first royalty agreement under the new policy, encouraging investment while at the same time providing for Adani to pay all royalties due to taxpayers. Additionally, the Premier has secured agreement from Adani that its workforce for the project will be sourced from regional Queensland, further ensuring that this project creates much needed jobs in regional Queensland.

With regard to any concerns regarding the Northern Australia Infrastructure Facility (NAIF) and the proposed NAIF loan to Adani for the project's rail line, NAIF is a concessional loans scheme established by the Federal Government as part of its Northern Australia Policy. The Queensland Government continues to meet its commitment that no taxpayer funds will be used to support the Carmichael project. Any project finance approved by the independent NAIF board will flow between the Federal Government and a project proponent.

The Queensland Government is also committed to improving the resilience of the Great Barrier Reef, particularly by improving the Reef's water quality. In 2015, UNESCO's World Heritage Committee decided not to list the Reef as 'in danger'. This important decision was a sensible move, and it acknowledged the firm and swift action which the Queensland Government has taken since coming to office. The Queensland Government has also allocated an additional \$100 million to Reef water quality initiatives. This brings the total State-sourced funding for work under the *Reef 2050 Long-Term Sustainability Plan* to over \$400 million.

Again, thank you for taking the time to write to the Premier and I hope this information is of assistance to you.

Yours sincerely

**DENISE SPINKS**  
**DEPUTY CHIEF OF STAFF**

## Graham Marshall

---

**From:** Adrian Noon <Adrian.Noon@treasury.qld.gov.au>  
**Sent:** Wednesday, 15 February 2017 12:08 PM  
**To:** Glenn Miller (Treasury)  
**Cc:** Graham Marshall  
**Subject:** Re: Adani

Yep

Sent from my iPhone

On 15 Feb 2017, at 12:07 PM, Glenn Miller <[Glenn.Miller@treasury.qld.gov.au](mailto:Glenn.Miller@treasury.qld.gov.au)> wrote:

Yes, that is fine

Thanks

Glenn

Glenn Miller  
A/Assistant Under Treasurer  
Fiscal Management  
Queensland Treasury  
Level 23, 1 William Street  
**Phone:** 3035 1962 (dial full number)  
**Mobile:**   
**Email:** [glenn.miller@treasury.qld.gov.au](mailto:glenn.miller@treasury.qld.gov.au)  
**Web:** [www.treasury.qld.gov.au](http://www.treasury.qld.gov.au)  
<image003.jpg>

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**From:** Graham Marshall [<mailto:Graham.Marshall@premiers.qld.gov.au>]  
**Sent:** Wednesday, 15 February 2017 12:01 PM  
**To:** Glenn Miller  
**Subject:** Adani

Hi Glenn

Are the draft words below ok with you?

Exempt Sch.3(8)(1), Breach of confidence

Thanks

Regards

Graham

<image005.png> **Graham Marshall**

Senior Policy Officer

**Economic Policy**

Department of the Premier and Cabinet

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P 07 3003 9333

Level 30, 1WS, Brisbane Qld 4000

PO Box 15185, City East, QLD 4002

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\*\*\*\*\*  
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Released under the  
Official Information Act

## Graham Marshall

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**From:** Ross Buchanan  
**Sent:** Monday, 27 February 2017 7:35 AM  
**To:** Graham Marshall  
**Cc:** Jeanette Miller  
**Subject:** FW: Adani

Please prepare today Graham – should be easy as I think this is already covered in Parl brief.  
Regards  
Ross



**Ross Buchanan**  
Executive Director  
Economic Policy, Policy Division  
Department of the Premier and Cabinet  
P 07 3003 9337 M [REDACTED]  
Level 30, 1 William Street, Brisbane QLD 4000  
PO Box 15185, City East, QLD 4002



---

**From:** Graham Fraine  
**Sent:** Sunday, February 26, 2017 4:59 PM  
**To:** Ross Buchanan <ross.buchanan@premiers.qld.gov.au>; Bernadette Zerba <Bernadette.Zerba@premiers.qld.gov.au>  
**Subject:** Adani

Ross - can u pls do a one pager on the key issues and progress

Exempt Sch.3(8)(1) Breach of confidence

[REDACTED] as well as a copy of the a3 tabled - so that we can provide to min O'Rourke .

Thnx

**Graham Fraine**  
Deputy Director-General (Policy)  
Department of the Premier and Cabinet  
Level 30, 1 William Street, Brisbane QLD 4000  
PO Box 15185, City East, QLD 4002  
P: 07 3003 9408  
M: [REDACTED]  
E: [graham.fraine@premiers.qld.gov.au](mailto:graham.fraine@premiers.qld.gov.au)

## Graham Marshall

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**From:** Graham Marshall  
**Sent:** Wednesday, 15 February 2017 11:56 AM  
**To:** Graham Marshall  
**Subject:** FW: Adani Dot Points

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**From:** Graham Marshall  
**Sent:** Wednesday, 15 February 2017 11:43 AM  
**To:** Graham Marshall <Graham.Marshall@premiers.qld.gov.au>  
**Subject:** Adani Dot Points

---

**From:** Graham Marshall  
**Sent:** Wednesday, 15 February 2017 11:02 AM  
**To:** Graham Marshall <Graham.Marshall@premiers.qld.gov.au>  
**Subject:** Adani Dot Points

Hi Ross

As requested please find below the requested dot points and draft email.

Regards

Graham



**Queensland  
Government**

**Graham Marshall**  
Senior Policy Officer  
**Economic Policy**  
Department of the Premier and Cabinet

---

P 07 3003 9333  
Level 30, 1WS, Brisbane Qld 4000  
PO Box 15185, City East, QLD 4002

At a recent meeting between Minister O'Rourke and Adani, a number of issues were raised which are addressed below.

Too much bureaucracy and project progressing too slow

The Office of the Coordinator-General advise that its assessments have always progressed in a timely manner, both for Adani and all proponents. The numbers and evidence of time taken supports this. Adani has not provided any evidence to the contrary or raised such issues with the Office of the Coordinator-General. The only issue holding up assessment of their one outstanding Notice of Intention to Resume application is the inadequate documentation provided by Adani, an inadequacy it has been made aware of for several weeks.

Central point of contact

Office of the Coordinator-General meets Adani several times weekly on numerous aspects of the project approvals – Coordinator-General, Assistant Coordinators-General and other levels. There would probably be more liaison and support provided to Adani than any other project in history. However, there are several other agencies involved that Adani communicates with e.g. Treasury on their royalty relief application, DNRM/DEHP for water licence applications, DAFF for quarry permits, councils for council issues.



### Water Licence

The Environmental Protection (Underground Water Management) and Other Legislation Amendment Act 2016 (EPOLA) provides for the grant of an associated water to Adani as the holder of a relevant mining tenure. DNRM advise that Adani has already applied for a water licence and that Adani has been advised in writing (before Christmas 2016) that it does not need to undertake public notification of its associated water licence application. The application is currently being considered by DNRM, in consultation with EHP.

### Land acquisition

The delay in assessing Adani's Notice of Intention to Resume application is the inadequate documentation provided by Adani, an inadequacy it has been made aware of for several weeks. It has been made clear to Adani what is required, e.g. maps of the properties.

