

Mary Sharp

From: Jeff Popp
Sent: Monday, 4 November 2013 4:21 PM
To: Troy Collings
Subject: RE: Urgent enforcement advice - Waratah Coal Pty Ltd

Thanks Troy...hope you're feeling better.

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

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