

**From:** CAGNEY Justin [Justin.Cagney@des.qld.gov.au]

**Sent:** Friday, 4 May 2018 6:47 PM

**To:** [sch4p4( 6) Personal information]

**CC:** BENNINK Kate; [sch4p4( 6) Personal information]

**Subject:** Re: Oakey Coal Action Alliance Inc re: New Acland Coal Pty Ltd - request for enforcement action [5420]

Thank you [sch4p4( 6) Personal information]

I appreciate you providing a copy of this correspondence.

Regards,

**Justin Cagney**

Executive Director

**Coal and Central Queensland Compliance**

Department of Environment and Science

P [07 4837 3318](tel:0748373318)

M [sch4p4( 6) Personal information]

[209 Bolsover Street Rockhampton 4700](https://www.des.qld.gov.au/locations/209-Bolsover-Street-Rockhampton-4700)

On 4 May 2018, at 6:20 pm, [sch4p4( 6) Personal information] <[sch4p4( 6) Personal information]@edoqld.org.au> wrote:

Dear Justin and Kate,

Please find **attached** correspondence sent to the Honourable Minister Enoch.

Happy to chat.

Kind regards,

[sch4p4( 6) Personal information]

Solicitor

cid:image001.png@01D1130D.8BD5EB10



Environmental Defenders Office (Qld) Inc

8/205 Montague Rd West End Qld 4101

tel +61 7 3211 4466

[edoqld@edoqld.org.au](mailto:edoqld@edoqld.org.au)

[www.edoqld.org.au](http://www.edoqld.org.au)

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*the fight for Queensland's environment by donating at [edoqld.org.au/donate](http://edoqld.org.au/donate)*

---

**From:** [sch4p4( 6) Personal inform]  
**Sent:** Friday, 4 May 2018 6:18 PM  
**To:** 'environment@ministerial.qld.gov.au' <environment@ministerial.qld.gov.au>  
**Cc:** [sch4p4( 6) Personal in]@edoqld.org.au>  
**Subject:** Oakey Coal Action Alliance Inc re: New Acland Coal Pty Ltd - request for enforcement action [5420]

Dear Minister Enoch,

Please find **attached** correspondence sent on behalf of our client Oakey Coal Action Alliance Inc.

If there is anything you would like to discuss, please do not hesitate to contact us.

Kind regards,

[sch4p4( 6) Personal inform]  
Solicitor

cid:image001.png@01D1130D.8BD5EB10



Environmental Defenders Office (Qld) Inc  
8/205 Montague Rd West End Qld 4101  
tel +61 7 3211 4466  
[edoqld@edoqld.org.au](mailto:edoqld@edoqld.org.au)  
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<180504 - Letter OCAA to Minister Enoch.pdf>

**From:** CARLOS Reuben [Reuben.Carlos@des.qld.gov.au]

**Sent:** Sunday, 6 May 2018 11:57 AM

**To:** CAGNEY Justin

**Subject:** RE: Oakey Coal Action Alliance Inc re: New Acland Coal Pty Ltd - request for enforcement action [5420]

Thanks mate

I have reminded my crew to ensure you guys are getting a priority compliance service.

Cheers

Reube



**Reuben Carlos**

Executive Director

**Energy, Extractive and South West QLD Compliance**

**Environmental Services and Regulation**

Department of Environment and Science

-----  
P 33305539

Level 8, 400 George Street, Brisbane

PO Box 2454, Brisbane QLD 4001

cid:image008.jpg@01D32993.94D22E10



---

**From:** CAGNEY Justin

**Sent:** Friday, 4 May 2018 6:49 PM

**To:** WELLS Melissa

**Cc:** CARLOS Reuben; BENNINK Kate

**Subject:** Fwd: Oakey Coal Action Alliance Inc re: New Acland Coal Pty Ltd - request for enforcement action [5420]

Hi Melissa,

Please refer to the attached correspondence.

This will need to be considered in relation to the current investigation into the matter.

Regards,

**Justin Cagney**

Executive Director

**Coal and Central Queensland Compliance**

Department of Environment and Science

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P [07 4837 3318](tel:0748373318)

[sch4p4\(6\) Personal info](#)

[209 Bolsover Street Rockhampton 4700](#)

PO Box 413 Rockhampton 4700

Begin forwarded message:

**From:** [sch4p4\(6\) Personal information](#) [@edoqld.org.au](mailto:@edoqld.org.au)

**To:** "CAGNEY Justin" <[Justin.Cagney@des.qld.gov.au](mailto:Justin.Cagney@des.qld.gov.au)>, "BENNINK Kate" <[Kate.Bennink@des.qld.gov.au](mailto:Kate.Bennink@des.qld.gov.au)>

**Cc:** [sch4p4\(6\) Personal info](#) [@edoqld.org.au](mailto:@edoqld.org.au)

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Kind regards,

[sch4p4\(6\) Personal inform](#)  
*Solicitor*

**From:** CARLOS Reuben [Reuben.Carlos@des.qld.gov.au]  
**Sent:** Thursday, 10 May 2018 9:55 AM  
**To:** CAGNEY Justin; HILL Chris; HORTON Sarah  
**CC:** BENNINK Kate; WELLS Melissa  
**Subject:** RE: Oakey Coal Action Alliance Inc re: New Acland Coal Pty Ltd - request for enforcement action [5420]

No dramas Cags – I have sent to Chris and Sarah



**Reuben Carlos**  
Executive Director  
**Energy, Extractive and South West QLD Compliance  
Environmental Services and Regulation**  
Department of Environment and Science

-----  
P 33305539  
Level 8, 400 George Street, Brisbane  
PO Box 2454, Brisbane QLD 4001

cid:image008.jpg@01D32993.94D22E10



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**From:** CAGNEY Justin  
**Sent:** Thursday, 10 May 2018 9:45 AM  
**To:** CARLOS Reuben  
**Cc:** BENNINK Kate; WELLS Melissa  
**Subject:** RE: Oakey Coal Action Alliance Inc re: New Acland Coal Pty Ltd - request for enforcement action [5420]

Morning Reuben,

Can I please get a dot point update on the current status of this investigation (unauthorised disturbance/unapproved mining)?

I know that a pre-enforcement letter was sent to NAC and that the response should have been received by now.

It would be good to know where the investigation is at and where it is going.

We now need to respond to a Ministerial on the matter (attached).

Regards,

**Justin Cagney**  
Executive Director  
**Coal and Central Queensland Compliance**  
Department of Environment and Science

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P 07 4837 3318

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PO Box 413 Rockhampton 4700

[EHP Cultural capability\\_web graphic APPD](#)



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PO Box 413 Rockhampton 4700

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Kind regards,

[sch4p4( 6) Personal information]

*Solicitor*

Released by DES  
RTI Act 2009

**From:** LOWE Trinity [Trinity.Lowe@des.qld.gov.au]

**Sent:** Thursday, 17 May 2018 8:31 AM

**To:** CAGNEY Justin; CARLOS Reuben

**CC:** Corro DES ESR EESWQC; Corro DES ESR CaCQC; Corro DES ESR DDG; DI TULLIO Tonina; ESR

**Subject:** FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences against the EP act

**Attachments:** EDO Brief Attachment.pdf

**Importance:** High

Morning Justin & Reuben

Dean has asked me to forward the attached EDO brief to you, he has requested this be entered onto MEC's as a community report and investigated accordingly. I will arrange for Tonina to create the MEC's item and will have it allocated to you Justin to lead with input from Reuben.

Note – Dean has an undertaking to report back within 2 weeks from 14/5 so timeframe for a response via a DG Briefing note would be appreciated by no later than **COB 24 May 2018**.

I will be sending a separate email with a request from the DG's office for some other actions that require follow-ups post the meeting that was held on Monday 14/5.

Thanks & Cheers

Trin

**Trinity Lowe**

Executive Officer

Office of the Deputy Director General

Environmental Services and Regulation Division

Department of Environment and Science

P 07 3330 5812

Level 7 400 George St Brisbane

---

**From:** GEORGA Margaret **On Behalf Of** DES Director General

**Sent:** Friday, 11 May 2018 5:51 PM

**To:** ELLWOOD Dean; BROWN Glen

**Subject:** FW: Proposed agenda - Meeting with EDO Qld

**Importance:** High

Hello Dean / Glen

EDO kindly sent through this Agenda this afternoon for Monday's catch-up. Could you please advise who from ESR can attend this meeting with the DG, Alena, sch4p4(6) Personal information The meeting is at 2pm at 1WS.

ESR provided a BN also attached which covered off on what EDO said they wanted to discuss and now today they have added extra.

I am heading off now but will see your response first thing on Monday.

Many Thanks



Margaret

**Margaret Georga**

Executive Support Officer

**Office of the Director-General**

Department of Environment and Science

P 07 3330 6295

Level 32, 1 William Street, Brisbane QLD 4000

GPO Box 2454, Brisbane QLD 4001



**From:** [sch4p4( 6) Personal information]@edoqld.org.au]

**Sent:** Friday, 11 May 2018 4:04 PM

**To:** DES Director General

**Cc:** [sch4p4( 6) Personal]

**Subject:** Proposed agenda - Meeting with EDO Qld

Dear Jamie

Please find **attached** our proposed agenda for our meeting with you on Monday.

We are very sorry not to have made the 12 noon timeframe requested.

[sch] and I look forward to meeting with you again.

Kind regards

[sch4p4( 6) Personal i

Solicitor

EDO-LogoSig



Environmental Defenders Office (Qld) Inc

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tel +61 7 3211 4466 fax +61 7 3844 0766

[sch4p4( 6)@edoqld.org.au [www.edoqld.org.au](http://www.edoqld.org.au)

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**From:** HILL Chris [Chris.Hill@des.qld.gov.au]

**Sent:** Thursday, 17 May 2018 9:10 AM

**To:** CAGNEY Justin

**Subject:** RE: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences against the EP act

Hi Justin

Sarah and I don't have a copy of the EDO letter – wasn't attached to the email

Thanks

**Dr Chris Hill**

Program Manager (Compliance)

**South West Queensland Compliance | Environmental Services and Regulation**

Department of Environment and Science



P 07 4529 8360

146 Herries St, Toowoomba, QLD 4350

PO Box 731, Toowoomba, QLD 4350

---

**From:** CAGNEY Justin

**Sent:** Thursday, 17 May 2018 9:02 AM

**To:** CARLOS Reuben

**Cc:** HILL Chris; HORTON Sarah

**Subject:** Re: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences against the EP act

Thanks Reuben,

The letter effectively makes four allegations of non compliance, which to my knowledge are the same matters we are already investigating and have already issued pre enforcement for.

We will need to clearly address each one of the allegations in the BN, with a current status and departmental view.

We should be seeking to turn it around quicker than 24 May too. That is a long time for a BN on investigations that are already well progressed and under control.

Regards,

**Justin Cagney**

Executive Director

**Coal and Central Queensland Compliance**

Department of Environment and Science



P [07 4837 3318](tel:0748373318)

sch4p4( 6) Personal in

[209 Bolsover Street Rockhampton 4700](#)

PO Box 413 Rockhampton 4700

On 17 May 2018, at 8:47 am, CARLOS Reuben <[Reuben.Carlos@des.qld.gov.au](mailto:Reuben.Carlos@des.qld.gov.au)> wrote:

Chris is in town today Cags if you want to find him and Sarah

Sent from my iPhone

Begin forwarded message:

**From:** CAGNEY Justin <[Justin.Cagney@des.qld.gov.au](mailto:Justin.Cagney@des.qld.gov.au)>

**Date:** 17 May 2018 at 8:46:05 am AEST

**To:** LOWE Trinity <[Trinity.Lowe@des.qld.gov.au](mailto:Trinity.Lowe@des.qld.gov.au)>

**Cc:** CARLOS Reuben <[Reuben.Carlos@des.qld.gov.au](mailto:Reuben.Carlos@des.qld.gov.au)>, Corro DES ESR EESWQC

<[DESESREESWQC.Corro@des.qld.gov.au](mailto:DESESREESWQC.Corro@des.qld.gov.au)>, Corro DES ESR CaCQC

<[DESESRCaCQC.Corro@des.qld.gov.au](mailto:DESESRCaCQC.Corro@des.qld.gov.au)>, Corro DES ESR DDG <[DESESRDDG.Corro@des.qld.gov.au](mailto:DESESRDDG.Corro@des.qld.gov.au)>,

DI TULLIO Tonina <[Tonina.DiTullio@des.qld.gov.au](mailto:Tonina.DiTullio@des.qld.gov.au)>, ESR <[ESR@des.qld.gov.au](mailto:ESR@des.qld.gov.au)>

**Subject: Re: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences against the EP act**

Morning Trinity,

Thanks for the email.

I will sort.

Regards,



**Justin Cagney**

Executive Director

**Coal and Central Queensland Compliance**

Department of Environment and Science

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P [07 4837 3318](tel:0748373318)

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Thanks & Cheers

Trin



**Trinity Lowe**

Executive Officer

Office of the Deputy Director General

Environmental Services and Regulation Division

Department of Environment and Science

P 07 3330 5812

Level 7 400 George St Brisbane

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**From:** GEORGA Margaret **On Behalf Of** DES Director General

**Sent:** Friday, 11 May 2018 5:51 PM

**To:** ELLWOOD Dean; BROWN Glen

**Subject:** FW: Proposed agenda - Meeting with EDO Qld

**Importance:** High

Hello Dean / Glen

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Many Thanks

Margaret

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Executive Support Officer

**Office of the Director-General**

Department of Environment and Science

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Solicitor

EDO-LogoSig



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<EDO Brief Attachment.pdf>

<image004.png>

<image005.png>

<image001.gif>

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RTI Act 2009

**From:** HORTON Sarah [Sarah.Horton@des.qld.gov.au]

**Sent:** Thursday, 17 May 2018 9:39 AM

**To:** CAGNEY Justin; CARLOS Reuben

**CC:** HILL Chris; BENNINK Kate

**Subject:** RE: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences against the EP act

Thanks Justin

Could I get a copy of the final BN? Just to clarify – the letter you refer to is that the letter from OCAA or another that I am not aware of?

Just want to make sure I am responding to the correct correspondence.

One of the issues raised (alleged unauthorised disturbance in West Pit) we were awaiting further advice from Kate Bennink as she was to try and talk to Lit last Friday to get legal advice. Kate is in the field today (Millmerran Coal Mine) so might catch up with her while she is in this neck of the woods.

The other issues are continuing to be investigated – noise nuisance investigation is proving to be very complex and requires further monitoring to be done (and hopefully assistance from Cate Puschmann who I believe has returned to Maryb CC)

We have a meeting with Bec Munro today to discuss DES's response to NAC's response to pre-enf for alleged unauthorised exploration disturbance.

**Sarah Horton**

Compliance Delivery Manager, Toowoomba

**South West Queensland Compliance | Environmental Services and Regulation**

Department of Environment and Science

P 07 4529 8384

146 Herries St, Toowoomba, QLD 4350

PO Box 731, Toowoomba, QLD 4350

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DI TULLIO Tonina <[Tonina.DiTullio@des.qld.gov.au](mailto:Tonina.DiTullio@des.qld.gov.au)>, ESR <[ESR@des.qld.gov.au](mailto:ESR@des.qld.gov.au)>

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Department of Environment and Science

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Solicitor

EDO-LogoSig



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*tel* +61 7 3211 4466 *fax* +61 7 3844 0766  
sch4p4l@edoqld.org.au [www.edoqld.org.au](http://www.edoqld.org.au)

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**Justin Cagney**

Executive Director

**Coal and Central Queensland Compliance**

Department of Environment and Science

-----  
P 07 4837 3318

209 Bolsover Street Rockhampton 4700

PO Box 413 Rockhampton 4700

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**From:** LOWE Trinity  
**Sent:** Thursday, 17 May 2018 8:32 AM  
**To:** CAGNEY Justin; CARLOS Reuben  
**Cc:** Corro DES ESR EESWQC; Corro DES ESR CaCQC; Corro DES ESR DDG; DI TULLIO Tonina; ESR  
**Subject:** FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences against the EP act  
**Importance:** High

Morning Justin & Reuben

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Thanks & Cheers

Trin



**Trinity Lowe**

Executive Officer

**Office of the Deputy Director General  
Environmental Services and Regulation Division**

Department of Environment and Science

-----  
P 07 3330 5812

Level 7 400 George St Brisbane

---

**From:** GEORGA Margaret **On Behalf Of** DES Director General

**Sent:** Friday, 11 May 2018 5:51 PM

**To:** ELLWOOD Dean; BROWN Glen

**Subject:** FW: Proposed agenda - Meeting with EDO Qld

**Importance:** High

Hello Dean / Glen

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I am heading off now but will see your response first thing on Monday.

Many Thanks

Margaret



**Margaret Georga**

Executive Support Officer

**Office of the Director-General**

Department of Environment and Science

-----  
P 07 3330 6295

Level 32, 1 William Street, Brisbane QLD 4000

GPO Box 2454, Brisbane QLD 4001

---

**From:** [sch4p4( 6) Personal information]@edoqld.org.au]

**Sent:** Friday, 11 May 2018 4:04 PM

**To:** DES Director General

**Cc:** [sch4p4( 6) Personal information]

**Subject:** Proposed agenda - Meeting with EDO Qld

Dear Jamie

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We are very sorry not to have made the 12 noon timeframe requested.

[sch] and I look forward to meeting with you again.

Kind regards

[sch4p4(6) Person]  
Solicitor

EDO-LogoSig



Environmental Defenders Office (Qld) Inc  
8/205 Montague Rd West End Qld 4101  
*tel* +61 7 3211 4466 *fax* +61 7 3844 0766

[sch4p4(6)]@edoqld.org.au [www.edoqld.org.au](http://www.edoqld.org.au)

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**From:** HORTON Sarah [Sarah.Horton@des.qld.gov.au]

**Sent:** Thursday, 17 May 2018 10:49 AM

**To:** CAGNEY Justin; HILL Chris

**CC:** CARLOS Reuben; WELLS Melissa; BENNINK Kate; WALTON Alison; WEBBER Lindsay; MUNRO Rebecca

**Subject:** RE: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences against the EP act

Thanks Justin

FYI

This morning we had a meeting with Bec Munro re. exploration activities and she is going to discuss with you asap re. way forward and then let us know where to.

**Sarah Horton**

Compliance Delivery Manager, Toowoomba

**South West Queensland Compliance | Environmental Services and Regulation**

Department of Environment and Science

P 07 4529 8384

146 Herries St, Toowoomba, QLD 4350

PO Box 731, Toowoomba, QLD 4350

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**Sent:** Thursday, 17 May 2018 10:21 AM

**To:** HILL Chris; HORTON Sarah

**Cc:** CARLOS Reuben; WELLS Melissa; BENNINK Kate

**Subject:** FW: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences against the EP act

**Importance:** High

Hi Chris and Sarah,

Please find attached correspondence, as requested.

Regards,

**Justin Cagney**

Executive Director

**Coal and Central Queensland Compliance**

Department of Environment and Science

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209 Bolsover Street Rockhampton 4700

PO Box 413 Rockhampton 4700



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Thanks & Cheers

Trin

**Trinity Lowe**

Executive Officer

**Office of the Deputy Director General**

**Environmental Services and Regulation Division**

Department of Environment and Science

P 07 3330 5812

Level 7 400 George St Brisbane

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**Sent:** Friday, 11 May 2018 5:51 PM

**To:** ELLWOOD Dean; BROWN Glen

**Subject:** FW: Proposed agenda - Meeting with EDO Qld

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Many Thanks

Margaret



**Margaret Georga**

Executive Support Officer

**Office of the Director-General**

Department of Environment and Science

P 07 3330 6295

Level 32, 1 William Street, Brisbane QLD 4000

GPO Box 2454, Brisbane QLD 4001

---

**From:** [sch4p4( 6) Personal information]@edoqld.org.au]

**Sent:** Friday, 11 May 2018 4:04 PM

**To:** DES Director General

**Cc:** Jo-Anne Bragg

**Subject:** Proposed agenda - Meeting with EDO Qld

Dear Jamie

Please find **attached** our proposed agenda for our meeting with you on Monday.

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[sch] and I look forward to meeting with you again.

Kind regards

[sch4p4( 6) Personal in  
Solicitor

*EDO-LogoSig*



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8/205 Montague Rd West End Qld 4101

tel +61 7 3211 4466 fax +61 7 3844 0766

[sch4p4( 6) Personal in]@edoqld.org.au [www.edoqld.org.au](http://www.edoqld.org.au)

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**From:** CAGNEY Justin [Justin.Cagney@des.qld.gov.au]  
**Sent:** Thursday, 17 May 2018 10:57 AM  
**To:** HORTON Sarah; CARLOS Reuben  
**CC:** HILL Chris; BENNINK Kate  
**Subject:** RE: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences against the EP act

Thanks Sarah,

I have sent you a copy of the letter I received this morning.

Legal advice around the unauthorised disturbance will be important. Hopefully Kate has something for you.

Would you mind sending me through NACs responses to pre-enforcement please? Just for my own reading.

Regards,

**Justin Cagney**

Executive Director

**Coal and Central Queensland Compliance**

Department of Environment and Science

P 07 4837 3318

209 Bolsover Street Rockhampton 4700

PO Box 413 Rockhampton 4700

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**From:** HORTON Sarah  
**Sent:** Thursday, 17 May 2018 9:39 AM  
**To:** CAGNEY Justin; CARLOS Reuben  
**Cc:** HILL Chris; BENNINK Kate  
**Subject:** RE: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences against the EP act

Thanks Justin

Could I get a copy of the final BN? Just to clarify – the letter your refer to is that the letter from OCAA or another that I am not aware of?