### Mining approvals

On 3 April 2016 Minister Lynham MP approved the granting of the three individual mining leases required by Adani for its Carmichael Coal Mine.

### Government payments

It is not known what the specific costs of \$2.5 million and \$2.4 million raised by Adani refer to. However, all government costs related to Adani work are required to be recovered to ensure consistency with the government's policy of not providing funding to the project. Adani is treated the same as all proponents, e.g. there are fees for material change of use applications, land acquisition, water licences.

### Royalties

Exempt Sch.3(8)(1) Breach of confidence

Released under RTI - DPC

## Graham Marshall

---

**From:** Jeanette Miller  
**Sent:** Thursday, 16 February 2017 1:53 PM  
**To:** Bernadette Zerba  
**Cc:** Graham Marshall  
**Subject:** FW: Adani Dot Points

Hi

FYI – see email below – This may change after Ross has reviewed it – But



**Queensland  
Government**

**Jeanette Miller**  
Director  
**Economic Policy, Policy Division**  
Department of the Premier and Cabinet

P 07 3003 9393 M [REDACTED]  
Level 30, 1 William Street, Brisbane QLD 4000  
PO Box 15185, City East, QLD 4002

---

**From:** Graham Marshall  
**Sent:** Thursday, 16 February 2017 12:20 PM  
**To:** Ross Buchanan <ross.buchanan@premiers.qld.gov.au>  
**Cc:** Jeanette Miller <Jeanette.Miller@premiers.qld.gov.au>  
**Subject:** Adani Dot Points

Hi Ross

Dots below for your review and approval.

Regards

Graham



**Queensland  
Government**

**Graham Marshall**  
Senior Policy Officer  
**Economic Policy**  
Department of the Premier and Cabinet

P 07 3003 9333  
Level 30, 1WS, Brisbane Qld 4000  
PO Box 15185, City East, QLD 4002

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## Graham Marshall

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**Cc:** Jeanette Miller  
**Subject:** Adani Dot Points

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Regards

Graham



**Graham Marshall**  
Senior Policy Officer  
**Economic Policy**  
Department of the Premier and Cabinet  
P 07 3003 9333  
Level 30, 1WS, Brisbane Qld 4000  
PO Box 15185, City East, QLD 4002

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Royalties

Exempt Sch.3(8)(1) Breach of confidence

Released under RTI-APP3

Released under RTI - DPC

## Graham Marshall

---

**From:** Bernadette Zerba  
**Sent:** Monday, 27 February 2017 10:16 AM  
**To:** Graham Marshall  
**Subject:** Adani.docx  
**Attachments:** Adani.docx

Here is the final version of what we sent the Minister.

Kind regards  
Bernadette



**Queensland  
Government**

**Bernadette Zerba**

Senior Director – North Queensland Team  
Economic Policy  
Department of the Premier and Cabinet

---

P 07 3003 9315 M [REDACTED]  
Level 30, 1 William Street, Brisbane QLD 4000  
PO Box 15185, City East, QLD 4002



At a recent meeting between Minister O'Rourke and Adani, a number of issues were raised regarding progress of the Adani Project.

A further meeting was held between Government Officials and Adani on Tuesday 21 February. Government representatives included the Co-ordinator General, DDG Policy DPC, Deputy Under Treasurer Queensland Treasury. Progress on the identified issues are outlined below.

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The DNRM contact for Adani for its water licence application is Mr Darren Moor, Executive Director, DNRM who can be contacted on 07 48373451 or via email on [darren.moor@dnrm.qld.gov.au](mailto:darren.moor@dnrm.qld.gov.au). Mr Moor is based in Rockhampton.

Adani is also seeking 10800 ML of surface water allocation from DNRM. This approval is progressing and is expected in March.

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Exempt Sch.3(8)(1) Breach of confidence



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Royalties

Exempt Sch.3(8)(1) Breach of confidence

Released under RTI DPP

## Matilda Dowling

---

**From:** Ross Buchanan  
**Sent:** Monday, 24 July 2017 3:16 PM  
**To:** Matilda Dowling  
**Subject:** FW: Adani (002).docx  
**Attachments:** Adani (002).docx



**Ross Buchanan**  
Executive Director  
**Economic Policy, Policy Division**  
Department of the Premier and Cabinet

P 07 3003 9337 M [REDACTED]  
Level 30, 1 William Street, Brisbane QLD 4000  
PO Box 15185, City East, QLD 4002



Proudly working with White Ribbon to create a safer workplace  
Australia's campaign to stop violence against women

---

**From:** Bernadette Zerba  
**Sent:** Monday, March 13, 2017 9:59 AM  
**To:** Ross Buchanan <ross.buchanan@premiers.qld.gov.au>  
**Subject:** Adani (002).docx

Hi Ross

Here is the info from the meeting. Not sure what the A3 Graham is referring to?

Kind regards  
Bernadette



**Bernadette Zerba**  
Senior Director – North Queensland Team  
**Economic Policy**  
Department of the Premier and Cabinet

P 07 3003 9315 M [REDACTED]  
Level 30, 1 William Street, Brisbane QLD 4000  
PO Box 15185, City East, QLD 4002



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Government payments

It is not known what the specific costs of \$2.5 million and \$2.4 million raised by Adani refer to. However, all government costs related to Adani work are required to be recovered to ensure consistency with the government's policy of not providing funding to the project. Adani is treated the same as all proponents, e.g. there are fees for material change of use applications, land acquisition, water licences etc.

Royalties

Exempt Sch.3(8)(1) Breach of confidence

Released under RTI/OP

## Meeting with Adani Group

<b>Date:</b>	17 March 2017
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### Attendees

TBC	<<Position>>

### Meeting Purpose:

- To discuss Adani's Carmichael Coal Mine and Rail Project, further develop Queensland's relationship with Adani's national and international business and explore business and investment opportunities for Queensland.

### What is the Queensland Government seeking from this meeting?

- For Adani to reaffirm its commitment to development in the Galilee Basin, and confirmation that commencement of the Carmichael Project's construction will happen in mid-2017.
- For Adani to provide a progress update on their proposed development of a structured apprentice and trainee program in conjunction with local and regional training providers. Adani has previously stated this program will be developed by Adani prior to commencing construction.

### What might the "company" want from this meeting?

- Reassurance that the Queensland Government will continue to support its project through any remaining approvals.

### Discussion Points:

#### ***Adani Carmichael Coal and Rail Project***

- With a combined estimated investment of \$21.7 billion, the Queensland Government welcomes Carmichael coal and rail projects and associated infrastructure. This will be an enormous investment in regional Queensland.
- The Queensland Government and the people and businesses in north and central Queensland welcome these jobs and the economic development in their communities.
- The Queensland Government was concerned by the recent *McGlade v Registrar National Native Title Tribunal* decision of the Federal Court regarding Indigenous Land Use Agreements.

