**Table 1: A decade of incidents, fines and breaches of the law by Whitehaven coal**

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| --- | --- | --- | --- | --- |
| **Date** | **Action** | **Explanation** | **Mine** | **Amount** |
| Aug 2021 | Enforceable undertaking | Agreement with NRAR to dismantle illegal dam and build water management structures in keeping with mine approval | Maules Creek | - |
| Aug 2021 | Official caution[[1]](#footnote-1) | By the EPA, for burying waste tyres on site without being licenced to do so | Maules Creek, Tarrawonga and Werris Creek. |  |
| Oct 2020 | Fine[[2]](#footnote-2) | NSW Resources Regulator Penalty Notice for erosion of emplacement area causing pollution | Tarrawonga |  |
| Oct 2020 | Fine[[3]](#footnote-3) | Uncontrolled water discharge | Werris Creek | $15,000 fine |
| Oct 2020 | Official Caution[[4]](#footnote-4) | NSW Resources Regulator caution for not displaying plans | Tarrawonga | - |
| Sept 2020 | Warning Letter[[5]](#footnote-5) | Department of Planning warning for failing to identify and protect a cultural heritage site | Narrabri Underground | - |
| Aug 2020 | Enforceable Undertaking[[6]](#footnote-6) | Workplace health and safety submission by Resources regulator over serious WHS incident | Maules Creek | $800,000 plus costs |
| Aug 20 | Fine[[7]](#footnote-7) | Pollution of a local creek | Tarrawonga | $30,000 |
| Aug 2020 | Prosecution[[8]](#footnote-8) | Eight breaches of exploration licence related to clearing bushland without approval. Convicted. | Narrabri Underground | $372,500 in fines[[9]](#footnote-9) |
| May 20 | Fine[[10]](#footnote-10) | Overflow of sediment dam | Tarrawonga | $15,000 |
| Apr 2020 | Prosecution | South East Forest Rescue launch legal action for WHC failing to secure necessary biodiversity offsets when clearing endangered woodlands | Maules Creek | Discontinued after approval varied. |
| Mar 2020 | Clean up notice[[11]](#footnote-11) | Release of polystyrene balls into a local water way | Maules Creek | - |
| Feb 2020 | Fine[[12]](#footnote-12) | EPA penalty notice for noise exceeded noise limits | Narrabri Underground | $15,000 |
| Feb 2020 | Penalty notice[[13]](#footnote-13) | Failing to seek consent for construction of two water pipelines | Maules Creek | $15,000 |
| Nov 2019 | Penalty notices | Two penalty notices issue for the carrying out of exploration activities without approval | Vickery | unknown |
| Nov 2019 | Investigation | NRAR and Dept Planning investigating construction of a water pipeline not included in approval | Maules Creek | Ongoing |
| Oct 2019 | Investigation | NRAR investigating whether mine is causing groundwater loss to local farmers | Maules Creek | Ongoing |
| Sept 2019 | Prohibition notice[[14]](#footnote-14) | Issued by Resources Regulator prohibiting the use of vehicles following a dangerous incident | Maules Creek | - |
| Sept 2019 | Prosecution[[15]](#footnote-15) | Natural Resources Access Regulator finds Whitehaven has taken over 3 billion litres of surface water illegally over four years | Maules Creek | Guilty plea. Sentence pending |
| Aug 2019 | Statutory Notice | Rehabilitation | Tarrawonga and Rocglen | - |
| Aug 2019 | Suspension[[16]](#footnote-16) | Suspension of exploration licence for unlawful clearing of bushland for access tracks | Narrabri Underground | - |
| Jun 2019 | Fine[[17]](#footnote-17) | Failure to minimise dust, resulting clouds from stock pile | Narrabri Underground | $15,000 |
| Apr 2019 | Clean up Notice[[18]](#footnote-18) | Dumping combustible canisters improperly, resulting in fires breaking out at Narrabri Council’s rubbish dump | Narrabri Underground | $120,000[[19]](#footnote-19) |
| Mar 2019 | Court conviction[[20]](#footnote-20) | Blast fume left site and drifted over neighbouring properties | Rocglen | $38,500 |