Just want to make sure I am responding to the correct corro.

One of the issues raised (alleged unauthorised disturbance in West Pit) we were awaiting further advice from Kate Bennink as

she was to try and talk to Lit last Friday to get legal advice. Kate is in the field today (Millmerran Coal Mine) so might catch up with her while she is in this neck of the woods.

The other issues are continuing to be investigated – noise nuisance investigation is proving to be very complex and requires further monitoring to be done (and hopefully assistance from Cate Puschmann who I believe has returned to Maryb CC)

We have a meeting with Bec Munro today to discuss DESs response to NACs response to pre-enf for alleged unauthorised exploration disturbance.

**Sarah Horton**

Compliance Delivery Manager, Toowoomba

**South West Queensland Compliance | Environmental Services and Regulation**

Department of Environment and Science



-----  
P 07 4529 8384

146 Herries St, Toowoomba, QLD 4350

PO Box 731, Toowoomba, QLD 4350

---

**From:** CAGNEY Justin

**Sent:** Thursday, 17 May 2018 9:02 AM

**To:** CARLOS Reuben

**Cc:** HILL Chris; HORTON Sarah

**Subject:** Re: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences again the EP act

Thanks Reuben,

The letter effectively makes four allegations of non compliance, which to my knowledge are the same matters we are already investigating and have already issued pre enforcement for.

We will need to clearly address each one of the allegations in the BN, with a current status and departmental view.

We should be seeking to turn it around quicker than 24 May too. That is a long time for a BN on investigations that are already well progressed and under control.

Regards,

**Justin Cagney**

Executive Director

**Coal and Central Queensland Compliance**

Department of Environment and Science



-----  
P [07 4837 3318](tel:0748373318)

[sch4p4\( 6\) Personal.ir](#)

[209 Bolsover Street Rockhampton 4700](#)

PO Box 413 Rockhampton 4700

On 17 May 2018, at 8:47 am, CARLOS Reuben <[Reuben.Carlos@des.qld.gov.au](mailto:Reuben.Carlos@des.qld.gov.au)> wrote:

Chris is in town today Cags if you want to find him and Sarah

Sent from my iPhone

Begin forwarded message:

**From:** CAGNEY Justin <[Justin.Cagney@des.qld.gov.au](mailto:Justin.Cagney@des.qld.gov.au)>

**Date:** 17 May 2018 at 8:46:05 am AEST

**To:** LOWE Trinity <[Trinity.Lowe@des.qld.gov.au](mailto:Trinity.Lowe@des.qld.gov.au)>

**Cc:** CARLOS Reuben <[Reuben.Carlos@des.qld.gov.au](mailto:Reuben.Carlos@des.qld.gov.au)>, Corro DES ESR EESWQC

<[DESESREESWQC.Corro@des.qld.gov.au](mailto:DESESREESWQC.Corro@des.qld.gov.au)>, Corro DES ESR CaCQC

<[DESESRCaCQC.Corro@des.qld.gov.au](mailto:DESESRCaCQC.Corro@des.qld.gov.au)>, Corro DES ESR DDG <[DESESRDDG.Corro@des.qld.gov.au](mailto:DESESRDDG.Corro@des.qld.gov.au)>,

DI TULLIO Tonina <[Tonina.DiTullio@des.qld.gov.au](mailto:Tonina.DiTullio@des.qld.gov.au)>, ESR <[ESR@des.qld.gov.au](mailto:ESR@des.qld.gov.au)>

**Subject: Re: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences again the EP act**

Morning Trinity,

Thanks for the email.

I will sort.

Regards,



**Justin Cagney**

Executive Director

**Coal and Central Queensland Compliance**

Department of Environment and Science

-----  
P [07 4837 3318](tel:0748373318)

[sch4p4\( 6\) Personal info](#)

[209 Bolsover Street Rockhampton 4700](#)

PO Box 413 Rockhampton 4700

On 17 May 2018, at 8:31 am, LOWE Trinity <[Trinity.Lowe@des.qld.gov.au](mailto:Trinity.Lowe@des.qld.gov.au)> wrote:

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I will be sending a separate email with a request from the DG's office for some other actions that require follow-ups post the meeting that was held on Monday 14/5.

Thanks & Cheers

Trin



**Trinity Lowe**

Executive Officer

**Office of the Deputy Director General**

**Environmental Services and Regulation Division**

Department of Environment and Science

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Level 7 400 George St Brisbane

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**From:** GEORGA Margaret **On Behalf Of** DES Director General

**Sent:** Friday, 11 May 2018 5:51 PM

**To:** ELLWOOD Dean; BROWN Glen

**Subject:** FW: Proposed agenda - Meeting with EDO Qld

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Many Thanks

Margaret

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**Office of the Director-General**

Department of Environment and Science

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**From:** [sch4p4(6) Personal information]@edoqld.org.au]

**Sent:** Friday, 11 May 2018 4:04 PM

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**Cc:** [sch4p4(6) Personal information]

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[sch4p4(6) Personal information]  
Solicitor

EDO-LogoSig



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<EDO Brief Attachment.pdf>

<image004.png>

<image005.png>

<image001.gif>

**From:** WALTON Alison [Alison.Walton@des.qld.gov.au]

**Sent:** Thursday, 17 May 2018 11:08 AM

**To:** CAGNEY Justin

**CC:** HORTON Sarah

**Subject:** RE: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences against the EP act

**Attachments:** Compliance 20180424 Pre-enforce CR83072 EPML00335713 NAC.pdf; 20180510 NAC to DES Exploration Disturbance.pdf

Hey Justin,

Sarah has asked me to forward you a copy of NAC's pre-enforcement response. Please find it attached. I've also included our pre-enforcement letter for clarity.

Let me know if you need anything else.

Cheers,

**Alison Walton**

A/Team Leader (Compliance)

**Energy, Extractive and South West QLD Compliance | Environmental Services and Regulation**

Department of Environment and Science

P 07 4529 8308

146 Herries Street, Toowoomba QLD 4350

PO Box 731, Toowoomba QLD 4350



*...make the move*

---

**From:** CAGNEY Justin

**Sent:** Thursday, 17 May 2018 11:01 AM

**To:** HORTON Sarah <Sarah.Horton@des.qld.gov.au>; HILL Chris <Chris.Hill@des.qld.gov.au>

**Cc:** CARLOS Reuben <Reuben.Carlos@des.qld.gov.au>; WELLS Melissa <Melissa.Wells@des.qld.gov.au>; BENNINK Kate <Kate.Bennink@des.qld.gov.au>; WALTON Alison <Alison.Walton@des.qld.gov.au>; WEBBER Lindsay <Lindsay.Webber@des.qld.gov.au>; MUNRO Rebecca <Rebecca.Munro@des.qld.gov.au>

**Subject:** RE: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences against the EP act

Great.

Thanks Sarah.

**Justin Cagney**

Executive Director

**Coal and Central Queensland Compliance**

Department of Environment and Science

P 07 4837 3318



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PO Box 413 Rockhampton 4700

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**To:** DES Director General

**Cc:** [sch4p4(6) Personal information]

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Solicitor

EDO-LogoSig



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Released by DES  
RTI Act 2009

Enquiries: Alison Walton  
Telephone: 4529 8308  
Your reference: EPML00335713  
Our reference: CR83072; 101/0007030

26 April 2018

New Acland Coal Pty Ltd  
3/22 Magnolia Drive  
BROOKWATER QLD 4300

C/- PO Box 47  
IPSWICH QLD 4305

Attn: [redacted] Person  
[redacted] [@newhopegroup.com.au](mailto:sch4p4(6)@newhopegroup.com.au)

Dear Directors,

### **Exploration Disturbance – New Acland Coal Mine, EPML00335713**

The Department of Environment and Science (the department) refers to the compliance inspection undertaken at New Acland Coal Mine located on mining lease (ML) 50170 and ML50216 on 20 April 2018. The inspection was conducted by authorised officers Alison Walton and Lindsay Webber, in the presence of representatives of New Acland Coal Pty Ltd (NAC).

The purpose of the inspection was to investigate an allegation regarding 'unauthorised disturbance' received by the department in February 2018. The inspection was not a full audit of your activities and it is important to note that the inspection does not relieve NAC of other obligations under the *Environmental Protection Act 1994*.

### **Contraventions**

Following the inspection, the department is investigating the following alleged non-compliances of the *Environmental Protection Act 1994*, as outlined in Table 1.

### **Obligations**

NAC is invited to make representation to the department as to why enforcement action should not be escalated for the breaches identified in Table 1.


You may make submissions to the department as follows:

- Submissions must be made in writing.
- Submissions must be made by **10 May 2018** and sent via post or email [southwest.es@des.qld.gov.au](mailto:southwest.es@des.qld.gov.au)

### Further information

If you require any further information or have any general concerns about the inspection, please contact Alison Walton, A/Team Leader on (07) 4529 8308 or email [southwest.es@des.qld.gov.au](mailto:southwest.es@des.qld.gov.au).

Yours sincerely

  
sch4p4( 6) Personal informati

Sarah Horton

**Compliance Delivery Manager**  
**South West QLD Compliance - Toowoomba**  
**Department of Environment and Science**

**Table 1: Alleged contraventions of the *Environmental Protection Act 1994***

Relevant Condition	Details of Alleged Non-Compliance
<p><b>Section 290</b> of the <i>Environmental Protection Act 1994</i></p> <p>The environmental authority holder must, when carrying out an activity under the relevant lease, comply with the plan of operations.</p>	<p>In June 2017, NAC submitted the Plan of Operations (PoO) for the period 1 August 2017 to 31 July 2018 to the department. This plan has subsequently been amended (March 2018) however the initial version of the plan is the subject of this alleged non compliance, rather than the amended version (as the date of the allegation is February 2018).</p> <p>The June 2017 PoO states in Table 3-4 that "<i>continued exploration drilling activities</i>" will be conducted under the current PoO. Figure 8-1 of the PoO shows an aerial photograph of mining operations and current pit limits (dated September 2016) and Figure 8-4 of the PoO shows a map detailing the predicted areas of disturbance for July 2018 as of June 2017.</p> <p>No additional specific information is provided in the PoO as to where the exploration drilling activities will be undertaken on ML50170 and ML50216. As such, NACs exploration activities are restricted to the disturbance map (i.e. Figure 8-4) in the PoO.</p> <p>On 10 April 2018, NAC provided shapefiles of all exploration activities (including rehabilitation) on ML50170 and ML50216 undertaken since July 2017. Eleven of these locations were observed by authorised officers during the site inspection on 20 April 2018. It was confirmed that drilling is actively occurring in areas east of the current mine pit as is rehabilitation of drill holes.</p> <p>The areas which have been subject to exploration activities (including rehabilitation) since August 2017 are not detailed in the June 2017 PoO. The department alleges that NAC is in breach of section 290 of the <i>Environmental Protection Act 1994</i> as disturbance</p>



	on ML50170 and ML50216 is not being undertaken in accordance with the PoO.
<p><b>Section 287</b> of the <i>Environmental Protection Act 1994</i></p> <p>The environmental authority holder must not carry out, or allow the carrying out of, an activity under the relevant lease unless—</p> <ul style="list-style-type: none"> <li>a) a plan of operations for <b>all relevant activities</b> has been given to the administering authority; and</li> <li>b) at least 20 business days, or a shorter period agreed in writing by the administering authority and the holder, have passed since the plan was submitted; and</li> <li>c) the plan complies with section 288.</li> </ul>	<p>It is also alleged that NAC is in breach of section 287 (c) of the <i>Environmental Protection Act 1994</i>.</p> <p>Section 288 (1)(c)(i) and (iii) of the <i>Environmental Protection Act 1994</i>, requires a plan where <b>all</b> activities are to be carried out on the land. Both previously mentioned PoO's do not show where all activities (i.e. exploration activities and associated rehabilitation) are to be carried out on the land.</p> <p>This is considered a breach of section 287 as the plans do not comply with the requirements of section 288.</p>

**From:** CAGNEY Justin  
**Sent:** Thursday, 17 May 2018 11:15 PM  
**To:** HORTON Sarah  
**Cc:** HILL Chris; BENNINK Kate; WALTON Alison; GRIINKE Shari; CARLOS Reuben  
**Subject:** RE: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences again the EP act

Hi Sarah,

Thank you for this email. Very helpful.

I am particularly interested in the unauthorised extraction investigation but understand it is subject to some pending legal advice and I will wait to see what comes back in that space.

Thanks for the update. Much appreciated.

Regards,



**Justin Cagney**  
Executive Director  
Coal and Central Queensland Compliance  
Department of Environment and Science

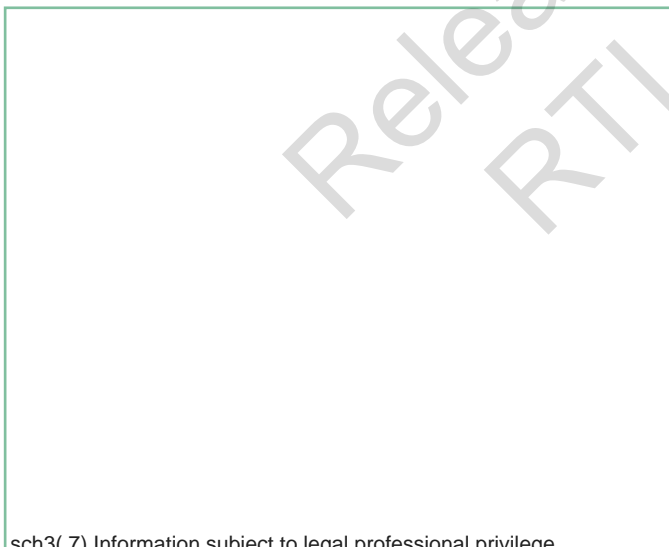
P 07 4837 3318

209 Bolsover Street Rockhampton 4700  
PO Box 413 Rockhampton 4700



**From:** HORTON Sarah  
**Sent:** Thursday, 17 May 2018 1:58 PM  
**To:** CAGNEY Justin  
**Cc:** HILL Chris; BENNINK Kate; WALTON Alison; GRIINKE Shari; CARLOS Reuben  
**Subject:** RE: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences again the EP act

Hi Justin



sch3( 7) Information subject to legal professional privilege

Responses that I can provide as of today are below –

- As a result of the current court action and subsequent delay in approvals in relation to the Stage 3 expansion, NAC have indicated that they will be increasing extraction to meet existing contracts until a determination is made in relation to Stage 3 expansion. This includes operation (blasting, loading and transportation of coal and overburden) up to within 200m of a nearby sensitive receptor [sch4p4( 6) Per] in Acland. [sch4p4( 6)] does not wish for his details to be released to the mine.
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- The investigation into alleged unauthorised exploration activities (including alleged non-compliance with the relevant Plan of Operations) has been finalised and the matter referred to the Manager Compliance (Bec Munro) proposing enforcement action be taken to comply with the Plan of Operations that was current during the period the exploration was undertaken.
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- The above mentioned noise monitoring by the department will be carried out in early June 2018 and will involve both unattended and attended monitoring near the residences of concerned parties.

Is this sufficient info – happy to discuss if that helps at all.



**Sarah Horton**  
Compliance Delivery Manager, Toowoomba  
South West Queensland Compliance | Environmental Services and Regulation  
Department of Environment and Science

P 07 4529 8384  
146 Herries St, Toowoomba, QLD 4350  
PO Box 731, Toowoomba, QLD 4350

**From:** CAGNEY Justin  
**Sent:** Thursday, 17 May 2018 10:58 AM  
**To:** HORTON Sarah; CARLOS Reuben  
**Cc:** HILL Chris; BENNINK Kate  
**Subject:** RE: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences against the EP act

Thanks Sarah,

I have sent you a copy of the letter I received this morning.

Legal advice around the unauthorised disturbance will be important. Hopefully Kate has something for you.

Would you mind sending me through NACs responses to pre-enforcement please? Just for my own reading.

Regards,



**Justin Cagney**  
Executive Director  
Coal and Central Queensland Compliance  
Department of Environment and Science

P 07 4837 3318  
209 Bolsover Street Rockhampton 4700  
PO Box 413 Rockhampton 4700



**From:** HORTON Sarah  
**Sent:** Thursday, 17 May 2018 9:39 AM  
**To:** CAGNEY Justin; CARLOS Reuben  
**Cc:** HILL Chris; BENNINK Kate  
**Subject:** RE: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences against the EP act

Thanks Justin

Could I get a copy of the final BN? Just to clarify – the letter your refer to is that the letter from OCAA or another that I am not aware of?

Just want to make sure I am responding to the correct corro.

One of the issues raised (alleged unauthorised disturbance in West Pit) we were awaiting further advice from Kate Bennink as she was to try and talk to Lit last Friday to get legal advice. Kate is in the field today (Millmerran Coal Mine) so might catch up with her while she is in this neck of the woods.

The other issues are continuing to be investigated – noise nuisance investigation is proving to be very complex and requires further monitoring to be done (and hopefully assistance from Cate Puschmann who I believe has returned to Maryb CC)

We have a meeting with Bec Munro today to discuss DESs response to NACs response to pre-enf for alleged unauthorised exploration disturbance.





**Sarah Horton**  
Compliance Delivery Manager, Toowoomba  
South West Queensland Compliance | Environmental Services and Regulation  
Department of Environment and Science

P 07 4529 8384  
146 Herries St, Toowoomba, QLD 4350  
PO Box 731, Toowoomba, QLD 4350

**From:** CAGNEY Justin  
**Sent:** Thursday, 17 May 2018 9:02 AM  
**To:** CARLOS Reuben  
**Cc:** HILL Chris; HORTON Sarah  
**Subject:** Re: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences against the EP act

Thanks Reuben,

The letter effectively makes four allegations of non compliance, which to my knowledge are the same matters we are already investigating and have already issued pre enforcement for.

We will need to clearly address each one of the allegations in the BN, with a current status and departmental view.

We should be seeking to turn it around quicker than 24 May too. That is a long time for a BN on investigations that are already well progressed and under control.

Regards,



**Justin Cagney**  
Executive Director  
**Coal and Central Queensland Compliance**  
Department of Environment and Science

P [07 4837 3318](tel:0748373318)  
[sch4p4\( 6\) Pers](#)

[209 Bolsover Street Rockhampton 4700](#)  
PO Box 413 Rockhampton 4700

On 17 May 2018, at 8:47 am, CARLOS Reuben <[Reuben.Carlos@des.qld.gov.au](mailto:Reuben.Carlos@des.qld.gov.au)> wrote:

Chris is in town today Cags if you want to find him and Sarah

Sent from my iPhone

Begin forwarded message:

**From:** CAGNEY Justin <[Justin.Cagney@des.qld.gov.au](mailto:Justin.Cagney@des.qld.gov.au)>  
**Date:** 17 May 2018 at 8:46:05 am AEST  
**To:** LOWE Trinity <[Trinity.Lowe@des.qld.gov.au](mailto:Trinity.Lowe@des.qld.gov.au)>  
**Cc:** CARLOS Reuben <[Reuben.Carlos@des.qld.gov.au](mailto:Reuben.Carlos@des.qld.gov.au)>, Corro DES ESR EESWQC <[DESESREESWQC.Corro@des.qld.gov.au](mailto:DESESREESWQC.Corro@des.qld.gov.au)>, Corro DES ESR CaCQC <[DESESRCaCQC.Corro@des.qld.gov.au](mailto:DESESRCaCQC.Corro@des.qld.gov.au)>, Corro DES ESR DDG <[DESESRDDG.Corro@des.qld.gov.au](mailto:DESESRDDG.Corro@des.qld.gov.au)>, DI TULLIO Tonina <[Tonina.DiTullio@des.qld.gov.au](mailto:Tonina.DiTullio@des.qld.gov.au)>, ESR <[ESR@des.qld.gov.au](mailto:ESR@des.qld.gov.au)>  
**Subject:** Re: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences against the EP act

Morning Trinity,

Thanks for the email.

I will sort.

Regards,



**Justin Cagney**  
Executive Director  
**Coal and Central Queensland Compliance**  
Department of Environment and Science

P [07 4837 3318](tel:0748373318)  
[sch4p4\( 6\) Perso](#)

[209 Bolsover Street Rockhampton 4700](#)  
PO Box 413 Rockhampton 4700

On 17 May 2018, at 8:31 am, LOWE Trinity <[Trinity.Lowe@des.qld.gov.au](mailto:Trinity.Lowe@des.qld.gov.au)> wrote:

Morning Justin & Reuben

Dean has asked me to forward the attached EDO brief to you, he has requested this be entered onto MEC's as a community report and investigated accordingly. I will arrange for Tonina to create the MEC's item and will have it allocated to you Justin to lead with input from Reuben.

Note – Dean has an undertaking to report back within 2 weeks from 14/5 so timeframe for a response via a DG Briefing note would be appreciated by no later than **COB 24 May 2018**.

I will be sending a separate email with a request from the DG's office for some other actions that require follow-ups post the meeting that was held on Monday 14/5.

Thanks & Cheers

Trin



**Trinity Lowe**  
Executive Officer  
Office of the Deputy Director General  
Environmental Services and Regulation Division  
Department of Environment and Science  
-----  
P 07 3330 5812  
Level 7 400 George St Brisbane

---

**From:** GEORGA Margaret **On Behalf Of** DES Director General  
**Sent:** Friday, 11 May 2018 5:51 PM  
**To:** ELLWOOD Dean; BROWN Glen  
**Subject:** FW: Proposed agenda - Meeting with EDO Qld  
**Importance:** High

Hello Dean / Glen

EDO kindly sent through this Agenda this afternoon for Monday's catch-up. Could you please advise who from ESR can attend this meeting with the DG, Alena [sch4p4\( 6\) Personal info](#) The meeting is at 2pm at 1WS.