- On 6 February 2017, I wrote to the Prime Minister requesting that the Federal Government, as a matter of urgency, move amendments to the Commonwealth's Native Title Act 1993.
- I am pleased that the Federal Government has now introduced the Native Title Amendment (Indigenous Land Use Agreements) Bill 2017 to repair a problem they have known about for a long time.
- The Bill has been referred to a Senate Legal and Constitutional Affairs Legislation Committee for reporting back by 17 March 2017.
- The Coordinator-General will continue to work with Adani to progress the Carmichael project through the remaining approvals in detail and identify any approval bottlenecks.
- I am advised that the Department of Natural Resources and Mines is currently assessing Adani's water licence application, with input from the Department of Environment and Heritage, and a decision is anticipated in early April 2017.
- In addition, I am advised that the Department of Natural Resources and Mines has commenced a process to make 10,800 megalitres of water available in priority to Adani from the Upper Burdekin catchment for construction and operational purposes at the Carmichael Coal mine.

### ***Galilee Basin***

- The Queensland Government supports responsible and sustainable development of the Galilee Basin for the thousands of jobs and economic development it will create.
- Adani is finalising approvals and commercial arrangements in order to make a firm commitment to the development in the Galilee Basin.
- Key strategies the Queensland Government is using to facilitate development include the Galilee Basin State Development Area and working with proponents to progress these projects through the proposed approval processes.
- The successful development of the Galilee Basin will make a significant economic contribution to the State of Queensland by supporting up to 35 000 jobs and investment in coal mines, rail and port infrastructure.
- The Queensland Government will work with project proponents to progress all Galilee Basin projects and ensure the development of the Galilee Basin resources.

### **Company Snapshot:**

- The Adani Group was founded in 1988 as a commodity trading business. First generation entrepreneur Gautam Adani is the founder & chairman of Adani Group.

- The Adani Group is one of India's leading businesses, and is a globally integrated infrastructure player with businesses spanning coal trading, coal mining, oil and gas exploration, ports, multi-modal logistics, power generation and transmission and gas distribution.
- The Adani Group is the largest port developer and operator in India. Adani developed and owns Mundra Port which is the largest private port in India. Adani Group also own Fortune, India's largest edible oil brand through a joint venture with Wilmar International in Singapore. In April 2014, it expanded the Tiroda Power plant, making Adani power the largest private power producer of the country.

### **Background:**

- The Adani project includes these components:
  - Carmichael Coal Mine and Rail project
  - Northern Galilee Basin Rail project
  - North Galilee Water Scheme project
  - T0 port facility at Abbot Point
  - other associated facilities (e.g. airport, communications, power station).
- The project:
  - includes a series of open-cut and underground coal mines covering 44 000 hectares of mostly low-value grazing land
  - will produce up to 60 million tonnes of thermal coal per year for export through the Port of Abbot Point
  - includes off-site infrastructure such as workers' accommodation village, industrial area and airport
  - will connect via a 388 kilometre standard gauge, heavy haul railway line from the mine to the Port of Abbot Point
  - includes expansion works for Terminal 0 (T0) at the Port of Abbot Point, involving rail load-out and coal handling facilities, stockpiles and conveyors
  - includes an interconnected system of water sources, storages and pipelines located in the upper Galilee Basin for supply to the mine.
- The mine project is located in the eastern Galilee Coal Basin, 160 kilometres north-west of Clermont, within the Isaac and Charters Towers Regional Council areas.
- Adani has described its interests in the mine, rail and port projects as servicing an integrated 'pit to plug' strategy, with the coal largely to be used to fire power plant projects in India. Recently the Indian Government released a National Electricity Plan which has a renewable

energy focus. The plan includes coal as part of the required energy mix and acknowledges that more coal-fired power station capacity is needed to meet India's future energy needs.

- Adani's combined mine, rail and port projects will generate more than 5,000 direct jobs at the peak of construction and more than 4,500 direct jobs at the peak of operations.
- The Queensland Government made an election commitment that no government funding will be given to the project, and that dredging is prohibited outside Abbot Point in line with the commitment to save the Great Barrier Reef.
- The Queensland Government has also made an election commitment that no dredging will take place at Abbot Point until Adani demonstrates the project is commercially viable prior to commencement of the work.
- The Coordinator-General and his team meets fortnightly with Adani's CEO to discuss the progress of the project in detail and to ensure there are no unnecessary delays to approvals.

#### **Community and Stakeholder Concerns:**

- As with all private sector projects, the future of the project is a commercial investment decision for Adani. Community and stakeholder concerns about the project include:
  - Potential adverse impacts of mine, rail and port activities on the natural environment, particularly the Great Barrier Reef, groundwater resources and contribution to climate change.
  - The use of coal as an energy source, in contrast with renewable energy infrastructure initiatives.
  - The decision to declare the mine, rail and port project a critical infrastructure project.
  - Concerns about government funding the project.
  - Certainty that local and regional jobs will be provided.
  - Adani using tax havens to avoid responsibility for meeting environmental conditions.

#### **Adani - Current Status:**

- Adani has now obtained all the necessary primary and secondary approvals for its mine, rail and port projects. The key approvals include:
  - State and Commonwealth EIS approvals (mine, rail and port).



- Three Mining Leases granted.
- Environmental authority for the Carmichael mine.
- Environmental authority for Adani's T0 terminal at Abbot Point.
- Approval for 15 material changes of use applications that Adani lodged for projects in State Development Areas.
- Adani still needs to progress some tertiary approvals including for water, road works, power, and management plans required by the Commonwealth Government. These are progressing effectively in line with Adani's construction program.
- On 7 October 2016, Minister Lynham declared the Adani Combined Project of the Carmichael Coal Mine and Rail Project, North Galilee Basin Rail Project and the North Galilee Water Scheme both a prescribed project and a critical infrastructure project. The critical infrastructure project status gives the Coordinator-General powers to keep the project moving and intervene if red tape is unnecessarily holding up a project (and the potential jobs the project will generate, particularly in north and central Queensland).
- On 6 December 2016, Adani confirmed that the:
  - Regional headquarters will be in Townsville.
  - Remote operations centre will be in Townsville.
  - Rail and port operations headquarters will be in Bowen.
  - Mining services will be based in Mackay.
  - Rail maintenance and provisioning yard will be in the Mackay-Bowen region.
  - Project sourcing centres will be Townsville, Charters Towers, Rockhampton, Emerald, Clermont and Moranbah.
  - The shortlist for a Fly-in/Fly-out hub is Townsville and Rockhampton, with a decision due in 2017 coinciding with the start of early works.
  - Adani has stated the intention to commence construction in 2017. Their informal advice has been that preliminary works could start around mid-2017 and rail and mine construction starting in September 2017.
  - Adani further stated that engineering work is recommencing, with development of tender documents underway. This follows the conclusion of two recent Federal court cases.
- On 13 December 2016, Adani made an application to freehold sections of the Moray Downs Pastoral Holding to facilitate the development of an airport, accommodation camps, an industrial precinct and

communications facilities to service the Carmichael Coal mine. A decision on this application is expected late March 2017.

### Water Issues

- On 10 November 2016, Parliament passed the Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill, which will require Adani to secure an Associated Water Licence for groundwater.
- On 20 October 2016, Adani made an application to remove groundwater at the Carmichael Coal mine site to ensure the safe operation of the mine. The Department of Natural Resources and Mines (DNRM) is currently assessing the application with input from the Department of Environment and Heritage. A decision is anticipated in early April 2017.
- On 5 January 2017, DNRM commenced a process to make 10,800 megalitres of water available in priority to Adani, from the Upper Burdekin catchment for construction and operational purposes at the Carmichael Coal mine. A decision is anticipated mid-April pending outcomes from a current natural justice process with downstream riparian users.