| Mar 2019 | Penalty notice[[21]](#footnote-21) | Blast exceeded the airblast overpressure criteria | Werris Creek | $15,000 |
| Dec 2018 | Warning letter | Sound power levels of equipment exceeded those specified in the Noise management Plan | Narrabri Underground | - |
| May 2018 | Penalty notice[[22]](#footnote-22) | Failing to minimise dust pollution from truck movements on haul roads | Maules Creek | $15,000 |
| Mar 2018 | Official caution[[23]](#footnote-23) | From DPIE for “failure to undertake annual road noise monitoring for the 2017 calendar year” | Rocglen | - |
| Mar 2018 | Warning letter[[24]](#footnote-24) | Failure regarding implementation of the Blast management plan. | Tarrawonga | - |
| Mar 2018 | Official caution | Failure regarding implementation of the Noise Management Plan | Tarrawonga | - |
| Mar 2017 | Penalty notice[[25]](#footnote-25) | Failing to provide the government with information and records during the blast investigation | Maules Creek | $1,500 |
| Aug 2015 | 2 penalty notices[[26]](#footnote-26) | Failure to implement proper weed and feral animal control as per Biodiversity Management Plan | Maules Creek and Tarrawonga | $6,000 |
| Jul 2015 | Investigation[[27]](#footnote-27) | Blast fumes | Maules Creek | - |
| Dec 2014 | Penalty notice[[28]](#footnote-28) | Disturbing an Aboriginal artefact | Narrabri Underground | $3,000 |
| Dec 2014 | Penalty notice[[29]](#footnote-29) | Mining more coal than licence allows | Tarrawonga | $15,000 |
| June 2014 | Court undertaking | In response to action by Maules Creek Community Council Whitehaven gave an undertaking to the Land and Environment Court not to clear forest habitat during sensitive seasons for wildlife and changed its Biodiversity Management Plan to reinstate this commitment.[[30]](#footnote-30) |  |  |
| Mar 2012 | 4 penalty notices[[31]](#footnote-31) | Polluting waters and breaching its environment protection licences in November 2011 and January 2012 | Narrabri Underground and Tarrawonga | $6,000 |

1. Pers comm from the EPA. Investigation report currently being sought under GIPA. [↑](#footnote-ref-1)
2. Tarrawonga AR 2020 pg 83 [AEMR 2004/05 (whitehavencoal.com.au)](https://whitehavencoal.com.au/Documentations/Tarrawonga%20Mine/Environmental%20Management,%20Monitoring%20&%20Compliance/Annual%20Reviews/TAR%20-%20Annual%20Review%202020.pdf) [↑](#footnote-ref-2)
3. EPA media Release <https://www.epa.nsw.gov.au/news/media-releases/2020/epamedia201007-failure-to-maintain-storm-water-controls-costs-werris-creek-mine-$15000#:~:text=The%20NSW%20Environment%20Protection%20Authority,on%2018%20February%20this%20year> [↑](#footnote-ref-3)
4. Tarrawonga AR pg 84 [AEMR 2004/05 (whitehavencoal.com.au)](https://whitehavencoal.com.au/Documentations/Tarrawonga%20Mine/Environmental%20Management,%20Monitoring%20&%20Compliance/Annual%20Reviews/TAR%20-%20Annual%20Review%202020.pdf) [↑](#footnote-ref-4)
5. Whitehaven Annual Review 2020 pg 58 [NAR-Annual Review 2020.pdf (whitehavencoal.com.au)](https://whitehavencoal.com.au/Documentations/Narrabri%20Mine/Environmental%20Management,%20Monitoring%20&%20Compliance/Annual%20Reviews/NAR-Annual%20Review%202020.pdf) [↑](#footnote-ref-5)
6. <https://safetowork.com.au/whitehaven-commits-to-800000-undertaking-to-enhance-safety/> Resources Regulator media release [https://www.resourcesandgeoscience.nsw.gov.au/about-us/news/2019/maules-creek-coal-prosecuted-over-mining-truck-collision](about:blank) [↑](#footnote-ref-6)
7. EPA media release [EPA fines Tarrawonga Coal $30,000 after pollution discharge (nsw.gov.au)](https://www.epa.nsw.gov.au/news/media-releases/2020/epamedia200916-epa-fines-tarrawonga-coal-$30000-after-pollution-discharge) [↑](#footnote-ref-7)
8. <https://www.resourcesregulator.nsw.gov.au/__data/assets/pdf_file/0006/1248567/Prosecution-proceedings-commenced-against-Narrabri-Coal-Pty-Ltd-and-Narrabri-Coal-Operations.pdf> [↑](#footnote-ref-8)