ESR provided a BN also attached which covered off on what EDO said they wanted to discuss and now today they have added extra.

I am heading off now but will see your response first thing on Monday.

Many Thanks

Margaret



**Margaret Georga**  
Executive Support Officer  
Office of the Director-General  
Department of Environment and Science  
-----  
P 07 3330 6295  
Level 32, 1 William Street, Brisbane QLD 4000  
GPO Box 2454, Brisbane QLD 4001

---

**From:** [sch4p4\( 6\) Personal info](#) [desqld.org.au](mailto:desqld.org.au)  
**Sent:** Friday, 11 May 2018 4:04 PM  
**To:** DES Director General  
**Cc:** Jo-Anne Bragg  
**Subject:** Proposed agenda - Meeting with EDO Qld

Dear Jamie

Please find **attached** our proposed agenda for our meeting with you on Monday.

We are very sorry not to have made the 12 noon timeframe requested.

[sch4p4\( 6\) Personal info](#) and I look forward to meeting with you again.

Kind regards

[sch4p4\( 6\) Personal info](#)  
Solicitor



Environmental Defenders Office (Qld) Inc

8/205 Montague Rd West End Qld 4101  
tel +61 7 3211 4466 fax +61 7 3844 0766  
[sch4p4@edoqld.org.au](mailto:sch4p4@edoqld.org.au) [www.edoqld.org.au](http://www.edoqld.org.au)

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*To stay up to date with Court Cases, Queensland laws, and the latest events, subscribe to our [Bulletins and Alerts](#). You can also support the fight for Queensland's environment by donating at [edoqld.org.au/donate](http://edoqld.org.au/donate)*

<EDO Brief Attachment.pdf>

<image004.png>

<image005.png>

<image001.gif>

Released by DES  
RTI Act 2009

**From:** BENNINK Kate [Kate.Bennink@des.qld.gov.au]

**Sent:** Friday, 18 May 2018 8:46 AM

**To:** MUNRO Rebecca

**CC:** HORTON Sarah; CAGNEY Justin; HILL Chris; WALTON Alison; GRIINKE Shari; CARLOS Reuben

**Subject:** Re: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences again the EP act

Hi all,

sch3( 7) Information subject to legal professional privilege

I'm still out in the field this morning but will be at the airport this arvo so happy to call into a Teleconf if that's the easiest way to keep moving forward.

Cheers

Kate

On 18 May 2018, at 8:34 am, MUNRO Rebecca <[Rebecca.Munro@des.qld.gov.au](mailto:Rebecca.Munro@des.qld.gov.au)> wrote:

Hi Sarah, no Emily wasn't around yesterday. I'll liaise with you and Kate today about this.

Cheers

Bec

<image002.png>

**Rebecca Munro**

Manager (Compliance)

**Coal and Central Queensland Compliance**

Department of Environment and Science

-----  
sch4p4( 6) Perso

Level 1 22-30 Wood Street Mackay

PO Box 2001 Mackay 4740

<image003.jpg>

---

**From:** HORTON Sarah

**Sent:** Friday, 18 May 2018 8:30 AM

**To:** CAGNEY Justin <[Justin.Cagney@des.qld.gov.au](mailto:Justin.Cagney@des.qld.gov.au)>

**Cc:** HILL Chris <[Chris.Hill@des.qld.gov.au](mailto:Chris.Hill@des.qld.gov.au)>; BENNINK Kate <[Kate.Bennink@des.qld.gov.au](mailto:Kate.Bennink@des.qld.gov.au)>; WALTON Alison

<[Alison.Walton@des.qld.gov.au](mailto:Alison.Walton@des.qld.gov.au)>; GRIINKE Shari <[Shari.Griinke@des.qld.gov.au](mailto:Shari.Griinke@des.qld.gov.au)>; CARLOS Reuben

<[Reuben.Carlos@des.qld.gov.au](mailto:Reuben.Carlos@des.qld.gov.au)>; MUNRO Rebecca <[Rebecca.Munro@des.qld.gov.au](mailto:Rebecca.Munro@des.qld.gov.au)>

**Subject:** Re: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences against the EP act

Ok Thanks Justin

Will try to get an update from Kate ASAP re any advice received.

Bec, did you manage to speak to Emily yesterday?

**Kate Bennink**

*Manager*

*Business Centre Coal / Coal & Central Queensland Compliance*

*Environmental Services & Regulation*

*Department of Environment and Science*

P (07) 4987 9338 | [sch4p4\( 6\) Personal infor](#)

E [kate.bennink@des.qld.gov.au](mailto:kate.bennink@des.qld.gov.au)

99 Hospital Road, Emerald QLD 4720

PO Box 3028, Emerald QLD 4720

On 17 May 2018, at 11:15 pm, CAGNEY Justin <[Justin.Cagney@des.qld.gov.au](mailto:Justin.Cagney@des.qld.gov.au)> wrote:

Hi Sarah,

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Thanks for the update. Much appreciated.

Regards,

<image001.png>

**Justin Cagney**

Executive Director

**Coal and Central Queensland Compliance**

Department of Environment and Science

-----  
P 07 4837 3318

209 Bolsover Street Rockhampton 4700

PO Box 413 Rockhampton 4700

<image008.jpg>

---

**From:** HORTON Sarah

**Sent:** Thursday, 17 May 2018 1:58 PM

**To:** CAGNEY Justin

**Cc:** HILL Chris; BENNINK Kate; WALTON Alison; GRIINKE Shari; CARLOS Reuben

**Subject:** RE: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences against the EP act

Hi Justin

Just wanted to clarify the points you wanted more info on are as follows –

<image009.jpg>

Responses that I can provide as of today are below –

- As a result of the current court action and subsequent delay in approvals in relation to the Stage 3 expansion, NAC have indicated that they will be increasing extraction to meet existing contracts until a determination is made in relation to Stage 3 expansion. This includes operation (blasting, loading and transportation of coal and overburden) up to within 200m of a nearby sensitive receptor [sch4p4( 6) Personal infor] in Acland. [sch4p4( 6) Per] does not wish for his details to be released to the mine.
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<image002.png>

**Sarah Horton**

Compliance Delivery Manager, Toowoomba

**South West Queensland Compliance | Environmental Services and Regulation**

Department of Environment and Science

-----  
P 07 4529 8384

146 Herries St, Toowoomba, QLD 4350

PO Box 731, Toowoomba, QLD 4350

---

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**Sent:** Thursday, 17 May 2018 10:58 AM

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**Cc:** HILL Chris; BENNINK Kate

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Regards,

<image002.png>

**Justin Cagney**

Executive Director

**Coal and Central Queensland Compliance**

Department of Environment and Science

-----  
P 07 4837 3318

209 Bolsover Street Rockhampton 4700

PO Box 413 Rockhampton 4700

<image008.jpg>

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**Cc:** HILL Chris; BENNINK Kate

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<image003.png>

**Sarah Horton**

Compliance Delivery Manager, Toowoomba

**South West Queensland Compliance | Environmental Services and Regulation**

Department of Environment and Science

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P 07 4529 8384

146 Herries St, Toowoomba, QLD 4350

PO Box 731, Toowoomba, QLD 4350

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**Sent:** Thursday, 17 May 2018 9:02 AM

**To:** CARLOS Reuben

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Executive Director

**Coal and Central Queensland Compliance**

Department of Environment and Science

P [07 4837 3318](tel:0748373318)

[sch4p4\( 6\) Personal in](#)

[209 Bolsover Street Rockhampton 4700](#)

PO Box 413 Rockhampton 4700

On 17 May 2018, at 8:47 am, CARLOS Reuben <[Reuben.Carlos@des.qld.gov.au](mailto:Reuben.Carlos@des.qld.gov.au)> wrote:

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Sent from my iPhone

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**From:** CAGNEY Justin <[Justin.Cagney@des.qld.gov.au](mailto:Justin.Cagney@des.qld.gov.au)>

**Date:** 17 May 2018 at 8:46:05 am AEST

**To:** LOWE Trinity <[Trinity.Lowe@des.qld.gov.au](mailto:Trinity.Lowe@des.qld.gov.au)>

**Cc:** CARLOS Reuben <[Reuben.Carlos@des.qld.gov.au](mailto:Reuben.Carlos@des.qld.gov.au)>, Corro DES ESR EESWQC

<[DESESREESWQC.Corro@des.qld.gov.au](mailto:DESESREESWQC.Corro@des.qld.gov.au)>, Corro DES ESR CaCQC

<[DEESRCaCQC.Corro@des.qld.gov.au](mailto:DEESRCaCQC.Corro@des.qld.gov.au)>, Corro DES ESR DDG

<[DEESRDDG.Corro@des.qld.gov.au](mailto:DEESRDDG.Corro@des.qld.gov.au)>, DI TULLIO Tonina

<[Tonina.DiTullio@des.qld.gov.au](mailto:Tonina.DiTullio@des.qld.gov.au)>, ESR <[ESR@des.qld.gov.au](mailto:ESR@des.qld.gov.au)>

**Subject: Re: FOR Action - DG Brief - EDO New Acland Coal Mine - request to Remedy or restrain offences against the EP act**

Morning Trinity,

Thanks for the email.

I will sort.

Regards,



**Justin Cagney**

Executive Director

**Coal and Central Queensland Compliance**

Department of Environment and Science

P [07 4837 3318](tel:0748373318)

[sch4p4\( 6\). Personal in](#)

[209 Bolsover Street Rockhampton 4700](#)

PO Box 413 Rockhampton 4700

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Thanks & Cheers

Trin

**Trinity Lowe**

Executive Officer

**Office of the Deputy Director General**

**Environmental Services and Regulation Division**

Department of Environment and Science

P 07 3330 5812  
Level 7 400 George St Brisbane

---

**From:** GEORGA Margaret **On Behalf Of** DES Director General  
**Sent:** Friday, 11 May 2018 5:51 PM  
**To:** ELLWOOD Dean; BROWN Glen  
**Subject:** FW: Proposed agenda - Meeting with EDO Qld  
**Importance:** High

Hello Dean / Glen

EDO kindly sent through this Agenda this afternoon for Monday's catch-up. Could you please advise who from ESR can attend this meeting with the DG, Alena, [sch4p4( 6) Personal information] The meeting is at 2pm at 1WS.

ESR provided a BN also attached which covered off on what EDO said they wanted to discuss and now today they have added extra.

I am heading off now but will see your response first thing on Monday.

Many Thanks

Margaret



**Margaret Georga**  
Executive Support Officer  
**Office of the Director-General**  
Department of Environment and Science

---

P 07 3330 6295  
Level 32, 1 William Street, Brisbane QLD 4000  
GPO Box 2454, Brisbane QLD 4001

---

**From:** [sch4p4( 6) Personal information]@edoqld.org.au]  
**Sent:** Friday, 11 May 2018 4:04 PM  
**To:** DES Director General  
**Cc:** [sch4p4( 6) Personal i]  
**Subject:** Proposed agenda - Meeting with EDO Qld

Dear Jamie

Please find **attached** our proposed agenda for our meeting with you on

Monday.

We are very sorry not to have made the 12 noon timeframe requested.

[sch] and I look forward to meeting with you again.

Kind regards

[sch4p4( 6) Persona  
Solicitor

*EDO-LogoSig*



Environmental Defenders Office (Qld) Inc  
8/205 Montague Rd West End Qld 4101  
*tel* +61 7 3211 4466 *fax* +61 7 3844 0766  
[sch4p4(]@edoqld.org.au [www.edoqld.org.au](http://www.edoqld.org.au)

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<EDO Brief Attachment.pdf>

<image004.png>

<image005.png>

<image001.gif>

**From:** CLARKE Liz [Liz.Clarke@des.qld.gov.au]

**Sent:** Wednesday, 30 May 2018 3:32 PM

**To:** CAGNEY Justin

**CC:** BENNINK Kate

**Subject:** Urgent: Phone Media re New Acland MECS 13958/18

**Attachments:** DMView\_1527658106327\_13958-18\_1381745\_Incoming.pdf; DMView\_1527658140137\_13958-18\_1392197\_Dot\_Points\_for\_Minister.docx; DMView\_1527658185128\_13958-18\_1392538\_Snr\_Dir\_endorsed\_version.pdf; DMView\_1527658201243\_13958-18\_1387993\_Draft\_Min\_Reply.docx

**Importance:** High

Hi Justin,

As discussed, the Ministers Office phoned for you in relation to MECS item CTS 13958/18: *Seeking Minister to bring proceedings under s505 of the EP Act to remedy and restrain all the offences by New Acland Coal Mine / Letter from [sch4p4( 6) Personal info] Solicitor, EDO Queensland (4 May 2018) fwdg letter from [sch4p4( 6) Secretary, Oakey Coal Action Alliance (4 May 2018).*

**Action:** Can you please phone Pam Front, Senior Media Adviser asap on 3719 7149.

I have attached the items from MECS for your reference. The MECS item was prepared by Kate Bennink who I've cc'd into this email.

Kind regards

**Liz Clarke**

Manager (Compliance), Energy and Extractive Resources

Energy, Extractive and South West Queensland Compliance | Environmental Services and Regulation

**Department of Environment and Science**

P 07 3330 5979

Level 8 400 George St, Brisbane

GPO Box 2454, Brisbane QLD 4001

[EHP Cultural capability\\_web graphic APPD](#)

**GENERAL**

**MINISTERIAL OFFICER**

**CORRESPONDENCE**

REQUEST FORM

Minister's Office reference: MIN/18/ 1531.

Minister's Office to complete

<input type="checkbox"/> Dan Lato (CoS)	<input type="checkbox"/> Angus Sutherland (SPA)
<input checked="" type="checkbox"/> Hannah Jackson (SPA)	<input type="checkbox"/> URGENT (Due Date / / )

Date: 9 / 5 / 18

☒ Environment ☐ National Parks ☐ Science ☐ Arts ☐ Corporate

**ACTION REQUESTED**

**SIGN OFF BY**

<input checked="" type="checkbox"/> Letter of Response & Correspondence Brief (if required)	<input checked="" type="checkbox"/> Minister
<input type="checkbox"/> Contact by Phone within 48 hours	<input type="checkbox"/> Chief of Staff
<input type="checkbox"/> Dot point brief	<input type="checkbox"/> SPA 1 (Hannah Jackson)
<input type="checkbox"/> Meeting Brief	<input type="checkbox"/> SPA 2 (Angus Sutherland)
<input type="checkbox"/> Refer to other Minister/MP	<input type="checkbox"/> Ministerial Office Interim Response Required
<input type="checkbox"/> Refer to Department	<input type="checkbox"/> Noted No Action Required
<input type="checkbox"/> .....	

**DEPARTMENT ACTION: DLO to complete**

DLO Received: 11 / 5 / 18	Dept Reference: /
---------------------------	-------------------

Reply Due to ESU/ DLO : \_\_\_/\_\_\_/\_\_\_ DG Office: \_\_\_/\_\_\_/\_\_\_ Mins Office: \_\_\_/\_\_\_/\_\_\_

**ODG / DLO Comments:**

If you require any further assistance regarding this request, please contact the relevant Department Liaison Officer.

Released by DES  
RTI Act 2009

SECURITY CLASSIFICATION: UNCLASSIFIED

**DOT POINT BRIEFING NOTE – MINISTER**

---

**Subject**            **Activities by New Acland Coal Pty Ltd**

---

**Points of relevance**

- The New Acland Coal Mine is an open-cut, thermal coal mine, located 14 kilometres north west of Oakey and 35 kilometres north west of Toowoomba.
- The mine is operated by New Acland Coal Pty Ltd (New Acland Coal) - a wholly owned subsidiary of New Hope Corporation Limited. Both New Acland Coal and New Hope Corporation Limited are part of the New Hope Group (NHG).
- The current operations consist of open-cut mining of up to 5.2 million tonnes of product coal per annum on mining leases (ML) 50170 and 50216 under environmental authority (EA) EPML00335713.
- In November 2012, NAC lodged an EA amendment application, as well as associated ML applications, for the proposed Stage 3 expansion project.
- On 14 February 2018, the Department of Environment and Science (the department) made a final decision to refuse the EA amendment application for the Stage 3 expansion project

Released by DECS  
RTI Act 2009

sch3(10)(1)(a) Investigation of contravention of the law



SECURITY CLASSIFICATION: UNCLASSIFIED

**DOT POINT BRIEFING NOTE – MINISTER**

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**Subject**            **Activities by New Acland Coal Pty Ltd**

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Released by DECS  
RTI Act 2009

sch3(10)(1)(a) Investigation of contravention of the law

Prepared by: Kate Bennink Position: Manager Bus Unit: Business Centre Coal Telephone: 4987 9338	Endorsed by: Dean Ellwood Position: Deputy Director-General Bus Area: ESR Telephone: 3330 5628 Date: 25/5/2018	Recommended by: Jamie Merrick (or Senior Director on behalf of) Title: Director-General, DES Telephone: 3338 9304 Date Approved:
--	--	--

Our Ref: CTS 13958/18

[sch4p4( 6) Personal information]

Solicitor

Environmental Defenders Office (Qld) Inc

Unit 8

205 Montague Road

WEST END QLD 4101

Dear [sch4p4( 6) Personal info]

Thank you for your email of 4 May 2018, on behalf of your client, Oakey Coal Action Alliance Inc, regarding New Acland Coal Pty Ltd's (New Acland Coal) operations.

I note that your client raises several concerns about New Acland Coal's operations, including impacts on surrounding landholders, and requests that the Department of Environment and Science (the department) bring proceedings under section 505 of the *Environmental Protection Act 1994* (EP Act) to remedy or restrain an offence, or threatened or anticipated offence, against the EP Act.

I am advised that the department is currently investigating these matters along with a number of community reports about activities by New Acland Coal. If a non-compliance is identified, the department will take appropriate enforcement action in accordance with the principles set out in the department's Enforcement Guidelines which are available online at [www.des.qld.gov.au](http://www.des.qld.gov.au). As these matters remain under active investigation, I am unable to provide any further information at this time.

If you require any further information, please contact Ms Kate Bennink, Manager, Coal and Central Queensland Compliance, Environmental Services and Regulation of the department on telephone (07) 4987 9320 or by email at [kate.bennink@des.qld.gov.au](mailto:kate.bennink@des.qld.gov.au).

Yours sincerely

Leeanne Enoch MP

**Minister for Environment and the Great Barrier Reef,  
Minister for Science and Minister for the Arts**

Prepared by: Kate Bennink Position: Manager Bus Unit: Business Centre Coal Telephone: 4987 9338	Endorsed by: Dean Ellwood Position: Deputy Director-General Bus Area: ESR Telephone: 3330 5628 Date: 25/5/2018	Recommended by: Jamie Merrick (or Senior Director on behalf of) Title: Director-General, DES Telephone: 3338 9304 Date Approved:
--	--	--

Our Ref: CTS 13958/18

[sch4p4( 6) Personal information]

Solicitor  
Environmental Defenders Office (Qld) Inc  
Unit 8  
205 Montague Road  
WEST END QLD 4101

Dear [sch4p4( 6) Personal infor]

Thank you for your email of 4 May 2018, on behalf of your client, Oakey Coal Action Alliance Inc, regarding New Acland Coal Pty Ltd's (New Acland Coal) operations.

I note that your client raises several concerns about New Acland Coal's operations, including impacts on surrounding landholders, and requests that the Department of Environment and Science (the department) bring proceedings under section 505 of the *Environmental Protection Act 1994* (EP Act) to remedy or restrain an offence, or threatened or anticipated offence, against the EP Act.

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If you require any further information, please contact Ms Kate Bennink, Manager, Coal and Central Queensland Compliance, Environmental Services and Regulation of the department on telephone (07) 4987 9320 or by email at [kate.bennink@des.qld.gov.au](mailto:kate.bennink@des.qld.gov.au).

Yours sincerely

Leeanne Enoch MP  
**Minister for Environment and the Great Barrier Reef,**  
**Minister for Science and Minister for the Arts**

**From:** CAGNEY Justin [Justin.Cagney@des.qld.gov.au]  
**Sent:** Wednesday, 30 May 2018 3:44 PM  
**To:** CLARKE Liz  
**CC:** BENNINK Kate  
**Subject:** Re: Urgent: Phone Media re New Acland MECS 13958/18

Thank you Liz.

All sorted.

Regards,

**Justin Cagney**  
Executive Director  
**Coal and Central Queensland Compliance**  
Department of Environment and Science

P 07 4837 3318

[sch4p4\( 6\) Personal in](#)

[209 Bolsover Street Rockhampton 4700](#)

On 30 May 2018, at 3:32 pm, CLARKE Liz <[Liz.Clarke@des.qld.gov.au](mailto:Liz.Clarke@des.qld.gov.au)> wrote:

Hi Justin,

As discussed, the Ministers Office phoned for you in relation to MECS item CTS 13958/18: *Seeking Minister to bring proceedings under s505 of the EP Act to remedy and restrain all the offences by New Acland Coal Mine / Letter from [sch4p4\( 6\) Personal](#) Solicitor, EDO Queensland (4 May 2018) fwdg letter from [sch4p4\( 6\)](#) Secretary, Oakey Coal Action Alliance (4 May 2018).*

**Action:** Can you please phone Pam Front, Senior Media Adviser asap on 3719 7149.

I have attached the items from MECS for your reference. The MECS item was prepared by Kate Bennink who I've cc'd into this email.