### Northern Australia Infrastructure Facility

- In the 2015-16 Federal Budget a \$5B Northern Australia Infrastructure Facility was announced. It involves the provision of concessional interest loans to proponents for the provision of economic infrastructure for proposed projects in northern Australia. Adani has sought to access this facility for economic infrastructure associated with the proposed Carmichael mine, with a decision pending.

Exempt Sch.3(8)(1) Breach of confidence

Released

### **Summary of Court Cases:**

Six court actions are active in relation to the Adani project, however only five directly involve Adani in the court action.

#### Federal Courts

1. On 29 August 2016, the Federal Court dismissed an application lodged by the Australian Conservation Foundation on 9 November 2015 for judicial review of the Federal Minister for the Environment's approval decision for the Carmichael Coal Mine and Rail project. The Federal Court hearing occurred over 3-4 May 2016.

On 8 September 2016, the Court ordered the Australian Conservation Foundation to pay 40% of Adani's court costs, and 70% of the Commonwealth Government's court costs. On 19 September 2016, the Australian Conservation Foundation lodged an appeal of the Federal Court decision. The matter was heard on 3 March 2017 and a ruling is yet to be made.

2. On 19 August 2016, the Federal Court dismissed an application lodged by Adrian Burragubba on 5 May 2015 for judicial review of a National Native Title Tribunal decision. The decision was a determination in April 2015 that the grant of Adani's mining leases could proceed without further consideration of Native Title issues. On 8 September 2016, Mr Burragubba lodged an appeal against the Federal Court's decision. On 27- 28 February 2017 a hearing before the full Bench of the Federal Court of Australia occurred. The matter was adjourned with judgement reserved.
3. The Wangan and Jagalingou People voted in favour of the terms of the ILUA proposed by Adani on 16 April 2016. The National Native Title Tribunal (NNTT) undertook a notification of registration process of the ILUA from 22 June to 22 September 2016. Before the close of

the notification period, Mr Burragubba lodged an objection with the NNTT to the registration of the ILUA.

However, a decision was handed down on 2 February 2017 in the Federal Court that overturned a Western Australian decision on the registration of an ILUA. The objection to registration of the Noongar ILUAs was upheld, with the Court finding that all applicants have to sign the ILUAs. This decision has implications for Adani's ILUA for the Carmichael coal and rail project, which although authorised by the majority vote, is signed by seven of the 12 registered native title applicants and is currently lodged for registration with the NNTT.

This matter is being dealt with by the Federal Government Bill referred to earlier in this brief.

4. Application to change applicants of the Wangan & Jagalingou people, part of Native Title Determination (but doesn't involve Adani). A hearing of the Federal Court occurred on 29 November 2016, with the decision reserved. A case management hearing on the determination of native title was heard on 16 February 2017. Mr Burragubba has asked to reopen the issue following the McGlade decision, as part of that hearing. Justice Reeves allowed the McGlade decision submissions to be heard on 3 March 2017. The native title determination trial has been set down for March 2018. A further Case Management Hearing has been set for 21 July 2017 before Justice Reeves.

#### Queensland Courts

5. 3 June 2016 - The Whitsunday Residents against Dumping filed an application with the Supreme Court for judicial review of DEHP's issuing of the environmental authority for the Terminal 0 at Abbot Point in December 2015. The matter was heard on 7 October 2016. A decision is expected in the next few months.
6. 10 June 2016 - Native Title parties, including Adrian Burragubba and others, lodged an application seeking judicial review of the Minister's decision to grant Adani's mining leases. The matter was heard on 2 November 2016. On 25 November 2016, Justice Bond handed down his decision that the matter be dismissed; with the Minister's decision to grant the Adani mining leases to remain. An appeal was lodged by Mr Burragubba on 16 December 2016. The matter is scheduled to be heard in mid-2017.

## Meeting with Adani Group

<b>Date:</b>	17 March 2017
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### Attendees

TBC	<<Position>>

### Meeting Purpose:

- To discuss Adani's Carmichael Coal Mine and Rail Project, further develop Queensland's relationship with Adani's national and international business and explore business and investment opportunities for Queensland.

### What is the Queensland Government seeking from this meeting?

- For Adani to reaffirm its commitment to development in the Galilee Basin, and confirmation that commencement of the Carmichael Project's construction will happen in mid-2017.
- For Adani to provide a progress update on their proposed development of a structured apprentice and trainee program in conjunction with local and regional training providers. Adani has previously stated this program will be developed by Adani prior to commencing construction.

### What might the "company" want from this meeting?

- Reassurance that the Queensland Government will continue to support its project through any remaining approvals.

### Discussion Points:

#### ***Adani Carmichael Coal and Rail Project***

- With a combined estimated investment of \$21.7 billion, the Queensland Government welcomes Adani's coal, rail and port project and associated infrastructure. This will be an enormous investment in regional Queensland.
- The Queensland Government and the people and businesses in north and central Queensland welcome these jobs and the economic development in their communities.
- The Queensland Government was concerned by the recent *McGlade v Registrar National Native Title Tribunal* decision of the Federal Court regarding Indigenous Land Use Agreements.

- On 6 February 2017, I wrote to the Prime Minister requesting that the Federal Government, as a matter of urgency, move amendments to the Commonwealth's *Native Title Act 1993*.
- I am pleased that the Federal Government has now introduced the Native Title Amendment (Indigenous Land Use Agreements) Bill 2017 to repair a problem they have known about for a long time.
- The Bill has been referred to a Senate Legal and Constitutional Affairs Legislation Committee for reporting back by 17 March 2017.
- The Coordinator-General will continue to work closely with Adani to progress its projects through the remaining approvals processes in detail and identify any approval bottlenecks.
- I am advised that the Department of Natural Resources and Mines is currently assessing Adani's associated water licence application, with input from the Department of Environment and Heritage due on 17 March 2017, and a decision is anticipated in April 2017.
- In addition, I am advised that the Department of Natural Resources and Mines has already made an offer of up to 10,800 megalitres of surface water to Adani for purchase at market value from the Upper Burdekin catchment for construction and operational purposes at the Carmichael Coal mine and rail project.

### ***Galilee Basin***

- The Queensland Government supports the responsible and sustainable development of the Galilee Basin for the thousands of jobs and economic development it will create.
- Adani is finalising approvals and commercial arrangements in order to make a firm commitment to the development in the Galilee Basin.
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- The Adani Group is the largest port developer and operator in India. Adani developed and owns Mundra Port which is the largest private port in India. Adani Group also own Fortune, India's largest edible oil brand through a joint venture with Wilmar International in Singapore. In April 2014, it expanded the Tiroda Power plant, making Adani power the largest private power producer of the country.
- In addition to its mining interests, Adani has stated publicly the interest to develop two solar generation plants in Australia, with one to be located in South Australia. The other, the Rugby Run project, is proposed to be located near Moranbah, with a capacity of up to 300 MW.
- On 7 February 2017, Adani confirmed a CEO, Ms Jennifer Purdie, had been appointed to oversee its solar projects in Australia.

