

WHITEHAVEN COAL SHAME FILE

Whitehaven coal and its many subsidiary companies are repeat offenders who repeatedly break the law without concern for the impacts on water resources, the environment or affected communities.

In the last 10 years Whitehaven has been found guilty or investigated for breaches of the law on 35 occasions, many of them including multiple offences. They have been prosecuted numerous times and have incurred \$1,497,500 in penalties to date.

Offences including stealing 1 billion litres of water without a licence during the worst drought on record at the Maules Creek Coal mine, polluting waterways, breaching noise constraints, clearing illegally and serious workplace health and safety failures.

Their shameful record is evidence that they are not fit and proper to hold a licence to operate coal mines in NSW.

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

<i>Date</i>	<i>Action</i>	<i>Explanation</i>	<i>Mine</i>	<i>Amount</i>
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	By the EPA, for burying waste tyres on site without being licenced to do so	Maules Creek, Tarrawonga and Werris Creek.	-
Aug 2021	Prosecution ²	Eight breaches of exploration licence related to clearing bushland without approval. Convicted.	Narrabri Underground	\$372,500 in fines ³
Oct 2020	Fine ⁴	NSW Resources Regulator Penalty Notice for erosion of emplacement area causing pollution	Tarrawonga	
Oct 2020	Fine ⁵	Uncontrolled water discharge	Werris Creek	\$15,000 fine
Oct 2020	Official Caution ⁶	NSW Resources Regulator caution for not displaying plans	Tarrawonga	-

¹ Pers comm from the EPA. Investigation report currently being sought under GIPA.

² 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

³ 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

⁴ Tarrawonga AR 2020 pg 83 [AEMR 2004/05 \(whitehavencoal.com.au\)](https://www.whitehavencoal.com.au)

⁵ 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](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)

⁶ Tarrawonga AR pg 84 [AEMR 2004/05 \(whitehavencoal.com.au\)](https://www.whitehavencoal.com.au)

Sept 2020	Warning Letter ⁷	Department of Planning warning for failing to identify and protect a cultural heritage site	Narrabri Underground	-
Aug 2020	Enforceable Undertaking ⁸	Workplace health and safety submission by Resources regulator over serious WHS incident	Maules Creek	\$800,000 plus costs
Aug 20	Fine ⁹	Pollution of a local creek	Tarrawonga	\$30,000
May 20	Fine 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	Release of polystyrene balls into a local water way	Maules Creek	-
Feb 2020	Fine ¹²	EPA penalty notice for noise exceeded noise limits	Narrabri Underground	\$15,000
Feb 2020	Penalty notice 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	Issued by Resources Regulator prohibiting the use of vehicles following a dangerous incident	Maules Creek	-

⁷ Whitehaven Annual Review 2020 pg 58 [NAR-Annual Review 2020.pdf \(whitehavencoal.com.au\)](https://www.whitehavencoal.com.au/annual-review-2020)

⁸ <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>

⁹ EPA media release [EPA fines Tarrawonga Coal \\$30,000 after pollution discharge \(nsw.gov.au\)](https://www.epa.nsw.gov.au/news/2019/epa-fines-tarrawonga-coal-30000-after-pollution-discharge)

¹⁰ EPA media release [Tarrawonga Coal fined after environmental breach at mine \(nsw.gov.au\)](https://www.epa.nsw.gov.au/news/2019/tarrawonga-coal-fined-after-environmental-breach-at-mine)

¹¹ EPA Clean up notice here: <https://app.epa.nsw.gov.au/prpoeoapp/ViewPOEONotice.aspx?DOCID=-1&SYSUID=1&LICID=1591771>

¹² EPA Fine: [Narrabri Coal fined \\$15,000 for excessive noise \(nsw.gov.au\)](https://www.epa.nsw.gov.au/news/2020/narrabri-coal-fined-15000-for-excessive-noise)

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>

¹⁴ Resources Regulator media release: <https://resourcesandgeoscience.nsw.gov.au/about-us/news/2019/prohibition-notice-issued-to-maules-creek-open-cut-coal-mine>

Sept 2019	Prosecution 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	Suspension of exploration licence for unlawful clearing of bushland for access tracks	Narrabri Underground	-
Jun 2019	Fine ¹⁷	Failure to minimise dust, resulting clouds from stock pile	Narrabri Underground	\$15,000
Apr 2019	Clean up Notice ¹⁸	Dumping combustible canisters improperly, resulting in fires breaking out at Narrabri Council's rubbish dump	Narrabri Underground	\$120,000 ¹⁹
Mar 2019	Court conviction ²⁰	Blast fume left site and drifted over neighbouring properties	Rocglen	\$38,500
Mar 2019	Penalty notice 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	Failing to minimise dust pollution from truck movements on haul roads	Maules Creek	\$15,000
Mar 2018	Official caution ²³	From DPIE for "failure to undertake annual road noise monitoring for the 2017 calendar year"	Rocglen	-
Mar 2018	Warning letter ²⁴	Failure regarding implementation of the Blast management plan.	Tarrawonga	-
Mar 2018	Official caution	Failure regarding implementation of the Noise Management Plan	Tarrawonga	-

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>

¹⁶ Resources Regulator suspension notice: https://www.resourcesregulator.nsw.gov.au/data/assets/pdf_file/0005/1153634/Suspension-Notice-Decision-document.pdf

¹⁷ EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2019/epamedia190625>

¹⁸ EPA clean up notice: <https://apps.epa.nsw.gov.au/prpoeoapp/ViewPOEONotice.aspx?DOCID=-1&SYSUID=1&LICID=1578807>

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](https://www.epa.nsw.gov.au/news/media-releases/2020/epamedia200428-narrabri-coal-to-pay-$120000-after-mine-waste-caused-landfill)

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](https://www.epa.nsw.gov.au/news/media-releases/2019/epamedia190320-whitehaven-coal-mining-ltd-convicted-and-fined-$38500-by-court)

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>

²² EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2017/epamedia17052202>

²³ This caution is cited in Rocglen Annual Review 2018.

²⁴ Referred to the Tarrawonga Annual Review 2018.

Mar 2017	Penalty notice ²⁵	Failing to provide the government with information and records during the blast investigation	Maules Creek	\$1,500
Aug 2015	2 penalty notices 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	Blast fumes	Maules Creek	-
Dec 2014	Penalty notice ²⁸	Disturbing an Aboriginal artefact	Narrabri Underground	\$3,000
Dec 2014	Penalty notice 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		
Mar 2012	4 penalty notices ³¹	Polluting waters and breaching its environment protection licences in November 2011 and January 2012	Narrabri Underground and Tarrawonga	\$6,000

²⁵ EPA media release: <https://www.epa.nsw.gov.au/nePws/media-releases/2017/epamedia17030801>

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>

²⁷ EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2015/epamedia15070603>

²⁸ See Independent Environmental Audit 2017. Available here:

<http://www.whitehavencoal.com.au/sustainability/environmental-management/narrabri-mine/>

²⁹ EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2014/epamedia14120902>

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

³¹ EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2012/decmedia12033003>