Kind regards

**Liz Clarke**

Manager (Compliance), Energy and Extractive Resources

Energy, Extractive and South West Queensland Compliance | Environmental Services and Regulation

**Department of Environment and Science**

P 07 3330 5979

Level 8 400 George St, Brisbane

GPO Box 2454, Brisbane QLD 4001



<DMView\_1527658106327\_13958-18\_1381745\_Incoming.pdf>

<DMView\_1527658140137\_13958-18\_1392197\_Dot\_Points\_for\_Minister.docx>

<DMView\_1527658185128\_13958-18\_1392538\_Snr\_Dir\_endorsed\_version.pdf>

<DMView\_1527658201243\_13958-18\_1387993\_Draft\_Min\_Reply.docx>

Released by DES  
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**From:** HANSON Anna [Anna.Hanson@des.qld.gov.au]  
**Sent:** Thursday, 31 May 2018 8:43 AM  
**To:** CAGNEY Justin  
**CC:** STEELE Mary; ELLWOOD Dean  
**Subject:** JUSTIN - FW: PAM - FW: Media reporting DES is investigating New Hope Group's New Acland coalmine  
**Attachments:** RE: New Acland Coal -- The Australian

Hi Justin, can you please send me the brief ASAP?

---

**From:** Pamela Frost  
**Sent:** Thursday, 31 May 2018 8:40 AM  
**To:** HANSON Anna <Anna.Hanson@des.qld.gov.au>  
**Subject:** RE: PAM - FW: Media reporting DES is investigating New Hope Group's New Acland coalmine

Hi Anna,  
Yes, we were contacted by The Australian yesterday about this, as there was a letter sent to the Minister about it earlier this month.  
We have a return letter ready to be signed, and a dot point brief in our office, which says that it is under investigation by DES. (Brief is 13958/18 if that helps)  
I also spoke to Justin Cagney briefly about it yesterday.  
I have attached the inquiry and our response from the Minister.

Have you received any inquiries about it this morning?

Thanks,  
Pam

**Pamela Frost**

Senior Media Advisor

**Office of the Hon. Leeanne Enoch MP**

Minister for Environment and the Great Barrier Reef,  
Minister for Science, Minister for the Arts

P 07 3719 7149 sch404(6) Personal

1 William Street Brisbane QLD 4000 GPO Box 149 Brisbane QLD 4001

---

**From:** HANSON Anna <Anna.Hanson@des.qld.gov.au>  
**Sent:** Thursday, 31 May 2018 8:36 AM  
**To:** Pamela Frost <Pamela.Frost@ministerial.qld.gov.au>  
**Cc:** Media DES <Media@des.qld.gov.au>  
**Subject:** PAM - FW: Media reporting DES is investigating New Hope Group's New Acland coalmine

Hi Pam, can I please check if your office supplied a statement – and how you want to handle follow-up queries this morning?

Thanks, Anna

---

**From:** HANSON Anna  
**Sent:** Thursday, 31 May 2018 8:34 AM  
**To:** ELLWOOD Dean <Dean.Ellwood@des.qld.gov.au>; TRACEY Alena <Alena.Tracey@des.qld.gov.au>; LOWE Trinity

<[Trinity.Lowe@des.qld.gov.au](mailto:Trinity.Lowe@des.qld.gov.au)>; ESR <[ESR@des.qld.gov.au](mailto:ESR@des.qld.gov.au)>

**Cc:** Media DES <[Media@des.qld.gov.au](mailto:Media@des.qld.gov.au)>; STEELE Mary <[Mary.Steele@des.qld.gov.au](mailto:Mary.Steele@des.qld.gov.au)>; LAWRENCE Rob <[Rob.Lawrence@des.qld.gov.au](mailto:Rob.Lawrence@des.qld.gov.au)>; DLO DES <[DLO.DES@des.qld.gov.au](mailto:DLO.DES@des.qld.gov.au)>

**Subject:** Media reporting DES is investigating New Hope Group's New Acland coalmine

Good morning

Please find attached an article in the Australian newspaper claiming DES is investigating New Hope Group's New Acland coalmine over claims it expanded operations without approval.

Media are following this this morning and seeking a DES statement.

**ESR – is there an alert I can access?**

I will also contact the MO.

Thanks, Anna

**One of Australia's most contentious coalmines is under investigation amid allegations it noisily expanded its existing mining operation without seeking permission from Queensland regulators.**

**The Palaszczuk government's investigation into New Hope Group's New Acland coalmine — which employs 700 people near Toowoomba, 130km west of Brisbane — comes amid a protracted legal battle over the proposed stage-three extension of the mine.**

**State Environment Minister Leeanne Enoch confirmed the investigation yesterday.**

**The legal brief, seen by The Australian, was sent to Ms Enoch on May 4 and included aerial photographs purportedly showing the company's suspicious earthworks and land clearing.**

**New Hope's spokeswoman denied the company had acted unlawfully.**



**Anna Hanson**

Media Director

Department of Environment and Science

---

P 07 3339 5859 [sch4p4\(6\) Pers](#)

Level 31, 400 George St, Brisbane Qld 4000

PO Box 2454, Brisbane Qld 4001

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**From:** Pamela Frost [Pamela.Frost@ministerial.qld.gov.au]  
**Sent:** Wednesday, 30 May 2018 4:48 PM  
**To:** Owens, Jared  
**Subject:** RE: New Acland Coal -- The Australian

Hi Jared,

Apologies for the delay.

Please attribute the following to the **Minister for Environment:**

"The Department of Environment and Science has already commenced an investigation into the allegations raised. As this matter is under active investigation, it would be inappropriate for me to comment further. A response will be provided to the letter this week."

**Pamela Frost**

Senior Media Advisor

**Office of the Hon. Leeanne Enoch MP**

Minister for Environment and the Great Barrier Reef,  
Minister for Science, Minister for the Arts

P 07 3719 7149 [sch4p4\(6\) Personal](#)

1 William Street Brisbane QLD 4000 GPO Box 149 Brisbane QLD 4001

**From:** Owens, Jared <owensj@theaustralian.com.au>  
**Sent:** Wednesday, 30 May 2018 4:35 PM  
**To:** Pamela Frost <Pamela.Frost@ministerial.qld.gov.au>  
**Subject:** Re: New Acland Coal -- The Australian

OK. Cheers.

On 30 May 2018 at 16:31, Pamela Frost <[Pamela.Frost@ministerial.qld.gov.au](mailto:Pamela.Frost@ministerial.qld.gov.au)> wrote:

Hi Jared,

Yes I am working on something – should have it to you shortly

**Pamela Frost**

Senior Media Advisor

**Office of the Hon. Leeanne Enoch MP**

Minister for Environment and the Great Barrier Reef,  
Minister for Science, Minister for the Arts

P 07 3719 7149 [sch4p4\(6\) Personal](#)

1 William Street Brisbane QLD 4000 GPO Box 149 Brisbane QLD 4001

**From:** Owens, Jared <[owensj@theaustralian.com.au](mailto:owensj@theaustralian.com.au)>  
**Sent:** Wednesday, 30 May 2018 4:27 PM  
**To:** Pamela Frost <[Pamela.Frost@ministerial.qld.gov.au](mailto:Pamela.Frost@ministerial.qld.gov.au)>  
**Subject:** Re: New Acland Coal -- The Australian

Hi Pam,

Can I expect anything on this?

Cheers,  
Jared

On 30 May 2018 at 12:16, Owens, Jared <[owensj@theaustralian.com.au](mailto:owensj@theaustralian.com.au)> wrote:

Hi Pam,

I'm aware of a letter sent by the Oakey Coal Action Alliance to Minister Enoch on 4 May 2018.

1\ What actions has Ms Enoch taken in relation to this letter?

2\ What actions does she propose to take?

Thank you,  
Jared

--

**JARED OWENS**

Reporter

Cnr Mayne Road & Campbell Street Bowen Hills QLD 4006

T +61 7 36666655 sch4p4( 6) Personal info

E [owensj@theaustralian.com.au](mailto:owensj@theaustralian.com.au) W [theaustralian.com.au](http://theaustralian.com.au)

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**JARED OWENS**

Reporter

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E [owensj@theaustralian.com.au](mailto:owensj@theaustralian.com.au) W [theaustralian.com.au](http://theaustralian.com.au)

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--

**JARED OWENS**

Reporter

Cnr Mayne Road & Campbell Street Bowen Hills QLD 4006

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**From:** LOWE Trinity [Trinity.Lowe@des.qld.gov.au] on behalf of ESR [ESR@des.qld.gov.au]  
**Sent:** Thursday, 31 May 2018 9:02 AM  
**To:** CAGNEY Justin  
**CC:** CONNOR Andrew  
**Subject:** FW: Media reporting DES is investigating New Hope Group's New Acland coalmine  
**Attachments:** 3105018 - New Hope under investigation - Australian.pdf

FYI Justin  
Is there an Alert???

**Trinity Lowe**

Executive Officer

Office of the Deputy Director General

Environmental Services and Regulation Division

Department of Environment and Science



P 07 3330 5812

Level 7 400 George St Brisbane

---

**From:** HANSON Anna  
**Sent:** Thursday, 31 May 2018 8:34 AM  
**To:** ELLWOOD Dean <Dean.Ellwood@des.qld.gov.au>; TRACEY Alena <Alena.Tracey@des.qld.gov.au>; LOWE Trinity <Trinity.Lowe@des.qld.gov.au>; ESR <ESR@des.qld.gov.au>  
**Cc:** Media DES <Media@des.qld.gov.au>; STEELE Mary <Mary.Steele@des.qld.gov.au>; LAWRENCE Rob <Rob.Lawrence@des.qld.gov.au>; DLO DES <DLO.DES@des.qld.gov.au>  
**Subject:** Media reporting DES is investigating New Hope Group's New Acland coalmine

Good morning

Please find attached an article in the Australian newspaper claiming DES is investigating New Hope Group's New Acland coalmine over claims it expanded operations without approval.

Media are following this this morning and seeking a DES statement.

**ESR – is there an alert I can access?**

I will also contact the MO.

Thanks, Anna

**One of Australia's most contentious coalmines is under investigation amid allegations it noisily expanded its existing mining operation without seeking permission from Queensland regulators.**

The Palaszczuk government's investigation into New Hope Group's New Acland coalmine — which employs 700 people near Toowoomba, 130km west of Brisbane — comes amid a protracted legal battle over the proposed stage-three extension of the mine.

State Environment Minister Leeanne Enoch confirmed the investigation yesterday.

The legal brief, seen by The Australian, was sent to Ms Enoch on May 4 and included aerial photographs purportedly showing the company's suspicious earthworks and land clearing.

New Hope's spokeswoman denied the company had acted unlawfully.



**Anna Hanson**  
Media Director  
Department of Environment and Science

---

P 07 3339 5859 sch4p4( 6) Pers  
Level 31, 400 George St, Brisbane Qld 4000  
PO Box 2454, Brisbane Qld 4001



## New Hope 'mined area outside its Acland parameters'

### EXCLUSIVE

JARED OWENS

One of Australia's most contentious coalmines is under investigation amid allegations it noisily expanded its existing mining operation without seeking permission from Queensland regulators.

The Palaszczuk government's investigation into New Hope Group's New Acland coalmine — which employs 700 people near Toowoomba, 130km west of Brisbane — comes amid a protracted legal battle over the proposed stage-three extension of the mine.

State Environment Minister Leeanne Enoch confirmed the investigation yesterday.

Separately, activists appealed against a recent Supreme Court decision throwing a lifeline to stage three, which state Labor had previously rejected.

The investigation centres on activists' allegations, rejected by New Acland Coal, that the company had begun mining beyond areas approved by the Environment Department.

The company allegedly expanded "mining activities into ... proposed pits which are within the mining lease area

granted for the mine but outside of the mine pit footprint for which NAC sought and obtained

approval", according to a legal brief prepared by the Environmental Defenders Office for the Oakey Coal Action Alliance. "NAC has continued to mine outside the areas approved ... causing environmental harm and/or nuisance to nearby residents. This raises serious concerns as to the financial assurance held for the site."

The legal brief, seen by *The Australian*, was sent to Ms Enoch on May 4 and included aerial photographs purportedly showing the company's suspicious earthworks and land-clearing.

New Hope's spokeswoman denied the company had acted unlawfully.

"New Hope find it generally disappointing that Oakey Coal Action Alliance — with the support of the Environmental Defenders Office — after being unsuccessful in the judicial review proceedings, are now bypassing the Land Court and remaining statutory processes in an attempt to stop the project," she said.

The Court of Appeal case, filed in Brisbane yesterday, argued that judge Helen Bowskill was wrong to find that the Land Court had overstepped its jurisdiction when considering the impact on groundwater of the stage-three extension.

**From:** LOWE Trinity [Trinity.Lowe@des.qld.gov.au]  
**Sent:** Thursday, 31 May 2018 9:22 AM  
**To:** CAGNEY Justin  
**Subject:** FW: Media reporting DES is investigating New Hope Group's New Acland coalmine

FYI



**Trinity Lowe**

Executive Officer

**Office of the Deputy Director General**  
**Environmental Services and Regulation Division**  
Department of Environment and Science

-----  
P 07 3330 5812

Level 7 400 George St Brisbane

---

**From:** ELLWOOD Dean  
**Sent:** Thursday, 31 May 2018 9:15 AM  
**To:** ESR <ESR@des.qld.gov.au>  
**Cc:** HANSON Anna <Anna.Hanson@des.qld.gov.au>; CONNOR Andrew <Andrew.Connor@des.qld.gov.au>; Media DES <Media@des.qld.gov.au>  
**Subject:** Re: Media reporting DES is investigating New Hope Group's New Acland coalmine

This relates to the material that EDO provided to DG and I. Reuben and Justin know about it.

**Dean Ellwood**

Deputy Director-General

**Environmental Services & Regulation**

Department of Environment and Science

[Level 7, 400 George St, Brisbane QLD 4000](#)

GPO [Box 2454, Brisbane QLD 4001](#)

On 31 May 2018, at 9:06 am, ESR <[ESR@des.qld.gov.au](mailto:ESR@des.qld.gov.au)> wrote:

Morning Anna – ESR does not have an Alert on this issue but I will follow up with Justin now.

Cheers

Trin

<image002.png>

**Trinity Lowe**

Executive Officer

**Office of the Deputy Director General**  
**Environmental Services and Regulation Division**  
Department of Environment and Science

-----  
P 07 3330 5812

Level 7 400 George St Brisbane

---

**From:** HANSON Anna

**Sent:** Thursday, 31 May 2018 8:34 AM

**To:** ELLWOOD Dean <[Dean.Ellwood@des.qld.gov.au](mailto:Dean.Ellwood@des.qld.gov.au)>; TRACEY Alena <[Alena.Tracey@des.qld.gov.au](mailto:Alena.Tracey@des.qld.gov.au)>; LOWE Trinity <[Trinity.Lowe@des.qld.gov.au](mailto:Trinity.Lowe@des.qld.gov.au)>; ESR <[ESR@des.qld.gov.au](mailto:ESR@des.qld.gov.au)>

**Cc:** Media DES <[Media@des.qld.gov.au](mailto:Media@des.qld.gov.au)>; STEELE Mary <[Mary.Steele@des.qld.gov.au](mailto:Mary.Steele@des.qld.gov.au)>; LAWRENCE Rob <[Rob.Lawrence@des.qld.gov.au](mailto:Rob.Lawrence@des.qld.gov.au)>; DLO DES <[DLO.DES@des.qld.gov.au](mailto:DLO.DES@des.qld.gov.au)>

**Subject:** Media reporting DES is investigating New Hope Group's New Acland coalmine

Good morning

Please find attached an article in the Australian newspaper claiming DES is investigating New Hope Group's New Acland coalmine over claims it expanded operations without approval.

Media are following this this morning and seeking a DES statement.

**ESR – is there an alert I can access?**

I will also contact the MO.

Thanks, Anna

**One of Australia's most contentious coalmines is under investigation amid allegations it noisily expanded its existing mining operation without seeking permission from Queensland regulators.**

**The Palaszczuk government's investigation into New Hope Group's New Acland coalmine — which employs 700 people near Toowoomba, 130km west of Brisbane — comes amid a protracted legal battle over the proposed stage-three extension of the mine.**

**State Environment Minister Leeanne Enoch confirmed the investigation yesterday.**

**The legal brief, seen by The Australian, was sent to Ms Enoch on May 4 and included aerial photographs purportedly showing the company's suspicious earthworks and land clearing.**



**New Hope's spokeswoman  
denied the company had acted  
unlawfully.**

<image004.png>

**Anna Hanson**

Media Director

Department of Environment and Science

---

P 07 3339 5859 sch4p4(6) Pers

Level 31, 400 George St, Brisbane Qld 4000

PO Box 2454, Brisbane Qld 4001

Released by DES  
RTI Act 2009

**From:** CAGNEY Justin [Justin.Cagney@des.qld.gov.au]

**Sent:** Thursday, 31 May 2018 9:23 AM

**To:** ESR; LOWE Trinity

**CC:** CONNOR Andrew

**Subject:** RE: Media reporting DES is investigating New Hope Group's New Acland coalmine

**Attachments:** RE: Follow up from meeting with EDO Qld; CTS No: 13958/18 for your information/input concerning: (ESR) // MIN LTR / Seeking Minister to bring proceedings under s505 of the EP

Trinity,

Please find attached the most recent corro on this matter.

I do not belief an ESR Alert has been escalated on this matter.

Regards,

**Justin Cagney**

Executive Director

**Coal and Central Queensland Compliance**

Department of Environment and Science

P 07 4837 3318

209 Bolsover Street Rockhampton 4700

PO Box 413 Rockhampton 4700

[EHP Cultural capability web graphic APPD](#)

---

**From:** LOWE Trinity **On Behalf Of** ESR

**Sent:** Thursday, 31 May 2018 9:03 AM

**To:** CAGNEY Justin

**Cc:** CONNOR Andrew

**Subject:** FW: Media reporting DES is investigating New Hope Group's New Acland coalmine

FYI Justin

Is there an Alert???

**Trinity Lowe**

Executive Officer

**Office of the Deputy Director General**

**Environmental Services and Regulation Division**

Department of Environment and Science

---

**From:** HANSON Anna  
**Sent:** Thursday, 31 May 2018 8:34 AM  
**To:** ELLWOOD Dean <[Dean.Ellwood@des.qld.gov.au](mailto:Dean.Ellwood@des.qld.gov.au)>; TRACEY Alena <[Alena.Tracey@des.qld.gov.au](mailto:Alena.Tracey@des.qld.gov.au)>; LOWE Trinity <[Trinity.Lowe@des.qld.gov.au](mailto:Trinity.Lowe@des.qld.gov.au)>; ESR <[ESR@des.qld.gov.au](mailto:ESR@des.qld.gov.au)>  
**Cc:** Media DES <[Media@des.qld.gov.au](mailto:Media@des.qld.gov.au)>; STEELE Mary <[Mary.Steele@des.qld.gov.au](mailto:Mary.Steele@des.qld.gov.au)>; LAWRENCE Rob <[Rob.Lawrence@des.qld.gov.au](mailto:Rob.Lawrence@des.qld.gov.au)>; DLO DES <[DLO.DES@des.qld.gov.au](mailto:DLO.DES@des.qld.gov.au)>  
**Subject:** Media reporting DES is investigating New Hope Group's New Acland coalmine

Good morning

Please find attached an article in the Australian newspaper claiming DES is investigating New Hope Group's New Acland coalmine over claims it expanded operations without approval.

Media are following this this morning and seeking a DES statement.

**ESR – is there an alert I can access?**

I will also contact the MO.

Thanks, Anna

**One of Australia's most contentious coalmines is under investigation amid allegations it noisily expanded its existing mining operation without seeking permission from Queensland regulators.**

**The Palaszczuk government's investigation into New Hope Group's New Acland coalmine — which employs 700 people near Toowoomba, 130km west of Brisbane — comes amid a protracted legal battle over the proposed stage-three extension of the mine.**

**State Environment Minister Leeanne Enoch confirmed the investigation yesterday.**

**The legal brief, seen by The Australian, was sent to Ms Enoch on May 4 and included**

aerial photographs purportedly showing the company's suspicious earthworks and land clearing.

New Hope's spokeswoman denied the company had acted unlawfully.



**Anna Hanson**  
Media Director  
Department of Environment and Science

-----  
P 07 3339 5859 sch4p4( 6) Persi  
Level 31, 400 George St, Brisbane Qld 4000  
PO Box 2454, Brisbane Qld 4001

Released by DES  
RTI Act 2009

**From:** CAGNEY Justin [Justin.Cagney@des.qld.gov.au]

**Sent:** Sunday, 20 May 2018 9:41 PM

**To:** LOWE Trinity; CARLOS Reuben; LENZ Anne (DES)

**CC:** Corro DES ESR CaCQC; Corro DES ESR EESWQC; Corro DES ESR SSC; ESR

**Subject:** RE: Follow up from meeting with EDO Qld

Released by DES  
RTI Act 2009

sch3(10)(1)(a) Investigation of contravention of the law

#### 4. Site visit to Acland township

I will standby for advice regarding any agreed site visit. Happy to facilitate.