## **Background:**

- The Adani project includes these components:
  - Carmichael Coal Mine and Rail project
  - Northern Galilee Basin Rail project
  - North Galilee Water Scheme project
  - T0 port facility at Abbot Point
  - other associated facilities (e.g. airport, communications, power station).
- The project:
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  - will produce up to 60 million tonnes of thermal coal per year for export through the Port of Abbot Point
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prohibited outside Abbot Point in line with the commitment to save the Great Barrier Reef.

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### **Community and Stakeholder Concerns:**

- As with all private sector projects, the future of the project is a commercial investment decision for Adani. Community and stakeholder concerns about the project include:
  - Potential adverse impacts of mine, rail and port activities on the natural environment, particularly the Great Barrier Reef, groundwater resources and contribution to climate change.
  - The use of coal as an energy source, in contrast with renewable energy infrastructure initiatives.
  - The decision to declare the mine, rail and port project a critical infrastructure project.
  - Concerns about government funding the project.
  - Certainty that local and regional jobs will be provided.
  - Adani using tax havens to avoid responsibility for meeting environmental conditions.

### **Adani - Current Status:**

- Adani has now obtained all the necessary primary and secondary approvals for its mine, rail and port projects. The key approvals include:
  - State and Commonwealth EIS approvals (mine, rail and port).
  - Three Mining Leases granted.
  - Environmental authority for the Carmichael mine.
  - Environmental authority for Adani's T0 terminal at Abbot Point.
  - Approval for 15 material changes of use applications that Adani lodged for projects in State Development Areas.
  - Adani still needs to progress some tertiary approvals including for water, road works, power, and management plans required by the

Commonwealth Government. These are progressing effectively in line with Adani's construction program.

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- On 6 December 2016, Adani confirmed that the:
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  - Remote operations centre will be in Townsville.
  - Rail and port operations headquarters will be in Bowen.
  - Mining services will be based in Mackay.
  - Rail maintenance and provisioning yard will be in the Mackay-Bowen region.
  - Project sourcing centres will be Townsville, Charters Towers, Rockhampton, Emerald, Clermont and Moranbah.
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### Water Issues

- On 10 November 2016, Parliament passed the Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill, which will require Adani to secure an Associated Water Licence for groundwater.

- On 20 October 2016, Adani made an application to remove groundwater at the Carmichael Coal mine site to ensure the safe operation of the mine. The Department of Natural Resources and Mines (DNRM) is currently assessing the application with input from the Department of Environment and Heritage Protection's (EHP) Independent Assessment Panel due on 17 March 2017.
- The Independent Expert Panel met on 8 March 2017 and provided a signed report to the Director-General, EHP, on 9 March 2017. It is understood that there were no major concerns raised by the Panel and only a relatively small number of suggested enhancements.
- EHP must provide its advice, based on the Panel report, to DNRM on 17 March 2017 and a decision by DNRM on the Associated Water Licence for groundwater is anticipated by April 2017.
- On 5 January 2017, DNRM commenced a process to make 10,800 megalitres of surface water available in priority to Adani, from the Upper Burdekin catchment for construction and operational purposes at the Carmichael Coal mine.
- On 9 March 2017, DNRM made an offer to Adani for up to 10,800 megalitres of surface water at market value with associated conditions applied to protect downstream water users. Adani is yet to accept the offer. Subject to Adani's response timeframes, a decision is anticipated mid-April.

#### Northern Australia Infrastructure Facility

- In the 2015-16 Federal Budget a \$5B Northern Australia Infrastructure Facility was announced. It involves the provision of concessional interest loans to proponents for the provision of economic infrastructure for proposed projects in northern Australia. Adani has sought to access this facility for economic infrastructure associated with the proposed Carmichael mine.

Exempt Sch.3(8)(1) Breach of confidence

### **Summary of Court Cases:**

Six court actions are active in relation to the Adani project, however only five directly involve Adani in the court action.

#### Queensland courts

- Judicial Review (JR) of Environmental Authority for T0 at Abbot Point (EHP) from Whitsunday Residents Against Dumping. Supreme Court – awaiting judgement.
- JR of Minister's decision to grant Mining Leases 70505 and 70506 by Adrian Burragubba, dismissed, and appeal lodged – awaiting appeal hearing date for Queensland Court of Appeal.

#### Federal courts

- JR of *Environmental Protection and Biodiversity Conservation Act 1999* Environmental Impacts Statement (EIS) Decision. Dismissed from Australian Conservation Foundation (ACF), appeal lodged. Appeal heard on 3 March 2017 before the Full Bench of the Federal Court, Justice Dowsett, McKerracher and Robertson reserved judgement on the matter.
- JR of National Native Title Tribunal decision that the grant of Mining Leases 70505 and 70506 could proceed, by Adrian Burragubba.

Dismissed, appeal lodged. On 27 and 28 February 2017 hearing before the Full Bench of the Federal Court. The matter was adjourned with judgement reserved.

- Application to change applicants of the Wangan & Jagalingou people, part of Native Title Determination. A Hearing in the Federal Court of Australia occurred on 29 November 2016, with the decision reserved. A case management hearing on the determination of native title was heard on 16 February 2017. Mr Burragubba has asked to reopen the 66B issue following the McGlade decision, as part of that hearing.
- In accordance with Justice Reeve's orders, Murrawah Johnson filed submissions relating to the McGlade decision on 3 March 2017. Justice Reeves made an additional order that any respondent who wishes to file submissions must do so on or before 17 March 2017. The Wangan & Jagalingou People's native title claim is listed for a Case Management Hearing on 21 July 2017. The purpose is to settle programming orders for a trial in March 2018 or to establish a timetable leading to consent determination.
- Objection to the registration of the Indigenous Land Use Agreement (ILUA) between Adani and the Wangan & Jagalingou People. On 2 February 2017, the Full Court of the Federal Court handed down a decision, finding that an ILUA must be signed by every member of the registered native title applicant. Historically ILUAs were registered with a majority of members of the applicant signing.
- On 15 February 2017, a Native Title Amendment Bill was introduced into the House of Representatives by the Honourable Michael Keenan MP, Minister for Justice that will reverse the effect of the McGlade decision and will restore the position previously held that not all registered native title claimants are required to sign an ILUA, for it to be valid. The Bill has been read once and moved to be read a second time. The Bill has moved to the Senate and is now being considered by the Committee, with the Committee asked to return with their findings by 17 March 2017. Submissions closed on 3 March 2017.
- The Wangan & Jagalingou Family Council released media statements on their website on 2 and 13 March 2017, advocating for the need of more time for consultation and negotiation with traditional owners. Furthermore, that the proposed changes to the Native Title Act will "disenfranchise Traditional Owners and undermine their land rights".

## Meeting with Adani Group

<b>Date:</b>	17 March 2017
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### Attendees

TBC	<<Position>>

### Meeting Purpose:

- To discuss Adani's Carmichael Coal Mine and Rail Project, further develop Queensland's relationship with Adani's national and international business and explore business and investment opportunities for Queensland.