9. Resources Regulator media release 16 August 2021 <https://www.resourcesregulator.nsw.gov.au/__data/assets/pdf_file/0008/1329254/Narrabri-Coal-Pty-Ltd-and-Narrabri-Coal-Operations-Pty-Ltd-convicted-and-fined-for-mining-offences.pdf> [↑](#footnote-ref-9)
10. EPA media release [Tarrawonga Coal fined after environmental breach at mine (nsw.gov.au)](https://www.epa.nsw.gov.au/news/media-releases/2020/epamedia200528-tarrawonga-coal-fined-after-environmental-breach-at-mine) [↑](#footnote-ref-10)
11. EPA Clean up notice here: <https://app.epa.nsw.gov.au/prpoeoapp/ViewPOEONotice.aspx?DOCID=-1&SYSUID=1&LICID=1591771> [↑](#footnote-ref-11)
12. EPA Fine: [Narrabri Coal fined $15,000 for excessive noise (nsw.gov.au)](https://www.epa.nsw.gov.au/news/media-releases/2020/epamedia200309-narrabri-coal-fined-$15000-for-excessive-noise) [↑](#footnote-ref-12)
13. Department of Planning statement: <https://www.planning.nsw.gov.au/Assess-and-Regulate/About-compliance/Inspections-and-enforcements/February-2020-formal-enforcements/Penalty-Notice-issued-to-Aston-Coal-2> [↑](#footnote-ref-13)
14. Resources Regulator media release: <https://resourcesandgeoscience.nsw.gov.au/about-us/news/2019/prohibition-notice-issued-to-maules-creek-open-cut-coal-mine> [↑](#footnote-ref-14)
15. NRAR media release: <https://www.industry.nsw.gov.au/natural-resources-access-regulator/nrar-news/nsw-water-regulator-concludes-investigations-into-maules-creek-coal-mine> [↑](#footnote-ref-15)
16. Resources Regulator suspension notice: <https://www.resourcesregulator.nsw.gov.au/__data/assets/pdf_file/0005/1153634/Suspension-Notice-Decision-document.pdf> [↑](#footnote-ref-16)
17. EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2019/epamedia190625> [↑](#footnote-ref-17)
18. EPA clean up notice: <https://apps.epa.nsw.gov.au/prpoeoapp/ViewPOEONotice.aspx?DOCID=-1&SYSUID=1&LICID=1578807> [↑](#footnote-ref-18)
19. Part of an enforceable undertaking. Details here: <https://www.epa.nsw.gov.au/news/media-releases/2020/epamedia200428-narrabri-coal-to-pay-$120000-after-mine-waste-caused-landfill> [↑](#footnote-ref-19)
20. EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2019/epamedia190320-whitehaven-coal-mining-ltd-convicted-and-fined-$38500-by-court> [↑](#footnote-ref-20)
21. Department of Planning media release: <https://www.planning.nsw.gov.au/Assess-and-Regulate/About-compliance/Inspections-and-enforcements/March-2019-formal-enforcements/Penalty-Notice-issued-to-Werris-Creek-Coal-Pty-Ltd> [↑](#footnote-ref-21)
22. EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2017/epamedia17052202> [↑](#footnote-ref-22)
23. This caution is cited in Rocglen Annual Review 2018. [↑](#footnote-ref-23)
24. Referred to the Tarrawonga Annual Review 2018. [↑](#footnote-ref-24)
25. EPA media release: <https://www.epa.nsw.gov.au/nePws/media-releases/2017/epamedia17030801> [↑](#footnote-ref-25)
26. Department of Planning media release: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Media-Releases/2015/August/26082015-Miners-fined-for-environmental-breaches.pdf> [↑](#footnote-ref-26)
27. EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2015/epamedia15070603> [↑](#footnote-ref-27)
28. See Independent Environmental Audit 2017. Available here: <http://www.whitehavencoal.com.au/sustainability/environmental-management/narrabri-mine/> [↑](#footnote-ref-28)
29. EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2014/epamedia14120902> [↑](#footnote-ref-29)
30. For details see a summary of this case from the Environmental Defenders Office <https://www.edonsw.org.au/maules_creek_community_council_v_whitehaven_coal> [↑](#footnote-ref-30)
31. EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2012/decmedia12033003> [↑](#footnote-ref-31)