Regards,

**Justin Cagney**

Executive Director

**Coal and Central Queensland Compliance**

Department of Environment and Science



-----  
P 07 4837 3318

209 Bolsover Street Rockhampton 4700

PO Box 413 Rockhampton 4700



---

**From:** LOWE Trinity  
**Sent:** Thursday, 17 May 2018 1:04 PM  
**To:** CARLOS Reuben; CAGNEY Justin; LENZ Anne (DES); HILL Chris; HORTON Sarah  
**Cc:** Corro DES ESR CaCQC; Corro DES ESR EESWQC; Corro DES ESR SSC; ESR  
**Subject:** RE: Follow up from meeting with EDO Qld

Thanks Reuben

Dean requested Anne deal with the 3<sup>rd</sup> dot point below.

Cheers

Trin

**Trinity Lowe**

Executive Officer

**Office of the Deputy Director General**  
**Environmental Services and Regulation Division**  
Department of Environment and Science

-----  
P 07 3330 5812

Level 7 400 George St Brisbane

---

**From:** CARLOS Reuben  
**Sent:** Thursday, 17 May 2018 12:52 PM  
**To:** LOWE Trinity <[Trinity.Lowe@des.qld.gov.au](mailto:Trinity.Lowe@des.qld.gov.au)>; CAGNEY Justin <[Justin.Cagney@des.qld.gov.au](mailto:Justin.Cagney@des.qld.gov.au)>; LENZ Anne (DES) <[Anne.Lenz@des.qld.gov.au](mailto:Anne.Lenz@des.qld.gov.au)>; HILL Chris <[Chris.Hill@des.qld.gov.au](mailto:Chris.Hill@des.qld.gov.au)>; HORTON Sarah <[Sarah.Horton@des.qld.gov.au](mailto:Sarah.Horton@des.qld.gov.au)>  
**Cc:** Corro DES ESR CaCQC <[DESESRCaCQC.Corro@des.qld.gov.au](mailto:DESESRCaCQC.Corro@des.qld.gov.au)>; Corro DES ESR EESWQC <[DESESR EESWQC.Corro@des.qld.gov.au](mailto:DESESR EESWQC.Corro@des.qld.gov.au)>; Corro DES ESR SSC <[DESESRSSC.Corro@des.qld.gov.au](mailto:DESESRSSC.Corro@des.qld.gov.au)>; ESR <[ESR@des.qld.gov.au](mailto:ESR@des.qld.gov.au)>  
**Subject:** RE: Follow up from meeting with EDO Qld

Hi Trinity

Just confirming that Justin is taking lead on this and we will assist where we can and should.

Not sure where Anne fits in but happy for her to play too ??

Cheers

Reuben

**Reuben Carlos**

Executive Director

**Energy, Extractive and South West QLD Compliance**



**Environmental Services and Regulation**  
Department of Environment and Science

-----  
P 33305539  
Level 8, 400 George Street, Brisbane  
PO Box 2454, Brisbane QLD 4001

cid:image008.jpg@01D32993.94D22E10



**From:** LOWE Trinity  
**Sent:** Thursday, 17 May 2018 9:17 AM  
**To:** CAGNEY Justin; CARLOS Reuben; LENZ Anne (DES)  
**Cc:** Corro DES ESR CaCQC; Corro DES ESR EESWQC; Corro DES ESR SSC; ESR  
**Subject:** FW: Follow up from meeting with EDO Qld

Good Morning Justin, Reuben & Anne

Please see the below email with yellow highlights that require action by ESR – dean has noted responsibility for each of you below.

Please ensure you provide an update on the actions back to me via email by COB tomorrow 18/05.

Thanks & Cheers

Trin

1. **JUSTIN & REUBEN** (request sent via separate email 17/5) - New Hope Acland compliance investigation: **Dean Ellwood** to get back to EDO Qld (including sch404(6) Pa within 2 weeks as to investigation being undertaken/outcomes of investigation.
  2. **ANNE** - DES governance improvements: **Dean Ellwood** to organise meeting with Anne Lenz and EDO Qld to discuss reforms being implemented to DES community complaints response and any other matters being addressed arising from the findings in the New Acland Land Court decision.
- 
- s.73 irrelevant information
4. Next meetings/site visits: **Jamie Merrick** to get back to EDO Qld with suggested dates for possible site visit to Acland and other destinations, and forward agenda suggestions. – **Justin - Dates to be suggested one a meeting has been set by the DG's office.**

**Trinity Lowe**

Executive Officer

**Office of the Deputy Director General**  
**Environmental Services and Regulation Division**  
Department of Environment and Science

-----  
P 07 3330 5812



---

**From:** HAYDEN Sara  
**Sent:** Tuesday, 15 May 2018 3:41 PM  
**To:** LOWE Trinity <[Trinity.Lowe@des.qld.gov.au](mailto:Trinity.Lowe@des.qld.gov.au)>; THOMPSON Lucy <[Lucy.Thompson@des.qld.gov.au](mailto:Lucy.Thompson@des.qld.gov.au)>  
**Cc:** Corro DES ESR DDG <[DESESRDDG.Corro@des.qld.gov.au](mailto:DESESRDDG.Corro@des.qld.gov.au)>; CSS <[C.SS@des.qld.gov.au](mailto:C.SS@des.qld.gov.au)>  
**Subject:** FW: Follow up from meeting with EDO Qld

Good afternoon Trinity and Lucy

Following Jamie and Dean's meeting with Environmental Defenders Office yesterday, EDO have sent through the below email outlining actions from the meeting.

I have colour-coded these for the areas responsible—**ESR**, **CSS**, **ODG**.

As I have been asked to keep track of their status, could you kindly keep me updated on their progress?

Also appreciate your advice please on which area of the department may be responsible for considering the proposed amendments to the Planning Act 2016 (as outlined below), as this legislation appears to fall within DSDMIP's jurisdiction....?

Many thanks  
Sara

**Sara Hayden**

Communication Officer

Projects and Initiatives | Office of the Director-General

**Department of Environment and Science**

P 07 3338 9303 | [sch4p4\( 6\) Persona](#)

Level 32 | 1 William Street | Brisbane QLD 4000 | PO Box 15187 | City East QLD 4002



---

**From:** DES Director General  
**Sent:** Monday, 14 May 2018 11:02 PM  
**To:** ELLWOOD Dean <[Dean.Ellwood@des.qld.gov.au](mailto:Dean.Ellwood@des.qld.gov.au)>  
**Cc:** MERRICK Jamie <[Jamie.Merrick@des.qld.gov.au](mailto:Jamie.Merrick@des.qld.gov.au)>; HAYDEN Sara <[Sara.Hayden@des.qld.gov.au](mailto:Sara.Hayden@des.qld.gov.au)>  
**Subject:** RE: Follow up from meeting with EDO Qld

Hi Dean

ODG will follow up and track delivery of the actions below.

Cheers  
Alena

**Alena Tracey**

Senior Director

**Office of the Director-General**

Department of Environment and Science



E: [alena.tracey@des.qld.gov.au](mailto:alena.tracey@des.qld.gov.au)

P: + 61 7 3087 8406  
Level 32, 1 William Street, Brisbane Qld 4000

**From:** [sch4p4( 6) Personal information]@edoqld.org.au]

**Sent:** Monday, 14 May 2018 5:39 PM

**To:** DES Director General; ELLWOOD Dean

**Cc:** [sch4p4( 6) Personal information]

**Subject:** Follow up from meeting with EDO Qld

Dear Director-General and Mr Ellwood,

Thank you very much to your time in meeting with us today for a productive meeting.

As discussed, we took down the following **action items** by way of record:

s.73 irrelevant information

4. New Hope Acland compliance investigation: **Dean Ellwood** to get back to EDO Qld (including [sch4p4( 6) Personal information] within 2 weeks as to investigation being undertaken/outcomes of investigation.
5. DES governance improvements: **Dean Ellwood** to organise meeting with Anne Lenz and EDO Qld to discuss reforms being implemented to DES community complaints response and any other matters being addressed arising from the findings in the New Acland Land Court decision.

s.73 irrelevant information

7. Next meetings/site visits: **Jamie Merrick** to get back to EDO Qld with suggested dates for possible site visit to Acland and other destinations, and forward agenda suggestions.

If you see any items that should be amended, do let us know.

**Planning amendments to ensure ecosystems not lost through a thousand cuts**

s.73 irrelevant information

Kind regards

[redacted] sch4p4( 6) Perso

[redacted] – CEO and Solicitor  
[redacted] sch4p4( 6) Person Solicitor

EDO-LogoSig



Environmental Defenders Office (Qld) Inc  
8/205 Montague Rd West End Qld 4101  
tel +61 7 3211 4466 fax +61 7 3844 0766  
[redacted] sch4p4( @edoqld.org.au [www.edoqld.org.au](http://www.edoqld.org.au)

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**From:** CAGNEY Justin [Justin.Cagney@des.qld.gov.au]  
**Sent:** Thursday, 31 May 2018 9:26 AM  
**To:** HANSON Anna  
**CC:** STEELE Mary; ELLWOOD Dean; ESR; LOWE Trinity  
**Subject:** RE: JUSTIN - FW: PAM - FW: Media reporting DES is investigating New Hope Group's New Acland coalmine  
**Attachments:** CTS No: 13958/18 for your information/input concerning: (ESR) // MIN LTR / Seeking Minister to bring proceedings under s505 of the EP

Hi Anna,

Please find attached the relevant briefing material.

Regards,

**Justin Cagney**

Executive Director

**Coal and Central Queensland Compliance**

Department of Environment and Science

P 07 4837 3318

209 Bolsover Street Rockhampton 4700

PO Box 413 Rockhampton 4700

EHP Cultural capability\_web graphic APPD

---

**From:** HANSON Anna  
**Sent:** Thursday, 31 May 2018 8:44 AM  
**To:** CAGNEY Justin  
**Cc:** STEELE Mary; ELLWOOD Dean  
**Subject:** JUSTIN - FW: PAM - FW: Media reporting DES is investigating New Hope Group's New Acland coalmine

Hi Justin, can you please send me the brief ASAP?

---

**From:** Pamela Frost  
**Sent:** Thursday, 31 May 2018 8:40 AM  
**To:** HANSON Anna <[Anna.Hanson@des.qld.gov.au](mailto:Anna.Hanson@des.qld.gov.au)>  
**Subject:** RE: PAM - FW: Media reporting DES is investigating New Hope Group's New Acland coalmine

Hi Anna,  
Yes, we were contacted by The Australian yesterday about this, as there was a letter sent to the Minister about it earlier this month.

We have a return letter ready to be signed, and a dot point brief in our office, which says that it is under investigation by DES.  
(Brief is 13958/18 if that helps)  
I also spoke to Justin Cagney briefly about it yesterday.  
I have attached the inquiry and our response from the Minister.

Have you received any inquiries about it this morning?

Thanks,  
Pam

**Pamela Frost**

Senior Media Advisor

**Office of the Hon. Leeanne Enoch MP**

Minister for Environment and the Great Barrier Reef,  
Minister for Science, Minister for the Arts

P 07 3719 7149 [sch404\(6\) Persons](#)  
1 William Street Brisbane QLD 4000 GPO Box 149 Brisbane QLD 4001

---

**From:** HANSON Anna <[Anna.Hanson@des.qld.gov.au](mailto:Anna.Hanson@des.qld.gov.au)>  
**Sent:** Thursday, 31 May 2018 8:36 AM  
**To:** Pamela Frost <[Pamela.Frost@ministerial.qld.gov.au](mailto:Pamela.Frost@ministerial.qld.gov.au)>  
**Cc:** Media DES <[Media@des.qld.gov.au](mailto:Media@des.qld.gov.au)>  
**Subject:** PAM - FW: Media reporting DES is investigating New Hope Group's New Acland coalmine

Hi Pam, can I please check if your office supplied a statement – and how you want to handle follow-up queries this morning?

Thanks, Anna

---

**From:** HANSON Anna  
**Sent:** Thursday, 31 May 2018 8:34 AM  
**To:** ELLWOOD Dean <[Dean.Ellwood@des.qld.gov.au](mailto:Dean.Ellwood@des.qld.gov.au)>; TRACEY Alena <[Alena.Tracey@des.qld.gov.au](mailto:Alena.Tracey@des.qld.gov.au)>; LOWE Trinity <[Trinity.Lowe@des.qld.gov.au](mailto:Trinity.Lowe@des.qld.gov.au)>; ESR <[ESR@des.qld.gov.au](mailto:ESR@des.qld.gov.au)>  
**Cc:** Media DES <[Media@des.qld.gov.au](mailto:Media@des.qld.gov.au)>; STEELE Mary <[Mary.Steele@des.qld.gov.au](mailto:Mary.Steele@des.qld.gov.au)>; LAWRENCE Rob <[Rob.Lawrence@des.qld.gov.au](mailto:Rob.Lawrence@des.qld.gov.au)>; DLO DES <[DLO.DES@des.qld.gov.au](mailto:DLO.DES@des.qld.gov.au)>  
**Subject:** Media reporting DES is investigating New Hope Group's New Acland coalmine

Good morning

Please find attached an article in the Australian newspaper claiming DES is investigating New Hope Group's New Acland coalmine over claims it expanded operations without approval.

Media are following this this morning and seeking a DES statement.

**ESR – is there an alert I can access?**

I will also contact the MO.

Thanks, Anna

One of Australia's most contentious coalmines is under investigation amid allegations it noisily expanded its existing mining operation without seeking permission from Queensland regulators.

The Palaszczuk government's investigation into New Hope Group's New Acland coalmine — which employs 700 people near Toowoomba, 130km west of Brisbane — comes amid a protracted legal battle over the proposed stage-three extension of the mine.

State Environment Minister Leeanne Enoch confirmed the investigation yesterday.

The legal brief, seen by The Australian, was sent to Ms Enoch on May 4 and included aerial photographs purportedly showing the company's suspicious earthworks and land clearing.

New Hope's spokeswoman denied the company had acted unlawfully.

**Anna Hanson**

Media Director

Department of Environment and Science



P 07 3339 5859 0423 020 746

Level 31, 400 George St, Brisbane Qld 4000

PO Box 2454, Brisbane Qld 4001

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Government.

Please consider the environment before printing this email.

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RTI Act 2009

**From:** Corro DES Minister and DG [DESMinisterandDG.Corro@des.qld.gov.au]

**Sent:** Tuesday, 22 May 2018 5:04 PM

**To:** CAGNEY Justin

**Subject:** CTS No: 13958/18 for your information/input concerning: (ESR) // MIN LTR / Seeking Minister to bring proceedings under s505 of the EP

Click on the Item Link <[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_MECS2\\_Mincor4\\_AccessDenied.aspx-3Fid-3D326491-26OpenedFrom-3DEmail&d=DwMFaQ&c=tpTxelpKGw9ZbZ5Dlo0lybSxHDHiiYjksG4icXfalqk&r=yzemncO0jcfEboQb9pLNgcmbBUgS-9u26byzIQDLXJM&m=ta3LGGnVIVybp1S3xdqlqn1TQ1KuLV0W8ujDMK05bEs&s=IK0B\\_D3XxjF7cldqL5vBfSrues99BZ7st1Uv2nx1z4&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A_MECS2_Mincor4_AccessDenied.aspx-3Fid-3D326491-26OpenedFrom-3DEmail&d=DwMFaQ&c=tpTxelpKGw9ZbZ5Dlo0lybSxHDHiiYjksG4icXfalqk&r=yzemncO0jcfEboQb9pLNgcmbBUgS-9u26byzIQDLXJM&m=ta3LGGnVIVybp1S3xdqlqn1TQ1KuLV0W8ujDMK05bEs&s=IK0B_D3XxjF7cldqL5vBfSrues99BZ7st1Uv2nx1z4&e=)> to view the item.

CTS No 13958/18 concerning the above is currently assigned to BENNINK Kate for action. It has been decided that you need to be involved so you have been sent a link to this item for your information/input. Refer to comments added (if any): Hi all, response letter and corro BN drafted. Sending to Corro CaCQC to go through Justin. Cheers Kate

If you have any queries please contact BENNINK Kate or officers from DES - Minister by emailing to [desminister.corro@des.qld.gov.au](mailto:desminister.corro@des.qld.gov.au) <<mailto:desminister.corro@des.qld.gov.au>> or via the link <<http://intranet.ehp.govnet.qld.gov.au/business-operations/governance/correspondence/mecs>> Management Team Link <[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_ehpintranet\\_business-2Doperations\\_governance\\_correspondence\\_mecs&d=DwMFaQ&c=tpTxelpKGw9ZbZ5Dlo0lybSxHDHiiYjksG4icXfalqk&r=yzemncO0jcfEboQb9pLNgcmbBUgS-9u26byzIQDLXJM&m=ta3LGGnVIVybp1S3xdqlqn1TQ1KuLV0W8ujDMK05bEs&s=yfvWPVF5\\_hnA-4FeRfu8NdsSRcbv4KV4bSH1wamllcY&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A_ehpintranet_business-2Doperations_governance_correspondence_mecs&d=DwMFaQ&c=tpTxelpKGw9ZbZ5Dlo0lybSxHDHiiYjksG4icXfalqk&r=yzemncO0jcfEboQb9pLNgcmbBUgS-9u26byzIQDLXJM&m=ta3LGGnVIVybp1S3xdqlqn1TQ1KuLV0W8ujDMK05bEs&s=yfvWPVF5_hnA-4FeRfu8NdsSRcbv4KV4bSH1wamllcY&e=)> .

email: EmailInformationOfficerNotification

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**From:** LOWE Trinity [Trinity.Lowe@des.qld.gov.au]

**Sent:** Thursday, 31 May 2018 9:28 AM

**To:** CAGNEY Justin

**Subject:** RE: Media reporting DES is investigating New Hope Group's New Acland coalmine

No – I'm just conscious that Anna may not be able to access that MEC's item and also that its sitting with the Minister's office and hasn't been finalised. I will take the Dot points off and send them to her.

Cheers

Trin

**Trinity Lowe**

Executive Officer

**Office of the Deputy Director General**

**Environmental Services and Regulation Division**

Department of Environment and Science

P 07 3330 5812

Level 7 400 George St Brisbane



---

**From:** CAGNEY Justin

**Sent:** Thursday, 31 May 2018 9:28 AM

**To:** LOWE Trinity <Trinity.Lowe@des.qld.gov.au>

**Subject:** RE: Media reporting DES is investigating New Hope Group's New Acland coalmine

[Do you want an Alert on this drafted now?](#)

Regards,

**Justin Cagney**

Executive Director

**Coal and Central Queensland Compliance**

Department of Environment and Science

P 07 4837 3318

209 Bolsover Street Rockhampton 4700

PO Box 413 Rockhampton 4700

[EHP Cultural capability\\_web graphic APPD](#)



---

**From:** LOWE Trinity

**Sent:** Thursday, 31 May 2018 9:23 AM

**To:** CAGNEY Justin

**Subject:** FW: Media reporting DES is investigating New Hope Group's New Acland coalmine

FYI



**Trinity Lowe**

Executive Officer

**Office of the Deputy Director General**

**Environmental Services and Regulation Division**

Department of Environment and Science

-----  
P 07 3330 5812

Level 7 400 George St Brisbane

---

**From:** ELLWOOD Dean

**Sent:** Thursday, 31 May 2018 9:15 AM

**To:** ESR <[ESR@des.qld.gov.au](mailto:ESR@des.qld.gov.au)>

**Cc:** HANSON Anna <[Anna.Hanson@des.qld.gov.au](mailto:Anna.Hanson@des.qld.gov.au)>; CONNOR Andrew <[Andrew.Connor@des.qld.gov.au](mailto:Andrew.Connor@des.qld.gov.au)>; Media DES <[Media@des.qld.gov.au](mailto:Media@des.qld.gov.au)>

**Subject:** Re: Media reporting DES is investigating New Hope Group's New Acland coalmine

This relates to the material that EDO provided to DG and I. Reuben and Justin know about it.

**Dean Ellwood**

Deputy Director-General

**Environmental Services & Regulation**

Department of Environment and Science

[Level 7, 400 George St, Brisbane QLD 4000](#)

GPO [Box 2454, Brisbane QLD 4001](#)

On 31 May 2018, at 9:06 am, ESR <[ESR@des.qld.gov.au](mailto:ESR@des.qld.gov.au)> wrote:

Morning Anna – ESR does not have an Alert on this issue but I will follow up with Justin now.

Cheers

Trin

<image002.png>

**Trinity Lowe**

Executive Officer

**Office of the Deputy Director General**

**Environmental Services and Regulation Division**

Department of Environment and Science

-----  
P 07 3330 5812

Level 7 400 George St Brisbane

---

**From:** HANSON Anna

**Sent:** Thursday, 31 May 2018 8:34 AM

**To:** ELLWOOD Dean <[Dean.Ellwood@des.qld.gov.au](mailto:Dean.Ellwood@des.qld.gov.au)>; TRACEY Alena <[Alena.Tracey@des.qld.gov.au](mailto:Alena.Tracey@des.qld.gov.au)>; LOWE Trinity <[Trinity.Lowe@des.qld.gov.au](mailto:Trinity.Lowe@des.qld.gov.au)>; ESR <[ESR@des.qld.gov.au](mailto:ESR@des.qld.gov.au)>

**Cc:** Media DES <[Media@des.qld.gov.au](mailto:Media@des.qld.gov.au)>; STEELE Mary <[Mary.Steele@des.qld.gov.au](mailto:Mary.Steele@des.qld.gov.au)>; LAWRENCE Rob <[Rob.Lawrence@des.qld.gov.au](mailto:Rob.Lawrence@des.qld.gov.au)>; DLO DES <[DLO.DES@des.qld.gov.au](mailto:DLO.DES@des.qld.gov.au)>

**Subject:** Media reporting DES is investigating New Hope Group's New Acland coalmine

Good morning

Please find attached an article in the Australian newspaper claiming DES is investigating New Hope Group's New Acland coalmine over claims it expanded operations without approval.