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  - includes off-site infrastructure such as workers' accommodation village, industrial area and airport
  - will connect via a 388 kilometre standard gauge, heavy haul railway line from the mine to the Port of Abbot Point
  - includes expansion works for Terminal 0 (T0) at the Port of Abbot Point, involving rail load-out and coal handling facilities, stockpiles and conveyors
  - includes an interconnected system of water sources, storages and pipelines located in the upper Galilee Basin for supply to the mine.
- The mine project is located in the eastern Galilee Coal Basin, 160 kilometres north-west of Clermont, within the Isaac and Charters Towers Regional Council areas.
- Adani has described its interests in the mine, rail and port projects as servicing an integrated 'pit to plug' strategy, with the coal largely to be used to fire power plant projects in India. Recently the Indian Government released a National Electricity Plan which has a renewable



energy focus. The plan includes coal as part of the required energy mix and acknowledges that more coal-fired power station capacity is needed to meet India's future energy needs.

- Adani's combined mine, rail and port projects will generate more than 5,000 direct jobs at the peak of construction and more than 4,500 direct jobs at the peak of operations.
- The Queensland Government made an election commitment that no government funding will be given to the project, and that dredging is prohibited outside Abbot Point in line with the commitment to save the Great Barrier Reef.
- The Queensland Government has also made an election commitment that no dredging will take place at Abbot Point until Adani demonstrates the project is commercially viable prior to commencement of the work.
- The Coordinator-General and his team meets fortnightly with Adani's CEO to discuss the progress of the project in detail and to ensure there are no unnecessary delays to approvals.

#### **Community and Stakeholder Concerns:**

- As with all private sector projects, the future of the project is a commercial investment decision for Adani. Community and stakeholder concerns about the project include:
  - Potential adverse impacts of mine, rail and port activities on the natural environment, particularly the Great Barrier Reef, groundwater resources and contribution to climate change.
  - The use of coal as an energy source, in contrast with renewable energy infrastructure initiatives.
  - The decision to declare the mine, rail and port project a critical infrastructure project.
  - Concerns about government funding the project.
  - Certainty that local and regional jobs will be provided.
  - Adani using tax havens to avoid responsibility for meeting environmental conditions.

#### **Adani - Current Status:**

- Adani has now obtained all the necessary primary and secondary approvals for its mine, rail and port projects. The key approvals include:
  - State and Commonwealth EIS approvals (mine, rail and port).

- Three Mining Leases granted.
- Environmental authority for the Carmichael mine.
- Environmental authority for Adani's T0 terminal at Abbot Point.
- Approval for 15 material changes of use applications that Adani lodged for projects in State Development Areas.
- Adani still needs to progress some tertiary approvals including for water, road works, power, and management plans required by the Commonwealth Government. These are progressing effectively in line with Adani's construction program.
- On 7 October 2016, Minister Lynham declared the Adani Combined Project of the Carmichael Coal Mine and Rail Project, North Galilee Basin Rail Project and the North Galilee Water Scheme both a prescribed project and a critical infrastructure project. The critical infrastructure project status gives the Coordinator-General powers to keep the project moving and intervene if red tape is unnecessarily holding up a project (and the potential jobs the project will generate, particularly in north and central Queensland).
- On 6 December 2016, Adani confirmed that the:
  - Regional headquarters will be in Townsville.
  - Remote operations centre will be in Townsville.
  - Rail and port operations headquarters will be in Bowen.
  - Mining services will be based in Mackay.
  - Rail maintenance and provisioning yard will be in the Mackay-Bowen region.
  - Project sourcing centres will be Townsville, Charters Towers, Rockhampton, Emerald, Clermont and Moranbah.
  - The shortlist for a Fly-in/Fly-out hub is Townsville and Rockhampton, with a decision due in 2017 coinciding with the start of early works.
  - Adani has stated the intention to commence construction in 2017. Their informal advice has been that preliminary works could start around mid-2017 and rail and mine construction starting in September 2017.
  - Adani further stated that engineering work is recommencing, with development of tender documents underway. This follows the conclusion of two recent Federal court cases.
- On 13 December 2016, Adani made an application to freehold sections of the Moray Downs Pastoral Holding to facilitate the development of an airport, accommodation camps, an industrial precinct and

communications facilities to service the Carmichael Coal mine. A decision on this application is expected late March 2017.

### Water Issues

- On 10 November 2016, Parliament passed the Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill, which will require Adani to secure an Associated Water Licence for groundwater.
- On 20 October 2016, Adani made an application to remove groundwater at the Carmichael Coal mine site to ensure the safe operation of the mine. The Department of Natural Resources and Mines (DNRM) is currently assessing the application with input from the Department of Environment and Heritage. A decision is anticipated in early April 2017.
- On 5 January 2017, DNRM commenced a process to make 10,800 megalitres of water available in priority to Adani, from the Upper Burdekin catchment for construction and operational purposes at the Carmichael Coal mine. A decision is anticipated mid-April pending outcomes from a current natural justice process with downstream riparian users.

### Northern Australia Infrastructure Facility

- In the 2015-16 Federal Budget a \$5B Northern Australia Infrastructure Facility was announced. It involves the provision of concessional interest loans to proponents for the provision of economic infrastructure for proposed projects in northern Australia. Adani has sought to access this facility for economic infrastructure associated with the proposed Carmichael mine, with a decision pending.

Exempt Sch.3(8)(1) Breach of confidence

Released

### **Summary of Court Cases:**

Six court actions are active in relation to the Adani project, however only five directly involve Adani in the court action.

#### Federal Courts

1. On 29 August 2016, the Federal Court dismissed an application lodged by the Australian Conservation Foundation on 9 November 2015 for judicial review of the Federal Minister for the Environment's approval decision for the Carmichael Coal Mine and Rail project. The Federal Court hearing occurred over 3-4 May 2016.

On 8 September 2016, the Court ordered the Australian Conservation Foundation to pay 40% of Adani's court costs, and 70% of the Commonwealth Government's court costs. On 19 September 2016, the Australian Conservation Foundation lodged an appeal of the Federal Court decision. The matter was heard on 3 March 2017 and a ruling is yet to be made.

2. On 19 August 2016, the Federal Court dismissed an application lodged by Adrian Burragubba on 5 May 2015 for judicial review of a National Native Title Tribunal decision. The decision was a determination in April 2015 that the grant of Adani's mining leases could proceed without further consideration of Native Title issues. On 8 September 2016, Mr Burragubba lodged an appeal against the Federal Court's decision. On 27- 28 February 2017 a hearing before the full Bench of the Federal Court of Australia occurred. The matter was adjourned with judgement reserved.
3. The Wangan and Jagalingou People voted in favour of the terms of the ILUA proposed by Adani on 16 April 2016. The National Native Title Tribunal (NNTT) undertook a notification of registration process of the ILUA from 22 June to 22 September 2016. Before the close of

the notification period, Mr Burragubba lodged an objection with the NNTT to the registration of the ILUA.

However, a decision was handed down on 2 February 2017 in the Federal Court that overturned a Western Australian decision on the registration of an ILUA. The objection to registration of the Noongar ILUAs was upheld, with the Court finding that all applicants have to sign the ILUAs. This decision has implications for Adani's ILUA for the Carmichael coal and rail project, which although authorised by the majority vote, is signed by seven of the 12 registered native title applicants and is currently lodged for registration with the NNTT.