Media are following this this morning and seeking a DES statement.

**ESR – is there an alert I can access?**

I will also contact the MO.

Thanks, Anna

**One of Australia's most contentious coalmines is under investigation amid allegations it noisily expanded its existing mining operation without seeking permission from Queensland regulators.**

**The Palaszczuk government's investigation into New Hope Group's New Acland coalmine — which employs 700 people near Toowoomba, 130km west of Brisbane — comes amid a protracted legal battle over the proposed stage-three extension of the mine.**

**State Environment Minister Leeanne Enoch confirmed the investigation yesterday.**

**The legal brief, seen by The Australian, was sent to Ms Enoch on May 4 and included aerial photographs purportedly showing the company's suspicious earthworks and land clearing.**

**New Hope's spokeswoman  
denied the company had acted  
unlawfully.**

<image004.png>

**Anna Hanson**

Media Director

Department of Environment and Science

-----  
P 07 3339 5859

sch4p4(6) Pers

Level 31, 400 George St, Brisbane Qld 4000

PO Box 2454, Brisbane Qld 4001

Released by DES  
RTI Act 2009

**From:** LOWE Trinity [Trinity.Lowe@des.qld.gov.au]

**Sent:** Thursday, 31 May 2018 9:45 AM

**To:** HANSON Anna

**CC:** STEELE Mary; ELLWOOD Dean; ESR; CONNOR Andrew; CAGNEY Justin

**Subject:** Media reporting DES is investigating New Hope Group's New Acland coalmine

**Attachments:** DMView\_1527723816127\_13958-18\_1392197\_Dot\_Points\_for\_Minister.docx

Released by DES  
RTI Act 2009

sch3(10)(1)(a) Investigation of contravention of the law

**Trinity Lowe**

Executive Officer

**Office of the Deputy Director General**

**Environmental Services and Regulation Division**

Department of Environment and Science

-----  
P 07 3330 5812

Level 7 400 George St Brisbane

---

**From:** CAGNEY Justin

**Sent:** Thursday, 31 May 2018 9:26 AM

**To:** HANSON Anna <Anna.Hanson@des.qld.gov.au>

**Cc:** STEELE Mary <Mary.Steele@des.qld.gov.au>; ELLWOOD Dean <Dean.Ellwood@des.qld.gov.au>; ESR <ESR@des.qld.gov.au>;  
LOWE Trinity <Trinity.Lowe@des.qld.gov.au>

**Subject:** RE: JUSTIN - FW: PAM - FW: Media reporting DES is investigating New Hope Group's New Acland coalmine

Hi Anna,

Please find attached the relevant briefing material.

Regards,

**Justin Cagney**

Executive Director

**Coal and Central Queensland Compliance**

Department of Environment and Science

-----  
P 07 4837 3318

209 Bolsover Street Rockhampton 4700  
PO Box 413 Rockhampton 4700

EHP Cultural capability\_web graphic APPD



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**From:** HANSON Anna  
**Sent:** Thursday, 31 May 2018 8:44 AM  
**To:** CAGNEY Justin  
**Cc:** STEELE Mary; ELLWOOD Dean  
**Subject:** JUSTIN - FW: PAM - FW: Media reporting DES is investigating New Hope Group's New Acland coalmine

Hi Justin, can you please send me the brief ASAP?

---

**From:** Pamela Frost  
**Sent:** Thursday, 31 May 2018 8:40 AM  
**To:** HANSON Anna <[Anna.Hanson@des.qld.gov.au](mailto:Anna.Hanson@des.qld.gov.au)>  
**Subject:** RE: PAM - FW: Media reporting DES is investigating New Hope Group's New Acland coalmine

Hi Anna,  
Yes, we were contacted by The Australian yesterday about this, as there was a letter sent to the Minister about it earlier this month.  
We have a return letter ready to be signed, and a dot point brief in our office, which says that it is under investigation by DES.  
(Brief is 13958/18 if that helps)  
I also spoke to Justin Cagney briefly about it yesterday.  
I have attached the inquiry and our response from the Minister.

Have you received any inquiries about it this morning?

Thanks,  
Pam

**Pamela Frost**

Senior Media Advisor

**Office of the Hon. Leeanne Enoch MP**

Minister for Environment and the Great Barrier Reef,  
Minister for Science, Minister for the Arts

P 07 3719 7149 [sch404\(6\) Personal](#)

1 William Street Brisbane QLD 4000 GPO Box 149 Brisbane QLD 4001

---

**From:** HANSON Anna <[Anna.Hanson@des.qld.gov.au](mailto:Anna.Hanson@des.qld.gov.au)>  
**Sent:** Thursday, 31 May 2018 8:36 AM  
**To:** Pamela Frost <[Pamela.Frost@ministerial.qld.gov.au](mailto:Pamela.Frost@ministerial.qld.gov.au)>  
**Cc:** Media DES <[Media@des.qld.gov.au](mailto:Media@des.qld.gov.au)>

**Subject:** PAM - FW: Media reporting DES is investigating New Hope Group's New Acland coalmine

Hi Pam, can I please check if your office supplied a statement – and how you want to handle follow-up queries this morning?

Thanks, Anna

---

**From:** HANSON Anna

**Sent:** Thursday, 31 May 2018 8:34 AM

**To:** ELLWOOD Dean <[Dean.Ellwood@des.qld.gov.au](mailto:Dean.Ellwood@des.qld.gov.au)>; TRACEY Alena <[Alena.Tracey@des.qld.gov.au](mailto:Alena.Tracey@des.qld.gov.au)>; LOWE Trinity <[Trinity.Lowe@des.qld.gov.au](mailto:Trinity.Lowe@des.qld.gov.au)>; ESR <[ESR@des.qld.gov.au](mailto:ESR@des.qld.gov.au)>

**Cc:** Media DES <[Media@des.qld.gov.au](mailto:Media@des.qld.gov.au)>; STEELE Mary <[Mary.Steele@des.qld.gov.au](mailto:Mary.Steele@des.qld.gov.au)>; LAWRENCE Rob <[Rob.Lawrence@des.qld.gov.au](mailto:Rob.Lawrence@des.qld.gov.au)>; DLO DES <[DLO.DES@des.qld.gov.au](mailto:DLO.DES@des.qld.gov.au)>

**Subject:** Media reporting DES is investigating New Hope Group's New Acland coalmine

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**The legal brief, seen by The**



**Australian, was sent to Ms Enoch on May 4 and included aerial photographs purportedly showing the company's suspicious earthworks and land clearing.**

**New Hope's spokeswoman denied the company had acted unlawfully.**



**Anna Hanson**

Media Director

Department of Environment and Science

---

P 07 3339 5859 sch4p4( 6) Person  
Level 31, 400 George St, Brisbane Qld 4000  
PO Box 2454, Brisbane Qld 4001

This email, together with any attachments, is intended for the named recipient(s) only; and may contain privileged and confidential information. If received in error, you are asked to inform the sender as quickly as possible and delete this email and any copies of this from your computer system network.

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Unless stated otherwise, this email represents only the views of the sender and not the views of the Queensland Government.

Please consider the environment before printing this email.

SECURITY CLASSIFICATION: UNCLASSIFIED

**DOT POINT BRIEFING NOTE – MINISTER**

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**Subject**            **Activities by New Acland Coal Pty Ltd**

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**Points of relevance**

- The New Acland Coal Mine is an open-cut, thermal coal mine, located 14 kilometres north west of Oakey and 35 kilometres north west of Toowoomba.
- The mine is operated by New Acland Coal Pty Ltd (New Acland Coal) - a wholly owned subsidiary of New Hope Corporation Limited. Both New Acland Coal and New Hope Corporation Limited are part of the New Hope Group (NHG).
- The current operations consist of open-cut mining of up to 5.2 million tonnes of product coal per annum on mining leases (ML) 50170 and 50216 under environmental authority (EA) EPML00335713.
- In November 2012, NAC lodged an EA amendment application, as well as associated ML applications, for the proposed Stage 3 expansion project.
- On 14 February 2018, the Department of Environment and Science (the department) made a final decision to refuse the EA amendment application for the Stage 3 expansion project

Released by DE  
RTI Act 2009

sch3(10)(1)(a) Investigation of contravention of the law

**From:** HANSON Anna [Anna.Hanson@des.qld.gov.au]  
**Sent:** Thursday, 31 May 2018 12:09 PM  
**To:** CONNOR Andrew  
**CC:** CAGNEY Justin  
**Subject:** ANDREW - for approval - New Acland Coal Mine investigation  
**Attachments:** 310518 - New Acland Coal Mine investigation - various.docx

Hi Andrew, Justin has endorsed the following, but I suggest removing 2 words for the purpose of a media response. Simple is best.

Clean copy attached.

Cheers, Anna

---

**From:** HANSON Anna  
**Sent:** Thursday, 31 May 2018 12:04 PM  
**To:** CAGNEY Justin <Justin.Cagney@des.qld.gov.au>  
**Subject:** RE: Justin - for approval

Do we need these 2 words?

---

**From:** CAGNEY Justin  
**Sent:** Thursday, 31 May 2018 12:02 PM  
**To:** HANSON Anna <[Anna.Hanson@des.qld.gov.au](mailto:Anna.Hanson@des.qld.gov.au)>  
**Subject:** RE: Justin - for approval

Hi Anna,

A couple of changes below, most importantly, the removal of the term “complaint” and replacement with “community report”.

**The Department of Environment and Science can confirm it is investigating alleged breaches of the *Environmental Protection Act 1994* at the New Acland Coal Mine in southern Queensland.**

**The department has received community reports relating to noise and environmental harm – allegedly in breach of environmental authority conditions.**

**As such, the environmental regulator is investigating the allegations.**

**DES is a strong environmental regulator and is committed to investigating all reports of environmental harm. As these matters remain under active investigation, the department will not be providing further comment.**

**AGENCY BACKGROUND (for the MO): DES has received several reports from three separate complainants.**

Regards,



**Justin Cagney**  
Executive Director  
**Coal and Central Queensland Compliance**  
Department of Environment and Science

-----  
P 07 4837 3318

209 Bolsover Street Rockhampton 4700  
PO Box 413 Rockhampton 4700

EHP Cultural capability\_web graphic APPD



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**From:** HANSON Anna  
**Sent:** Thursday, 31 May 2018 11:27 AM  
**To:** CAGNEY Justin  
**Subject:** Justin - for approval

Hi, for approval please.

**The Department of Environment and Science can confirm it is investigating alleged breaches of the Environmental Protection Act 1994 at the New Acland Coal Mine in southern Queensland.**

**The department has received complaints relating to noise and environmental harm – allegedly in breach of environmental authority conditions.**

**As such, the environmental regulator is investigating the allegations.**

**DES is a strong environmental regulator in matters such as these, and until the investigation has concluded, the department will not be providing further comment.**

**AGENCY BACKGROUND (for the MO): DES has received several reports from 3 separate complainants.**



**Anna Hanson**  
Media Director  
Department of Environment and Science

-----  
P 07 3339 5859 sch4p4( 6) Perso  
Level 31, 400 George St, Brisbane Qld 4000  
PO Box 2454, Brisbane Qld 4001

# Media response

**Re:** New Acland Coal Mine investigation

**For:** All media

**Date:** 31 May 2018

## Questions

### ***Please attribute to a Department of Environment and Science (DES) spokesperson:***

The Department of Environment and Science can confirm it is investigating alleged breaches of the Environmental Protection Act 1994 at the New Acland Coal Mine in southern Queensland.

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As these matters remain under investigation, the department will not be providing further comment.

## **ENDS**

For further media enquiries contact Media Services on (07) 3339 5831 or email [media@des.qld.gov.au](mailto:media@des.qld.gov.au).

**AGENCY BACKGROUND – NOT FOR PUBLICATION (do not include in response to media)**

**DES has received several reports from 3 separate complainants.**

---

Contact: Justin Cagney  
Ph: 07 4837 3318  
Date: 31 May 2018

---

Endorsed: A/DDG Andrew Connor  
Ph: 07 3330 6335  
Date: 31 May 2018

**From:** CONNOR Andrew [Andrew.Connor@des.qld.gov.au]  
**Sent:** Thursday, 31 May 2018 12:15 PM  
**To:** HANSON Anna  
**CC:** CAGNEY Justin  
**Subject:** RE: ANDREW - for approval - New Acland Coal Mine investigation

OK

**Andrew Connor**

Executive Director



**Industry, Development & Southeast Queensland Compliance**

**Environmental Services and Regulation**

Department of Environment and Science

P 07 3330 6335

Level 8, 400 George Street, Brisbane QLD 4000

GPO Box 2454, Brisbane QLD 4001

*EHP Cultural capability\_web graphic APPD*



---

**From:** HANSON Anna  
**Sent:** Thursday, 31 May 2018 12:15 PM  
**To:** CONNOR Andrew  
**Cc:** CAGNEY Justin  
**Subject:** RE: ANDREW - for approval - New Acland Coal Mine investigation

OK, but I will change it to "reports from the community" if that's OK.

---

**From:** CONNOR Andrew  
**Sent:** Thursday, 31 May 2018 12:14 PM  
**To:** HANSON Anna <[Anna.Hanson@des.qld.gov.au](mailto:Anna.Hanson@des.qld.gov.au)>  
**Cc:** CAGNEY Justin <[Justin.Cagney@des.qld.gov.au](mailto:Justin.Cagney@des.qld.gov.au)>  
**Subject:** RE: ANDREW - for approval - New Acland Coal Mine investigation

Thanks Anna,

I'd prefer to keep the word 'community' to make sure there is no confusion created about this relating to technical reports received. Also positions us as responding on behalf of our community.

Otherwise endorsed.

Cheers,

**Andrew Connor**



Executive Director

Industry, Development & Southeast Queensland Compliance

Environmental Services and Regulation

Department of Environment and Science

P 07 3330 6335

Level 8, 400 George Street, Brisbane QLD 4000

GPO Box 2454, Brisbane QLD 4001

*EHP Cultural capability\_web graphic APPD*



---

**From:** HANSON Anna

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**To:** CONNOR Andrew

**Cc:** CAGNEY Justin

**Subject:** ANDREW - for approval - New Acland Coal Mine investigation

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Cheers, Anna

---

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**Subject:** RE: Justin - for approval

Do we need these 2 words?

---

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As such, the environmental regulator is investigating the allegations.

DES is a strong environmental regulator and is committed to investigating all reports of environmental harm. As these matters remain under **active** investigation, the department will not be providing further comment.

**AGENCY BACKGROUND (for the MO): DES has received several reports from three separate complainants.**

Regards,



**Justin Cagney**  
Executive Director  
**Coal and Central Queensland Compliance**  
Department of Environment and Science

-----  
P 07 4837 3318

209 Bolsover Street Rockhampton 4700  
PO Box 413 Rockhampton 4700

EHP Cultural capability\_web graphic APPD



---

**From:** HANSON Anna  
**Sent:** Thursday, 31 May 2018 11:27 AM  
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**AGENCY BACKGROUND (for the MO): DES has received several reports from 3 separate complainants.**





**Anna Hanson**

Media Director

Department of Environment and Science

---

P 07 3339 5859 sch4p4(6) Person

Level 31, 400 George St, Brisbane Qld 4000

PO Box 2454, Brisbane Qld 4001

Released by DES  
RTI Act 2009

**From:** LEWIS Kieran [Kieran.Lewis@des.qld.gov.au]  
**Sent:** Thursday, 31 May 2018 3:09 PM  
**Subject:** DES statement re New Acland investigation  
**Attachments:** 310518 - New Acland Coal Mine investigation.pdf

Hi,

Thanks for your enquiry re the Department of Environment and Science's investigation into New Acland coal. Please see attached statement.

**Kieran Lewis**  
Media Services  
**Department of Environment and Science**  
[media@des.qld.gov.au](mailto:media@des.qld.gov.au)

Level 31 | 400 George Street | Brisbane  
**Tel** 07 3339 5831  
[www.des.qld.gov.au](http://www.des.qld.gov.au)

*If you are emailing about a media matter, please cc [media@des.qld.gov.au](mailto:media@des.qld.gov.au)*

# Media response

**Re:** New Acland Coal Mine investigation

**For:** All media

**Date:** 31 May 2018

***Please attribute to a Department of Environment and Science (DES) spokesperson:***

The Department of Environment and Science can confirm it is investigating alleged breaches of the *Environmental Protection Act 1994* at the New Acland Coal Mine in southern Queensland.

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As these matters remain under investigation, the department will not be providing further comment.

**ENDS**

For further media enquiries contact Media Services on (07) 3339 5831 or email [media@des.qld.gov.au](mailto:media@des.qld.gov.au).

**From:** HANSON Anna [Anna.Hanson@des.qld.gov.au]  
**Sent:** Friday, 1 June 2018 9:35 AM  
**To:** CONNOR Andrew; CAGNEY Justin  
**CC:** TRACEY Alena; LAWRENCE Rob; STEELE Mary; LOWE Trinity  
**Subject:** New Acland Coal Mine investigation - Channel Seven coverage

Hi Andrew and Justin

A link to Channel Seven story last night (via Facebook).

Thanks for your assistance yesterday.

Regards Anna.

<https://www.facebook.com/7NewsToowoomba/videos/vb.1679606165601300/2150298138532098/?type=2&theater>

The State Government is investigating claims New Hope has breache

31 May 2018 6:00PM

Seven Toowoomba, Toowoomba (Seven Local News)

The State Government is investigating claims New Hope has breached its mining permit at Acland. It's alleged the company has started mining for coal outside its designated area and into land farmers have battled for years to save. The fight to expand Acland is still back and forth in the court system but New Hope is accused of simply ignoring the law. Oakey Coal Action Alliance says coal-mining is creeping outside boundaries breaching mining permits. The Environment Department is investigating the claims. New Hope said in a statement that it does not agree with that any of its Stage Two operations are unlawful. The Land Court refuse to Stage Three based on environmental concerns. The Supreme Court then ruled then expansion should be considered again before the Court Appeals. Without the expansion, the mine could close resulting in the loss of hundreds of jobs by 2020.

Brief: Conservation & Sustainability Radio & TV • ASR: AUD 1,496 • Duration: 1 mins 43 secs • Market: QLD • Country: Australia • Item ID: X00074825018

Interviewees: Andrew Lynham, Minister for Mines • Paul King, Oakey Coal Action Alliance • Tim Mander, Deputy Leader of Opposition

Visuals: Brisbane Magistrates Court

Anna Hanson  
Media Director  
Department of Environment and Science

-----  
P 07 3339 5859 sch4p4( 6) Person  
Level 31, 400 George St, Brisbane Qld 4000  
PO Box 2454, Brisbane Qld 4001

**From:** CAGNEY Justin [Justin.Cagney@des.qld.gov.au]  
**Sent:** Monday, 4 June 2018 9:50 AM  
**To:** HANSON Anna  
**Subject:** RE: New Acland Coal Mine investigation - Channel Seven coverage

Thanks Anna,

Appreciate you sending the video through.

Regards,

Justin Cagney  
Executive Director  
Coal and Central Queensland Compliance  
Department of Environment and Science

-----  
P 07 4837 3318

209 Bolsover Street Rockhampton 4700  
PO Box 413 Rockhampton 4700

-----Original Message-----

**From:** HANSON Anna  
**Sent:** Friday, 1 June 2018 9:36 AM  
**To:** CONNOR Andrew; CAGNEY Justin  
**Cc:** TRACEY Alena; LAWRENCE Rob; STEELE Mary; LOWE Trinity  
**Subject:** New Acland Coal Mine investigation - Channel Seven coverage

Hi Andrew and Justin

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Visuals: Brisbane Magistrates Court

Anna Hanson  
Media Director  
Department of Environment and Science

-----  
P 07 3339 5859 sch4p4(6) Person  
Level 31, 400 George St, Brisbane Qld 4000 PO Box 2454, Brisbane Qld 4001

Released by DES  
RTI Act 2009

**From:** WALTON Alison [Alison.Walton@des.qld.gov.au]  
**Sent:** Thursday, 31 May 2018 12:47 PM  
**To:** Managers (Compliance)  
**CC:** MUNRO Rebecca; HORTON Sarah; WEBBER Lindsay  
**Subject:** Manager Compliance Referral - New Acland Coal Mine  
**Attachments:** car cr 83072.pdf; Compliance 20180518 PIN Cover Letter CR83072 EPML00335713 NAC.docx

Good afternoon,

Please find attached a PIN recommendation for New Acland Coal Mine. Toowoomba has been liaising with Rebecca Munro on this issue.

Attached is the signed CAR and PIN cover letter. Attachments to the CAR are saved here: \\lands\data\DES\Shared Transfer\Brisbane\NAC

<b>Compliance Case Reference</b> (CA/CR or COMP ref)	<b>Client</b> (Legal Entity)	<b>Date issue/offence identified by department</b> (trigger for start date of KPI)	<b>Proposed enforcement action</b> (eg. PIN, EPO)	<b>Compliance Centre</b>	<b>Industry Sector</b> (Minerals, Coal, E&E, I&D)	<b>Brief Description of Issue</b>
CR83072	New Acland Coal Pty Ltd	6 March 2018	PIN	Toowoomba	Coal	Breach of section 290 of Environmental Protection Act 1994 – not complying with Plan of Operations for exploration activities at New Acland Coal Mine.

Please don't hesitate to contact Sarah Horton or myself if there are any queries.

Kind regards,

**Alison Walton**



A/Team Leader (Compliance)

**Energy, Extractive and South West QLD Compliance | Environmental Services and Regulation**

Department of Environment and Science

---

P 07 4529 8308

146 Herries Street, Toowoomba QLD 4350

PO Box 731, Toowoomba QLD 4350



*...make the move*

Released by DES  
RTI Act 2009



Enquiries: Alison Walton  
Telephone: 4529 8308  
Your reference: EPML00335713  
Our reference: CR83072; 101/0007030

Xx May 2018

New Acland Coal Pty Ltd  
3/22 Magnolia Drive  
BROOKWATER QLD 4300

C/- PO Box 47  
IPSWICH QLD 4305

Attn: Stuart Green

[sgreen@newhopegroup.com.au](mailto:sgreen@newhopegroup.com.au)

Dear Directors,

**Infringement Notice QXXXXXXXXXXXX issued for contravention of section 290 of the *Environmental Protection Act 1994*.**

The Department of Environment and Science (the department) recently conducted an investigation into an alleged contravention of the *Environmental Protection Act 1994* (the Act) for New Acland Coal Pty Ltd's at the New Acland Coal Mine located on ML50170 and ML50216 under environmental authority (EA) EPML00335713.

Under section 290 of the *Environmental Protection Act 1994* (the Act), it is an offence for an environmental authority holder to fail to comply with a plan of operations. The maximum penalty under the Act that may be imposed for this offence is 500 penalty units, totalling \$63,075 for a corporation.

In relation to the alleged offence, the department has determined that New Acland Coal Pty Ltd has failed to comply with the 2017 – 2018 Plan of Operations (dated June 2017). The department has determined that exploration activities to the east of the current mine pits are outside of the disturbance footprint detailed in the June 2017 plan of operations.

The department has determined that the facts and circumstances of the alleged offences warrant the issuing of one penalty infringement notice (PIN) as an alternative to proceeding by way of prosecution in court.

Please find enclosed one PINs issued to you in the amount of \$3,153.00.

Within 28 days, please:

- pay the amount on the PINs; or
- elect to have the matter heard in court.

## **Payment**

Payment of this sum must be made within 28 days. Available payment options include cheque, money order, BPAY and BPOINT. For more information regarding your payment options please refer to the reverse side of the PIN or email [infringement.notices@des.qld.gov.au](mailto:infringement.notices@des.qld.gov.au).

## **Court Elect**

As outlined in the information on the reverse side of the PIN, you have the right to elect to have this matter dealt with by a court. Should you wish to court elect this matter please complete the 'Elect for Court Hearing' section on the PIN and send the PIN to:

Infringement Notices Administration Team  
GPO Box 2454  
Brisbane QLD 4001

## **If No Action Is Taken**

If no further correspondence is received or the PIN remains unpaid after 28 days, the matter will be referred to the State Penalties Enforcement Registry (SPER) for debt management. SPER add an additional administrative cost.

To assist you in complying with the Act, or for more information please visit the department's website at <https://www.des.qld.gov.au>.

Yours sincerely,

Rebecca Munro

## **Delegate of the Chief Executive**

Department of Environment and Heritage Protection

*Environmental Protection Act 1994*

**From:** MUNRO Rebecca [Rebecca.Munro@des.qld.gov.au]  
**Sent:** Friday, 8 June 2018 3:51 PM  
**To:** BRAIN Tim (DES); CLARKE Liz; HARBERT Kate; KHAN Tariq; GLOSKO Brett; GONZO Gus  
**CC:** Managers (Compliance)  
**Subject:** Moderation - New Acland Plan of Operations PIN Recommendation  
**Attachments:** car cr 83072.pdf; Attachment 6 - Environmental Authority.pdf

Hi Everyone,

This is a PIN recommendation for a breach of s290 of the EP Act- *'The EA holder must, when carrying out an activity under the relevant lease, comply with the plan of operations'* for New Acland Coal Pty Ltd for New Acland Coal Mine.

- New Acland Coal Mine is operated by New Acland Coal Pty Ltd (NCA) and is located approx. 130km west of Brisbane.
- The mine is surrounded by agricultural land uses, coal mines and coal seam gas operations.
- NAC are currently operating Stage 2 of the mine, with the Stage 3 expansion the subject of court proceedings.
- As a result of the current delay in approvals for the Stage 3 expansion, NCA have indicated that extraction will be increased to meet existing contracts until a determination is made in relation to Stage 3.
- DES has received numerous community concerns from residents and EDO (on behalf of the Oakey Coal Action Alliance) about the mine, including on 15 February 2018 which outlined allegations of non-compliance with plans of operations (PoO) and disturbance that was not assessed for impacts under the Stage 2 EIS.
- This CAR concentrates on the allegations of non-compliance with the PoO. The EIS disturbance footprint issue is being investigated as a separate matter.
  
- In June 2017, NAC submitted a PoO for the period 1 August 2017 to 31 July 2018. The PoO was amended on 26 March 2018 (to include an additional clean coal stockpile on ML50216), but still covers the same time period. The compliance centre has utilised the PoO submitted in June 2017 for the CAR as it was in place during the initial investigations into the allegations.
- The PoO states on page 9 *'continued exploration drilling activities'* will be conducted under the current PoO. Page 59 of the PoO states *'Plans of the actual and estimated areas of disturbance and rehabilitation at the start and end of the current PO are shown in Figure 8-2 to Figure 8-4.'*
- Figure 8-4 of the is a map titled *'Predicted areas of disturbance for July 2018 at June 2017'*. This figure does not include any details of the location of the *'continued exploration drilling activities'*.
- Section 288 (1)(c)(i) states a PoO must include a plan showing where all activities are to be carried out on the land.
  
- On 28 March 2018, DES requested information from NAC in relation to the allegations of non-compliance with the PoO submitted for the period 1 August 2017 to 31 July 2018.
- The information requested included an explanation of disturbance visible in satellite imagery (dated August and October 2017) and a KMZ or shapefile which details location of all exploration activities (including rehabilitation activities of exploration disturbance) undertaken since July 2017.
- NAC responded to the information request on 10 April 2018 with the following:
  - o The area of alleged disturbance in the satellite imagery is a network of exploration drilling locations conducted by NAC to identify coal reserves across the MLs.
  - o Details of exploration activity locations, including bores that have been drilled, bore sites that have been prepped but not yet drilled and bores that have been rehabilitated.
- DES conducted an inspection to the site on 20 April 2018 and confirmed that exploration activities were occurring outside of the predicted areas of disturbance detailed in the PoO.
- A mix of recently drilled, prepped and rehabilitated sites were inspected. Officers observed that some of the rehabilitated bore holes still had the sump visible and drill casings protruding from the ground.
- NAC provided further information on 28 May 2018 which indicted that between 1 August 2017 and 26 March 2018:

- o 27 drill sites had been rehabilitated
  - o 27 drill sites were drilled; and
  - o 41 drill sites were prepped but not drilled.
- As the disturbance for the exploration activities conducted was not included in the predicted areas of disturbance in the PoO, it is alleged NAC are in contravention of s290 of the EP Act- *'The EA holder must, when carrying out an activity under the relevant lease, comply with the plan of operations.'*
- The assessment of the amount of financial assurance to be held for the site also did not include the exploration disturbance as it was not included in the PoO.
- NAC provided a response to the pre-enforcement letter which included numerous statements including:
  - o There's no need for exploration drilling activities to be identified in Figure 8-3 nor Figure 8-4 due to the comparably insignificant disturbance associated with exploration drilling activities compared to those of the authorised ERAs (mining black coal and mineral processing) which warrant a higher level of detail.
  - o It's not necessary or practical to identify exploration drilling activities on Figure 8-4 when exploration is clearly identified elsewhere in the PoO as an activity that will be conducted.
  - o It's self-evident that exploration would occur in areas of the ML outside of the main pit and infrastructure areas.
  - o ....it's an overly restrictive and pedantic interpretation to require exploration drilling activities to be located on a drawing within the PoO.
- The CAR states the offence date range as 1 August 2018 until 26 March 2018 (when an amended PoO) was submitted. But as the amended PoO also did not include the exploration activities in the predicted areas of disturbance, is it a continuing offence? Or is it 1 August 2017 until 20 April 2018.?
- I'm happy with the elements in the CAR as it outlines that authorised mining activities under the *Mineral Resources Act 1989* includes exploration drilling activities, and as a result, meets the definition of a 'mining activity' in the EP Act.
- The impact of the offence is detailed as major due to:
  - o the high level of public concern regarding the New Acland Coal Mine
  - o risk of temporary impact to the environment
  - o administrative in nature
- The culpability of NAC is considered to be moderate due to;
  - o non-compliance is an ongoing medium duration
  - o risk of impact could have been prevented by following legislation
  - o careless act by NAC , as a subsidiary of New Hope Group they should be aware of the requirements of PoOs.
- I am supportive of 1 PIN (100 penalty units).

Looking forward to discussing next week.

**Rebecca Munro**

Manager (Compliance)

**Coal and Central Queensland Compliance**

Department of Environment and Science



P sch4p4(6) Per

Level 1 22-30 Wood Street Mackay

PO Box 2001 Mackay 4740

Released by DES  
RTI Act 2009

**From:** IRELAND Anne-Maree [Anne-Maree.Ireland@des.qld.gov.au]  
**Sent:** Wednesday, 13 June 2018 11:54 AM  
**To:** MUNRO Rebecca  
**Subject:** EP Commentary

## **PART 12 GENERAL PROVISIONS**

### ***Division 1 Plan of operations for environmental authority relating to mining lease or petroleum lease***

#### **285 Definitions for div 1**

This division applies only to mining and petroleum activities.

A plan of operations informs the administering authority as to how the operator intends to meet the conditions of the environmental authority at an operational level.

It also sets out detail of the rehabilitation requirements for the land, imposed in performance-based terms by the conditions imposed on the authority, which in turn is used to calculate any required financial assurance (see notes to s 292).

#### **286 Application of div 1**

Note the exclusion of eligible ERAs by paragraph (b). The intent is that the holders of these lower level environmental authorities will be required to report on rehabilitation through the annual return (s 308).

#### **287 Plan of operations required before acting under relevant lease**

A plan of operations can only be prepared once an authority has issued, so that operational processes for complying with the conditions, and the practical scope of rehabilitation obligations, including those which give rise to a security requirement, can be formulated.

There is no approval decision, as such, for a plan of operations, but activities cannot be commenced under an authority until a plan complying with s 288 has been submitted. The authority may audit the plan of operations at any time (under s 326) to ensure that it meets the content requirements.

Under s 292, an operator cannot commence activities until any required security has been lodged. Since the security amount is calculated on the basis of the plan of operations (for mining and petroleum activities), the rehabilitation provisions in the plan of operations must be considered by the authority in order to calculate the amount of the financial assurance. There will be timing issues here for the holder, and it may wish to submit the plan of operations well in advance of the minimum time period before commencement specified in this section to ensure certainty of the commencement date.

#### **288 Requirements for plan of operations**

In relation to subsection (3)(b), the plan of operations is not a separate approval, and it needs to be consistent with the environmental authority. If the operator comes to a view in preparing the plan that it needs to carry out operations in a way that is inconsistent with the environmental authority, it must seek an amendment to the environmental authority, and then submit a new plan of operations demonstrating full compliance with the applicable conditions.

The plan of operations must be updated and resubmitted at least every 5 years.

#### **289 Amending or replacing plan**

A plan may be amended, but that does not restart the 5 year period under s 288. It may also be replaced, which does restart that period.

#### **290 Failure to comply with plan of operations**

Note that this is a separate offence from failing to comply with conditions of an authority (s 430), but there is likely to be overlap in practice, and prosecutors will need to take care not to charge under both sections for what is in substance the same offence.

The penalty under this section is much lower than that under s 430. This reflects a view that the plan is a “management document” rather than an approval as such, which is correct in terms of the legislative structure, but that does not detract from the practical point that a given contravention may well be a breach of the conditions of the authority as well as a contravention of the requirement of the plan.

### **291 Environmental authority overrides plan**

If there is any inconsistency between an environmental authority and a relevant plan of operations, the conditions of the environmental authority prevail to the extent of any inconsistency with the plan, and the plan must be amended to remove the inconsistency.

An inconsistency would be unintended, as the purpose of the plan is to demonstrate how the conditions are to be complied with operationally (s 288(1)(c)).

Released by DES  
RTI Act 2009



**From:** MUNRO Rebecca [Rebecca.Munro@des.qld.gov.au]

**Sent:** Friday, 22 June 2018 11:56 AM

**To:** BENNINK Kate

**CC:** HORTON Sarah; WALTON Alison

**Subject:** ESR Alert - Penalty Infringement Notice to be issued to New Acland Coal Pty Ltd for contravention of section 290 of the Environmental Protection Act 1994

Hi Kate,

Please see ESR Alert for the issue of 1 PIN to New Acland Coal form breach of section 290 of the EP Act for escalation to Melissa.

Bec

**ALERT CATEGORY:**

- Enforcement activity.

**ALERT NAME:**

- One (1) Penalty Infringement Notice (PIN) for the amount of \$3153 is to be issued to New Acland Coal Pty Ltd under s290 of the *Environmental Protection Act 1994*, for failing to comply with plan of operations.

**CUSTOMER DETAILS:**

- New Acland Coal Pty Ltd.
- New Acland Coal Mine (ML50170 and ML50216).
- Environmental Authority (EA) EPML00335713.

**SUMMARY OF ISSUE/S:**

- The Department of Environment and Science (the department) will issue one (1) PIN to New Acland Coal Pty Ltd (NAC) on 27 June 2018 for contravention of section 290 of the *Environmental Protection Act 1994* (the Act).
- NAC holds EA EPML00335713 for the New Acland Coal Mine, located approximately 130 kilometres west of Brisbane.
- The department has received numerous community concerns from residents and environmental groups, including the Environmental Defenders Office (EDO) regarding allegations of non-compliance, including:
  - expanding mining activities outside of the disturbance footprint that was assessed and approved for Stage 2 of the mine;
  - inconsistency between the EA and the plan of operations (PoO) for the period 1 August 2017 and 31 July 2018;
  - exceeding noise limits; and
  - non-compliance with the PoO for the period 1 August 2017 and 31 July 2018.
- In June 2017, NAC submitted a (PoO) for the period 1 August 2017 to 31 July 2018 to the department. The PoO does not detail the predicted areas of disturbance for exploration activities and only states that continued exploration drilling activities will be conducted under the current PoO.
- On 15 February 2018, the department received a community concern related to exploration activities being conducted at New Acland Coal Mine.
- On 28 March 2018, the department requested information in relation to exploration drilling activities on ML50170 and ML50216, in response to the community concern received.

- The information requested included an explanation of disturbance visible in satellite imagery dated August 2017 and October 2017.
- NAC responded to the request stating that the area of alleged disturbance in the satellite imagery is a network of exploration drilling locations conducted by NAC to identify coal reserves across the MLs.
- On 20 April 2018, the department conducted an inspection to the site and confirmed that exploration drilling activities are occurring outside of the predicted areas of disturbance as detailed in the PoO.
- NAC has contravened section 290 of the Act by failing to comply with the plan of operations when carrying out an activity under the relevant lease.
- One PIN for the amount of \$3253 will be issued for contravention of section 290 of the Act.

#### **POTENTIAL IMPACTS / RISKS:**

- There is a high level of public concern regarding alleged unauthorised disturbance at New Acland Coal Mine.
- The department has received community reports concerning noise, dust, vibration and blast fume impacts from adjacent landholders.
- Stage 3 of the New Acland Coal Mine Expansion Project has been remitted back to the Land Court for further consideration following a judicial review in May 2018.
- Any enforcement action issued to NAC may result in increased public and media interest.
- NAC representatives may contact senior departmental executives regarding the decision to issue a PIN and may contest the decision in court.

#### **CUSTOMER ACTIONS:**

- NAC have previously indicated that extraction will be increased to meet existing contracts until a determination is made in relation to the Stage 3 expansion approval. This includes undertaking activities (blasting, loading and transportation of coal and overburden) in additional areas up to within 200m of a nearby sensitive receptors (adjacent landholders).
- NAC have advised that between 1 August 2017 and 26 March 2018, exploration activities on ML50170 and ML50216 included:
  - 27 drill sites drilled;
  - 27 drill sites rehabilitated; and
  - 41 drill sites were prepped but not drilled.

#### **DEPARTMENT ACTIONS:**

- On 26 April 2018, the department issued NAC with a pre-enforcement letter in relation to the alleged offence.

On 20 June 2018, the department received advice from Litigation in regards to the interpretation of section 290 of the Act.

- Investigations are continuing in relation to the alleged unauthorised mining activities being conducted outside of the disturbance footprint approved for Stage 2 of the mine.

#### **PLANNED ACTIONS**

- The Compliance Centre will advise NAC on 26 June 2018 of the decision to issue the PIN.
- One (1) PIN will be issued by the Manager (Compliance) to New Acland Coal Pty Ltd on 27 June 2018.
- The department will be conducting noise monitoring at sensitive receptors in June 2018, when conditions are most conducive to noise impacts.
- The department has implemented a risk assessment process to determine when it is likely a blast may cause concerns at sensitive receptors (based on wind direction, wind speed and proximity of blast) and will deploy officers to attend during the relevant blasting event.

#### **KEY COMMUNICATION MESSAGES:**

- The issue of one (1) PIN to NAC is an appropriate and proportionate enforcement action for the nature of the offence.
- The department will respond to any non-compliances in accordance with the department's Enforcement Guidelines.

**CONTACT DETAILS:**

- Name: Melissa Wells, Executive Director, Coal and Central Queensland Compliance.
- Phone number: (07) 49879343
- Division: Environmental Services and Regulation.

**This email is an initial alert in respect of this matter.**

**If further advice or action is required, it will be communicated via normal channels such as a briefing note.**

**END**

**Rebecca Munro**

Manager (Compliance)

**Coal and Central Queensland Compliance**

Department of Environment and Science

Level 1 22-30 Wood Street Mackay

PO Box 2001 Mackay 4740

EHP Cultural capability\_web graphic APPD

**From:** HARBERT Kate [Kate.Harbert@des.qld.gov.au]  
**Sent:** Tuesday, 26 June 2018 9:05 AM  
**To:** MUNRO Rebecca  
**Subject:** RE: Moderation - New Acland Plan of Operations PIN Recommendation

Hello Bec,

I'm not sure if I got back to you on this – but I support the PIN.

Kind regards,  
Kate

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**From:** MUNRO Rebecca  
**Sent:** Friday, 22 June 2018 11:39 AM  
**To:** BRAIN Tim (DES); CLARKE Liz; HARBERT Kate; KHAN Tariq; GONZO Gus  
**Cc:** Managers (Compliance)  
**Subject:** RE: Moderation - New Acland Plan of Operations PIN Recommendation

Hi Everyone,

When I took this to moderation, there was support for the PIN pending Litigation advice.  
I have now received this advice and have summarised below:

sch3( 7) Information subject to legal professional privilege

I am comfortable this advice and support the issue of 1 PIN for breach of s290.

If you could let me know your thoughts as soon as possible would be appreciated as I'd like to get this one finalised.

Cheers

Bec

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**From:** MUNRO Rebecca  
**Sent:** Friday, 8 June 2018 3:52 PM  
**To:** BRAIN Tim (DES); CLARKE Liz; HARBERT Kate; KHAN Tariq; GLOSKO Brett; GONZO Gus

**Cc:** Managers (Compliance)

**Subject:** Moderation - New Acland Plan of Operations PIN Recommendation

Hi Everyone,

This is a PIN recommendation for a breach of s290 of the EP Act- *'The EA holder must, when carrying out an activity under the relevant lease, comply with the plan of operations'* for New Acland Coal Pty Ltd for New Acland Coal Mine.

- New Acland Coal Mine is operated by New Acland Coal Pty Ltd (NCA) and is located approx. 130km west of Brisbane.
- The mine is surrounded by agricultural land uses, coal mines and coal seam gas operations.
- NAC are currently operating Stage 2 of the mine, with the Stage 3 expansion the subject of court proceedings.
- As a result of the current delay in approvals for the Stage 3 expansion, NCA have indicated that extraction will be increased to meet existing contracts until a determination is made in relation to Stage 3.
- DES has received numerous community concerns from residents and EDO (on behalf of the Oakey Coal Action Alliance) about the mine, including on 15 February 2018 which outlined allegations of non-compliance with plans of operations (PoO) and disturbance that was not assessed for impacts under the Stage 2 EIS.
- This CAR concentrates on the allegations of non-compliance with the PoO. The EIS disturbance footprint issue is being investigated as a separate matter.
- In June 2017, NAC submitted a PoO for the period 1 August 2017 to 31 July 2018. The PoO was amended on 26 March 2018 (to include an additional clean coal stockpile on ML50216), but still covers the same time period. The compliance centre has utilised the PoO submitted in June 2017 for the CAR as it was in place during the initial investigations into the allegations.
- The PoO states on page 9 *'continued exploration drilling activities'* will be conducted under the current PoO. Page 59 of the PoO states *'Plans of the actual and estimated areas of disturbance and rehabilitation at the start and end of the current PO are shown in Figure 8-2 to Figure 8-4.'*
- Figure 8-4 of the is a map titled *'Predicted areas of disturbance for July 2018 at June 2017'*. This figure does not include any details of the location of the *'continued exploration drilling activities'*.
- Section 288 (1)(c)(i) states a PoO must include a plan showing where all activities are to be carried out on the land.
- On 28 March 2018, DES requested information from NAC in relation to the allegations of non-compliance with the PoO submitted for the period 1 August 2017 to 31 July 2018.
- The information requested included an explanation of disturbance visible in satellite imagery (dated August and October 2017) and a KMZ or shapefile which details location of all exploration activities (including rehabilitation activities of exploration disturbance) undertaken since July 2017.
- NAC responded to the information request on 10 April 2018 with the following:
  - o The area of alleged disturbance in the satellite imagery is a network of exploration drilling locations conducted by NAC to identify coal reserves across the MLs.
  - o Details of exploration activity locations, including bores that have been drilled, bore sites that have been prepped but not yet drilled and bores that have been rehabilitated.
- DES conducted an inspection to the site on 20 April 2018 and confirmed that exploration activities were occurring outside of the predicted areas of disturbance detailed in the PoO.
- A mix of recently drilled, prepped and rehabilitated sites were inspected. Officers observed that some of the rehabilitated bore holes still had the sump visible and drill casings protruding from the ground.
- NAC provided further information on 28 May 2018 which indicated that between 1 August 2017 and 26 March 2018:
  - o 27 drill sites had been rehabilitated
  - o 27 drill sites were drilled; and
  - o 41 drill sites were prepped but not drilled.