This matter is being dealt with by the Federal Government Bill referred to earlier in this brief.

4. Application to change applicants of the Wangan & Jagalingou people, part of Native Title Determination (but doesn't involve Adani). A hearing of the Federal Court occurred on 29 November 2016, with the decision reserved. A case management hearing on the determination of native title was heard on 16 February 2017. Mr Burragubba has asked to reopen the issue following the McGlade decision, as part of that hearing. Justice Reeves allowed the McGlade decision submissions to be heard on 3 March 2017. The native title determination trial has been set down for March 2018. A further Case Management Hearing has been set for 21 July 2017 before Justice Reeves.

#### Queensland Courts

5. 3 June 2016 - The Whitsunday Residents against Dumping filed an application with the Supreme Court for judicial review of DEHP's issuing of the environmental authority for the Terminal 0 at Abbot Point in December 2015. The matter was heard on 7 October 2016. A decision is expected in the next few months.
6. 10 June 2016 - Native Title parties, including Adrian Burragubba and others, lodged an application seeking judicial review of the Minister's decision to grant Adani's mining leases. The matter was heard on 2 November 2016. On 25 November 2016, Justice Bond handed down his decision that the matter be dismissed; with the Minister's decision to grant the Adani mining leases to remain. An appeal was lodged by Mr Burragubba on 16 December 2016. The matter is scheduled to be heard in mid-2017.

## Meeting with Adani Group

<b>Date:</b>	17 March 2017
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### Attendees

TBC	<<Position>>

### Meeting Purpose:

- To discuss Adani's Carmichael Coal Mine and Rail Project, further develop Queensland's relationship with Adani's national and international business and explore business and investment opportunities for Queensland.

### What is the Queensland Government seeking from this meeting?

- For Adani to reaffirm its commitment to development in the Galilee Basin, and confirmation that commencement of the Carmichael Project's construction will happen in mid-2017.
- For Adani to provide a progress update on their proposed development of a structured apprentice and trainee program in conjunction with local and regional training providers. Adani has previously stated this program will be developed by Adani prior to commencing construction.

### What might the "company" want from this meeting?

- Reassurance that the Queensland Government will continue to support its project through any remaining approvals.

### Discussion Points:

#### ***Adani Carmichael Coal and Rail Project***

- With a combined estimated investment of \$21.7 billion, the Queensland Government welcomes Adani's coal, rail and port project and associated infrastructure. This will be an enormous investment in regional Queensland.
- The Queensland Government and the people and businesses in north and central Queensland welcome these jobs and the economic development in their communities.
- The Queensland Government was concerned by the recent *McGlade v Registrar National Native Title Tribunal* decision of the Federal Court regarding Indigenous Land Use Agreements.

- On 6 February 2017, I wrote to the Prime Minister requesting that the Federal Government, as a matter of urgency, move amendments to the Commonwealth's *Native Title Act 1993*.
- I am pleased that the Federal Government has now introduced the Native Title Amendment (Indigenous Land Use Agreements) Bill 2017 to repair a problem they have known about for a long time.
- The Bill has been referred to a Senate Legal and Constitutional Affairs Legislation Committee for reporting back by 17 March 2017.
- The Coordinator-General will continue to work closely with Adani to progress its projects through the remaining approvals processes in detail and identify any approval bottlenecks.
- I am advised that the Department of Natural Resources and Mines is currently assessing Adani's associated water licence application, with input from the Department of Environment and Heritage due on 17 March 2017, and a decision is anticipated in April 2017.
- In addition, I am advised that the Department of Natural Resources and Mines has already made an offer of up to 10,800 megalitres of surface water to Adani for purchase at market value from the Upper Burdekin catchment for construction and operational purposes at the Carmichael Coal mine and rail project.

### ***Galilee Basin***

- The Queensland Government supports the responsible and sustainable development of the Galilee Basin for the thousands of jobs and economic development it will create.
- Adani is finalising approvals and commercial arrangements in order to make a firm commitment to the development in the Galilee Basin.
- Key strategies the Queensland Government is using to facilitate development include the Galilee Basin State Development Area and working with proponents to progress these projects through the proposed approval processes.
- The successful development of the Galilee Basin will make a significant economic contribution to the State of Queensland by supporting up to 35 000 jobs and investment in coal mines, rail and port infrastructure.
- The Queensland Government will work with project proponents to progress all Galilee Basin projects and ensure the development of the Galilee Basin resources.

### **Company Snapshot:**

- The Adani Group was founded in 1988 as a commodity trading business. First generation entrepreneur Gautam Adani is the founder & chairman of Adani Group.
- The Adani Group is one of India's leading businesses, and is a globally integrated infrastructure player with businesses spanning coal trading, coal mining, oil and gas exploration, ports, multi-modal logistics, power generation and transmission and gas distribution.
- The Adani Group is the largest port developer and operator in India. Adani developed and owns Mundra Port which is the largest private port in India. Adani Group also own Fortune, India's largest edible oil brand through a joint venture with Wilmar International in Singapore. In April 2014, it expanded the Tiroda Power plant, making Adani power the largest private power producer of the country.
- In addition to its mining interests, Adani has stated publicly the interest to develop two solar generation plants in Australia, with one to be located in South Australia. The other, the Rugby Run project, is proposed to be located near Moranbah, with a capacity of up to 300 MW.
- On 7 February 2017, Adani confirmed a CEO, Ms Jennifer Purdie, had been appointed to oversee its solar projects in Australia.



## **Background:**

- The Adani project includes these components:
  - Carmichael Coal Mine and Rail project
  - Northern Galilee Basin Rail project
  - North Galilee Water Scheme project
  - T0 port facility at Abbot Point
  - other associated facilities (e.g. airport, communications, power station).
- The project:
  - includes a series of open-cut and underground coal mines covering 44 000 hectares of mostly low-value grazing land
  - will produce up to 60 million tonnes of thermal coal per year for export through the Port of Abbot Point
  - includes off-site infrastructure such as workers' accommodation village, industrial area and airport
  - will connect via a 388 kilometre standard gauge, heavy haul railway line from the mine to the Port of Abbot Point
  - includes expansion works for Terminal 0 (T0) at the Port of Abbot Point, involving rail load-out and coal handling facilities, stockpiles and conveyors
  - includes an interconnected system of water sources, storages and pipelines located in the upper Galilee Basin for supply to the mine.
- The mine project is located in the eastern Galilee Coal Basin, 160 kilometres north-west of Clermont, within the Isaac and Charters Towers Regional Council areas.
- Adani has described its interests in the mine, rail and port projects as servicing an integrated 'pit to plug' strategy, with the coal largely to be used to fire power plant projects in India. Recently the Indian Government released a National Electricity Plan which has a renewable energy focus. The plan includes coal as part of the required energy mix and acknowledges that more coal-fired power station capacity is needed to meet India's future energy needs.
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- The Queensland Government made an election commitment that no government funding will be given to the project, and that dredging is

prohibited outside Abbot Point in line with the commitment to save the Great Barrier Reef.