- As the disturbance for the exploration activities conducted was not included in the predicted areas of disturbance in the PoO, it is alleged NAC are in contravention of s290 of the EP Act- *'The EA holder must, when carrying out an activity under the relevant lease, comply with the plan of operations.'*
- The assessment of the amount of financial assurance to be held for the site also did not include the exploration disturbance as it was not included in the PoO.
- NAC provided a response to the pre-enforcement letter which included numerous statements including:
  - o There's no need for exploration drilling activities to be identified in Figure 8-3 nor Figure 8-4 due to the comparably insignificant disturbance associated with exploration drilling activities compared to those of the authorised ERAs (mining black coal and mineral processing) which warrant a higher level of detail.
  - o It's not necessary or practical to identify exploration drilling activities on Figure 8-4 when exploration is clearly identified elsewhere in the PoO as an activity that will be conducted.
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- I'm happy with the elements in the CAR as it outlines that authorised mining activities under the *Mineral Resources Act 1989* includes exploration drilling activities, and as a result, meets the definition of a 'mining activity' in the EP Act.
- The impact of the offence is detailed as major due to:
  - o the high level of public concern regarding the New Acland Coal Mine
  - o risk of temporary impact to the environment
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- The culpability of NAC is considered to be moderate due to;
  - o non-compliance is an ongoing medium duration
  - o risk of impact could have been prevented by following legislation
  - o careless act by NAC , as a subsidiary of New Hope Group they should be aware of the requirements of PoOs.
- I am supportive of 1 PIN (100 penalty units).

Looking forward to discussing next week.

**Rebecca Munro**

Manager (Compliance)

**Coal and Central Queensland Compliance**

Department of Environment and Science

P 0475 947 105

Level 1 22-30 Wood Street Mackay

PO Box 2001 Mackay 4740

EHP Cultural capability\_web graphic APPD

**From:** MUNRO Rebecca [Rebecca.Munro@des.qld.gov.au]  
**Sent:** Thursday, 28 June 2018 8:39 AM  
**To:** HORTON Sarah; WALTON Alison  
**CC:** BENNINK Kate; Managers (Compliance)  
**Subject:** New Acland Coal Pty Ltd- Penalty Infringement Notice  
**Attachments:** PIN Cover Letter.pdf; PIN Q200000040196932.pdf; Decision Memo.pdf

Good Morning Sarah and Alison,

Please find attached the decision package for 1 PIN issued to New Acland Coal Pty Ltd, for a breach of section 290 of the Environmental Protection Act 1994:

- PIN cover letter
- PIN Q200000040196932
- Decision Memo

The cover letter and PIN will be posted via registered post today however could you please provide the copies to them today via email.

Kind Regards

Rebecca Munro

Manager (Compliance)

Coal and Central Queensland Compliance

Department of Environment and Science

-----

P [sch4p4(6) Person]

Level 1 22-30 Wood Street Mackay

PO Box 2001 Mackay 4740



# Decision Memo

## Penalty Infringement Notice

*Decision Memo – Penalty Infringement Notice forms the record of decision for Penalty Notices.. Decision Memo is completed by the Manager (Compliance) and a copy sent to relevant compliance centre for file.*

<b>Matter Name:</b> ("common name")	New Acland Coal Pty Ltd- New Acland Coal Mine
<b>Date:</b> (of decision assessment)	22 June 2018
<b>EA Details:</b>	<p><b>EA Number</b> (as written on permit, not ecotrack) (Note that where the EA conditions are the conditions of a DA, the registration certificate should also be confirmed to identify the holder of the EA): EPML00335713</p> <p><b>Operator name on permit</b> (does it match registered business name?): New Acland Coal Pty Ltd</p> <p><b>Date EA approved in Connect by delegate:</b> (was the EA and relevant condition in force at the time of the alleged offence?) 14 July 2015</p> <p><b>CA/CR N°:</b> CA83072</p>
<b>Current Organisation Details:</b> (ASIC / CITEC)	<p><b>Date of ASIC Search:</b> 28 March 2018</p> <p><b>ACN:</b> 081 022 380</p> <p><b>Name:</b> New Acland Coal Pty Ltd</p> <p><b>Type of organisation:</b> Australian Proprietary Company, Limited by Shares</p> <p><b>Current Registered Office:</b> BROOKWATER QLD 4300</p> <p><b>Current Principal Place of Business:</b> Site details below</p>
<b>Activity Details</b>	<p><b>ERA:</b></p> <p>ERA 13 – Mining black coal</p> <p>ERA 31 – Mineral Processing</p> <p><b>Trading name/s:</b></p> <p><b>Lot/Plan of activity:</b> New Acland Coal Mine ML50170 and ML50216</p> <p><b>Address of activity:</b> As above</p>
<b>Date of alleged offence:</b>	10 August 2017 to 28 June 2018. Information submitted by NAC for exploration holes drilled from 1 August 2017, indicates the first exploration hole was drilled on 10 August 2017. The current PoO still does not incorporate the disturbance from the exploration drilling activities so the offence is considered to be continuing.



<b>Date DES aware:</b>	DES conducted an inspection and confirmed the disturbance on 20 April 2018.
<b>Offence description:</b>	EPA48 – s290 Fail to comply with plan of operations – Corporation (\$3153)

### Background and review details:

#### Background

- New Acland Coal Mine is operated by New Acland Coal Pty Ltd (NCA) and is located approx. 130km west of Brisbane.
- The mine is surrounded by agricultural land uses, coal mines and coal seam gas operations.
- NAC are currently operating Stage 2 of the mine, with the Stage 3 expansion the subject of court proceedings.
- As a result of the current delay in approvals for the Stage 3 expansion, NCA have indicated that extraction will be increased to meet existing contracts until a determination is made in relation to Stage 3.
- DES has received numerous community concerns from residents and EDO (on behalf of the Oakey Coal Action Alliance) about the mine, including on 15 February 2018 which outlined allegations of non-compliance with plans of operations (PoO) and disturbance that was not assessed for impacts under the Stage 2 EIS.
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- The PoO states on page 9 '*continued exploration drilling activities*' will be conducted under the current PoO. Page 59 of the PoO states '*Plans of the actual and estimated areas of disturbance and rehabilitation at the start and end of the current PO are shown in Figure 8-2 to Figure 8-4.*'
- Figure 8-4 of the PoO is a map titled '*Predicted areas of disturbance for July 2018 at June 2017*'. This figure does not include any details of the location of the '*continued exploration drilling activities*'.
- Section 288 (1)(c)(i) states a PoO must include a plan showing where all activities are to be carried out on the land.
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  - o The area of alleged disturbance in the satellite imagery is a network of exploration drilling locations conducted by NAC to identify coal reserves across the MLs.
  - o Details of exploration activity locations, including bores that have been drilled, bore sites that have been prepped but not yet drilled and bores that have been rehabilitated.
- DES conducted an inspection to the site on 20 April 2018 and confirmed that exploration activities were occurring outside of the predicted areas of disturbance detailed in the PoO.
- A mix of recently drilled, prepped and rehabilitated sites were inspected. Officers observed that some of the rehabilitated bore holes still had the sump visible and drill casings protruding from the ground.
- NAC provided further information on 28 May 2018 which indicated that between 1 August 2017 and 26 March 2018:
  - o 27 drill sites had been rehabilitated
  - o 27 drill sites were drilled; and

- 41 drill sites were prepped but not drilled.
- As the disturbance for the exploration activities conducted was not included in the predicted areas of disturbance in the PoO, it is alleged NAC are in contravention of s290 of the EP Act- *'The EA holder must, when carrying out an activity under the relevant lease, comply with the plan of operations.'*
- The assessment of the amount of financial assurance to be held for the site also did not include the exploration disturbance, as it was not included in the PoO.
- NAC provided a response to the pre-enforcement letter which included numerous statements including:
  - There's no need for exploration drilling activities to be identified in Figure 8-3 nor Figure 8-4 due to the comparably insignificant disturbance associated with exploration drilling activities compared to those of the authorised ERAs (mining black coal and mineral processing) which warrant a higher level of detail.
  - It is not necessary or practical to identify exploration-drilling activities on Figure 8-4 when exploration is clearly identified elsewhere in the PoO as an activity that will be conducted.
  - It's self-evident that exploration would occur in areas of the ML outside of the main pit and infrastructure areas.
  - ....it is an overly restrictive and pedantic interpretation to require exploration-drilling activities to be located on a drawing within the PoO.
- The CAR states the offence date range as 1 August 2018 until 26 March 2018 (when an amended PoO) was submitted. But as the amended PoO also did not include the exploration activities in the predicted areas of disturbance, I consider it to be a continuing offence.
- I'm happy with the elements in the CAR as it outlines that authorised mining activities under the *Mineral Resources Act 1989* includes exploration drilling activities, and as a result, meets the definition of a 'mining activity' in the EP Act.

sch3( 7) Information subject to legal professional privilege



sch3( 7) Information subject to legal professional privilege

- **Impact:** The impact of the offence is detailed as major due to:
  - o the high level of public concern regarding the New Acland Coal Mine
  - o risk of temporary impact to the environment
  - o administrative in nature
- **Culpability:** The culpability of NAC is considered to be moderate due to;
  - o non-compliance is an ongoing medium duration
  - o risk of impact could have been prevented by following legislation
  - o careless act by NAC , as a subsidiary of New Hope Group they should be aware of the requirements of PoOs.
- Are the facts indisputable? Yes
- Is a PIN likely to be a deterrent? Yes

Considerations: One (1) PIN is appropriate for the offence against s290 of the *Environmental Protection Act 1994*

In arriving at this decision the following factors have been considered:

- o Careless Act;
- o The Litigation advice regarding the interpretation of s287, s288 and s290 of the *Environmental Protection Act 1994*

<b>Decision: One (1) PIN to be issued to New Acland Coal Pty Ltd</b>			
<b>Name:</b>	Rebe	<b>Position:</b>	Manager (Compliance) Coal
<b>Signature:</b>	sch4p4( 6) Personal info	<b>Date:</b>	27 June 2018
<b>Comment:</b> Manager (Compliance) Moderation: <b>Date sent for moderation:</b> 8 June 2018 <b>Date moderated:</b> 12 June 2018 <b>Outcome:</b> 1 PIN supported pending Litigation Advice (received 21 June 2018)			
<b>Actions:</b> <ul style="list-style-type: none"> <li>• ESR alert – escalated to ED on 22 June 2018</li> <li>• Cover letter - complete</li> <li>• PIN:           <ul style="list-style-type: none"> <li>o Date issued- 28 June 2018</li> <li>o PIN Number- Q2000000 40196932</li> <li>o Compliance centre to call client- 27 June 2018</li> </ul> </li> </ul>			



Department of  
**Environment and Science**

Enquiries: Alison Walton  
Telephone: 4529 8308  
Your reference: EPML00335713  
Our reference: CR83072; PIN6379; 101/0007030

28 June 2018

New Acland Coal Pty Ltd  
ACN 081 022 380  
3/22 Magnolia Drive  
BROOKWATER QLD 4300

C/- PO Box 47  
IPSWICH QLD 4305

Attn: sch4p4( 6) Personal  
sch4p4( 6) [@newhopegroup.com.au](mailto:sch4p4( 6)@newhopegroup.com.au)

Dear Directors

**Infringement Notice Q200000040196932 issued for contravention of section 290 of the *Environmental Protection Act 1994*.**

The Department of Environment and Science (the department) recently conducted an investigation into an alleged contravention of the *Environmental Protection Act 1994* (the Act) for New Acland Coal Pty Ltd.'s at the New Acland Coal Mine located on ML50170 and ML50216 under environmental authority (EA) EPML00335713.

Under section 290 of the Act, it is an offence for an EA holder to fail to comply with a plan of operations. The maximum penalty under the Act that may be imposed for this offence is 500 penalty units, totalling \$63,075 for a corporation.

In relation to the alleged offence, the department has determined that New Acland Coal Pty Ltd has failed to comply with the 2017 – 2018 plan of operations by conducting exploration-drilling activities outside of the predicted areas of disturbance detailed within the plan of operations.

The department has determined that the facts and circumstances of the alleged offence warrant the issuing of one penalty infringement notice (PIN) as an alternative to proceeding by way of prosecution in court.

Please find enclosed **one** PIN issued to you in the amount of \$3,153.00.

Within 28 days, please:

- pay the amount on the PINs; or
- elect to have the matter heard in court.

### Payment

Payment of this sum must be made within 28 days. Available payment options include cheque, money order, BPAY and BPOINT. For more information regarding your payment options please refer to the reverse side of the PIN or email [infringement.notices@des.qld.gov.au](mailto:infringement.notices@des.qld.gov.au).

### Court Elect

As outlined in the information on the reverse side of the PIN, you have the right to elect to have this matter dealt with by a court. Should you wish to court elect this matter please complete the 'Elect for Court Hearing' section on the PIN and send the PIN to:

Infringement Notices Administration Team  
GPO Box 2454  
Brisbane QLD 4001

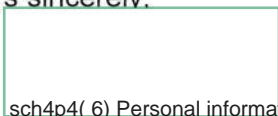
### If No Action Is Taken

If no further correspondence is received or the PIN remains unpaid after 28 days, the matter will be referred to the State Penalties Enforcement Registry (SPER) for debt management. SPER add an additional administrative cost.

To assist you in complying with the Act, or for more information please visit the department's website at <https://www.des.qld.gov.au>.

If you have any questions in relation to this letter or require more information about the accompanying PIN, please contact Shari Griinke, A/Compliance Delivery Manager of the department on telephone (07) 4529 8305 or via email at [southwest.es@des.qld.gov.au](mailto:southwest.es@des.qld.gov.au).

Yours sincerely,



Rebecca Munro

**Delegate of the Chief Executive**

Department of Environment and Science  
*Environmental Protection Act 1994*

Enc. PIN Q200000040196932





Queensland  
Government

Alleged Offender's copy  
**Penalty Infringement Notice**  
State Penalties Enforcement Act 1999

No. Q 2000000 4019693 2

**Alleged offender details**

Family/Business/Company name and ACN Given name/s (If Individual)

NEW ARLAND COAL  
PTY LTD

ACN 081 022 380

Male ☐

Female ☐

Current address/ Registered office

3/22 MAGNOLIA DRIVE  
BROOKWATER QLD  
Postcode 4300

Date of birth

Phone Number

Driver ☐

Passenger ☐

Please specify

Owner ☐

Other ☐

**Identification details**

Licence/Permit (type)

State

Number

Date of expiry

ENVIRONMENTAL  
AUTHORITY

QLD

ENVL003387/3

Issued by

Date of Issue

DEPT ENVIRONMENT &  
HERITAGE PROTECTION

14/07/15

**Vessel / Vehicle/Aircraft details**

Vessel ☐

Vehicle ☐

Aircraft ☐

Commercial ☐

Private ☐

Registration number

State

Make

Colour

Body type

VIN/Chassis number

Registration expires

**Alleged offence details**

Committed ☒

Time (hours)

Day of week

Date

Permitted ☐

At

on

and

Or (do not use between dates for offences involving vehicles)

Start date

End date

Between

10/08/17

and

28/06/18

Location/Lot & Plan/ Other details (including address or GPS coordinates where appropriate)

NEW ARLAND COAL MINE  
ML50170 ML50216

**Act or Regulation breached**

Act breached

ENVIRONMENTAL PROTECTION ACT 1994 (s290)

Code

Identifying particulars of the offence (Nature of alleged offence)

Penalty

EPAA48 - Failure to comply with  
plan of operations

\$3153

☒ By Mail

☐ In Person

**Issuing officer's details**

Authorised officer's name (print)

Rebecca Munro

Office / Department

I.D. number

DEPT ENVIRONMENT & SCIENCE

7026108

Signature

Date

sch4p4(6) Personal li

28/06/18



**Payment must be received within 28 days from the date of service of this Notice**

Enquiries relating to the issue of this Notice should be directed to the Department of Environment and Resource Management in writing to [infringement.notices@derm.qld.gov.au](mailto:infringement.notices@derm.qld.gov.au) or GPO Box 2454 BRISBANE QLD 4001, or to pay or discuss payment arrangements phone 13 74 68.

**Payment options** (send this whole Notice with payment by the due date.)

**Do not mail cash.** Payment can be accepted by mail, (Cheque or money order) payable to the Department of Environment and Resource Management, GPO Box 2454, BRISBANE, QLD 4001, in person at any Customer Service Centre of the Department, or see over page for BPAY option.

☐ **Full payment**

☐ **Voluntary Instalment Plan:** If the fine is \$200 or more, an initial instalment of at least \$60 can be made by the due date. An Instalment Plan Notice will be forwarded to you by the State Penalties Enforcement Registry (Department of Justice and Attorney-General) for payment of the balance.

Signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**If payment is not received within 28 days of service, enforcement action may be taken to recover the balance and additional costs incurred.**

If relevant, any demerit points will be taken to be allocated on the day the offence was committed.

**This notice may be withdrawn before or after the penalty is paid. In the event that this Notice is withdrawn the issuing authority may determine that further prosecution is warranted in lieu.**

**Have you changed your name or address?**

If you have changed your name or address please inform the Department as soon as possible.

You may tell the Department of your updated address on 13 74 68 for the cost of a local call within Queensland. (Higher rates apply from mobile phones and payphones. If calling outside of Queensland, STD rates will apply).

**Privacy Statement:** The Department of Environment and Resource Management collects the information on this form under the *State Penalties Enforcement Act 1999* so that the identity of the person who is alleged to have committed the offence may be established. This information is accessible by the other Queensland government departments and may be used for law enforcement purposes. The information is also accessible by authorised departmental officers and some information may be disclosed to other Queensland government departments and interstate Government authorities. The Department of Environment and Resource Management will not disclose your personal details to other third parties without your consent unless authorised by law.

☐ **Electing for Court Hearing**

You have the right to elect to have this matter dealt with by a court. This Election for Court Hearing must be completed and forwarded to the Department of Environment and Resource Management within the 28 day period from the date of service of this Infringement Notice.

**To be completed by the alleged offender**

I, \_\_\_\_\_  
Given name(s) Family name

elect to have this matter dealt with by a Court of Law and understand a summons will be issued to me.

Signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Send completed notice to: **Department of Environment and Resource Management  
GPO Box 2454  
BRISBANE QLD 4001**

**Biller Code: 35436****Reference No:** 20000000 4019693 2

If an infringement Notice is served on the person who is the owner of the vehicle at the time of the offence, the owner is taken to have committed the offence even though the actual offender may have been someone else.

If you were not responsible for the offence you should supply the Department of Environment and Resource Management within 28 days of the service of this Notice, a Statutory Declaration (below) giving the name and address of the person in charge of the vehicle at the time of the offence or the person depositing the litter at the time of the offence.

Failure by you as the registered owner of the vehicle to provide a statutory declaration may result in you being deemed as responsible for the alleged offence.

**Statutory Declaration (Do not forward payment if completing this Statutory Declaration)**

I, \_\_\_\_\_  
Full name (in the case of a corporation, the full name of authorised person completing this Declaration)

of, \_\_\_\_\_  
Residential address (Corporation name in the case of a corporation) Postcode

declare that at the time of the offence as stated in the Notice, I was not the driver of the vehicle.  
I further declare that at the time of the

offence, motor vehicle registration number \_\_\_\_\_

☐ the driver was ☐ Male

☐ the passenger was ☐ Female

☐ had been disposed of by \_\_\_\_\_

me on \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_\_

Family name Given name(s)

Residential address Postcode

Licence number State of Issue Date of birth

☐ was driven by a person whose name and address I have been  
unable to ascertain after reasonable and diligent enquiries.

☐ was stolen or illegally taken at the time of  
the offence and the matter was reported to \_\_\_\_\_ police station \_\_\_\_/\_\_\_\_/\_\_\_\_.

I have completed all details and make these  
solemn declarations conscientiously believing  
the same to be true, and by virtue of the Oaths Act 1867.

Signature (Do not forward payment)

Declared at \_\_\_\_\_ In the state of \_\_\_\_\_ this \_\_\_\_\_

day of \_\_\_\_\_ 20\_\_\_\_ before me \_\_\_\_\_

Justice of the Peace, Commissioner for Declarations or

Legal Practitioner

Send completed notice to: **Department of Environment and Resource Management**  
**GPO Box 2454**  
**BRISBANE QLD 4001**