- The Queensland Government has also made an election commitment that no dredging will take place at Abbot Point until Adani demonstrates the project is commercially viable prior to commencement of the work.
- The Coordinator-General and his team meets fortnightly with Adani's CEO to discuss the progress of the project in detail and to ensure there are no unnecessary delays to approvals.

### **Community and Stakeholder Concerns:**

- As with all private sector projects, the future of the project is a commercial investment decision for Adani. Community and stakeholder concerns about the project include:
  - Potential adverse impacts of mine, rail and port activities on the natural environment, particularly the Great Barrier Reef, groundwater resources and contribution to climate change.
  - The use of coal as an energy source, in contrast with renewable energy infrastructure initiatives.
  - The decision to declare the mine, rail and port project a critical infrastructure project.
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  - Certainty that local and regional jobs will be provided.
  - Adani using tax havens to avoid responsibility for meeting environmental conditions.

### **Adani - Current Status:**

- Adani has now obtained all the necessary primary and secondary approvals for its mine, rail and port projects. The key approvals include:
  - State and Commonwealth EIS approvals (mine, rail and port).
  - Three Mining Leases granted.
  - Environmental authority for the Carmichael mine.
  - Environmental authority for Adani's T0 terminal at Abbot Point.
  - Approval for 15 material changes of use applications that Adani lodged for projects in State Development Areas.
  - Adani still needs to progress some tertiary approvals including for water, road works, power, and management plans required by the

Commonwealth Government. These are progressing effectively in line with Adani's construction program.

- On 7 October 2016, Minister Lynham declared the Adani Combined Project of the Carmichael Coal Mine and Rail Project, North Galilee Basin Rail Project and the North Galilee Water Scheme both a prescribed project and a critical infrastructure project. The critical infrastructure project status gives the Coordinator-General powers to keep the project moving and intervene if red tape is unnecessarily holding up a project (and the potential jobs the project will generate, particularly in north and central Queensland).
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  - Regional headquarters will be in Townsville.
  - Remote operations centre will be in Townsville.
  - Rail and port operations headquarters will be in Bowen.
  - Mining services will be based in Mackay.
  - Rail maintenance and provisioning yard will be in the Mackay-Bowen region.
  - Project sourcing centres will be Townsville, Charters Towers, Rockhampton, Emerald, Clermont and Moranbah.
  - The shortlist for a Fly-in/Fly-out hub is Townsville and Rockhampton, with a decision due in 2017 coinciding with the start of early works.
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  - Adani further stated that engineering work is recommencing, with development of tender documents underway. This follows the conclusion of two recent Federal court cases.
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### Water Issues

- On 10 November 2016, Parliament passed the Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill, which will require Adani to secure an Associated Water Licence for groundwater.

- On 20 October 2016, Adani made an application to remove groundwater at the Carmichael Coal mine site to ensure the safe operation of the mine. The Department of Natural Resources and Mines (DNRM) is currently assessing the application with input from the Department of Environment and Heritage Protection's (EHP) Independent Assessment Panel due on 17 March 2017.
- The Independent Expert Panel met on 8 March 2017 and provided a signed report to the Director-General, EHP, on 9 March 2017. It is understood that there were no major concerns raised by the Panel and only a relatively small number of suggested enhancements.
- EHP must provide its advice, based on the Panel report, to DNRM on 17 March 2017 and a decision by DNRM on the Associated Water Licence for groundwater is anticipated by April 2017.
- On 5 January 2017, DNRM commenced a process to make 10,800 megalitres of surface water available in priority to Adani, from the Upper Burdekin catchment for construction and operational purposes at the Carmichael Coal mine.
- On 9 March 2017, DNRM made an offer to Adani for up to 10,800 megalitres of surface water at market value with associated conditions applied to protect downstream water users. Adani is yet to accept the offer. Subject to Adani's response timeframes, a decision is anticipated mid-April.

#### Northern Australia Infrastructure Facility

- In the 2015-16 Federal Budget a \$5B Northern Australia Infrastructure Facility was announced. It involves the provision of concessional interest loans to proponents for the provision of economic infrastructure for proposed projects in northern Australia. Adani has sought to access this facility for economic infrastructure associated with the proposed Carmichael mine.

Exempt Sch.3(8)(1) Breach of confidence

### **Summary of Court Cases:**

Six court actions are active in relation to the Adani project, however only five directly involve Adani in the court action.

#### Queensland courts

- Judicial Review (JR) of Environmental Authority for T0 at Abbot Point (EHP) from Whitsunday Residents Against Dumping. Supreme Court – awaiting judgement.
- JR of Minister's decision to grant Mining Leases 70505 and 70506 by Adrian Burragubba, dismissed, and appeal lodged – awaiting appeal hearing date for Queensland Court of Appeal.

#### Federal courts

- JR of *Environmental Protection and Biodiversity Conservation Act 1999* Environmental Impacts Statement (EIS) Decision. Dismissed from Australian Conservation Foundation (ACF), appeal lodged. Appeal heard on 3 March 2017 before the Full Bench of the Federal Court, Justice Dowsett, McKerracher and Robertson reserved judgement on the matter.
- JR of National Native Title Tribunal decision that the grant of Mining Leases 70505 and 70506 could proceed, by Adrian Burragubba.

Dismissed, appeal lodged. On 27 and 28 February 2017 hearing before the Full Bench of the Federal Court. The matter was adjourned with judgement reserved.

- Application to change applicants of the Wangan & Jagalingou people, part of Native Title Determination. A Hearing in the Federal Court of Australia occurred on 29 November 2016, with the decision reserved. A case management hearing on the determination of native title was heard on 16 February 2017. Mr Burragubba has asked to reopen the 66B issue following the McGlade decision, as part of that hearing.
- In accordance with Justice Reeve's orders, Murrawah Johnson filed submissions relating to the McGlade decision on 3 March 2017. Justice Reeves made an additional order that any respondent who wishes to file submissions must do so on or before 17 March 2017. The Wangan & Jagalingou People's native title claim is listed for a Case Management Hearing on 21 July 2017. The purpose is to settle programming orders for a trial in March 2018 or to establish a timetable leading to consent determination.
- Objection to the registration of the Indigenous Land Use Agreement (ILUA) between Adani and the Wangan & Jagalingou People. On 2 February 2017, the Full Court of the Federal Court handed down a decision, finding that an ILUA must be signed by every member of the registered native title applicant. Historically ILUAs were registered with a majority of members of the applicant signing.
- On 15 February 2017, a Native Title Amendment Bill was introduced into the House of Representatives by the Honourable Michael Keenan MP, Minister for Justice that will reverse the effect of the McGlade decision and will restore the position previously held that not all registered native title claimants are required to sign an ILUA, for it to be valid. The Bill has been read once and moved to be read a second time. The Bill has moved to the Senate and is now being considered by the Committee, with the Committee asked to return with their findings by 17 March 2017. Submissions closed on 3 March 2017.
- The Wangan & Jagalingou Family Council released media statements on their website on 2 and 13 March 2017, advocating for the need of more time for consultation and negotiation with traditional owners. Furthermore, that the proposed changes to the Native Title Act will "disenfranchise Traditional Owners and undermine their land rights".