

Ref: 101/0002121, 101/0000192, CA54688

12 June 2019

Adani Mining Pty Ltd
Level 25, AMP Place
10 Eagle Street
BRISBANE QLD 4001

Cc [sch4p4(6) Personal information]
Environment Superintendent
Adani Australia
[sch4p4(6) Personal information]@adani.com.au

Dear Directors,

Compliance inspection –Carmichael Coal Mine, EPML01470513 and EPPR00745013

The Department of Environment and Science (the department) is planning to carry out a compliance inspection under the *Environmental Protection Act 1994* (the Act) at ML70441, ML70505, ML70506 (the site) on **19 June 2019** commencing at approximately 9:00 am.

Objectives and scope of the inspection

The purpose of the inspection is to evaluate compliance of environmentally relevant activities being conducted on the site with conditions prescribed in environmental authorities (EA) EPML01470513 and EPPR00745013.

The objectives and scope of the inspection will specifically include:

- Confirming the disturbance and vegetation clearance associated with the following locations:
 - o GPS longitude - 146.3626756, latitude -22.03075028
 - o GPS longitude - 146.361896, latitude -22.03224565
 - o GPS: longitude -146.3616755, latitude -22.03492133
 - o GPS longitude – 146.3594205, latitude -22.03470249
 - o GPS longitude – 146.3569455, latitude -22.03491986
 - o GPS longitude – 146.3597295, latitude -22.03724934
 - o GPS longitude – 146.3648886, latitude -22.0351969
 - o GPS longitude – 146.3655581, latitude -22.03363246
 - o GPS longitude – 146.3644139, latitude -22.0398504
 - o GPS longitude – 146.3663165, latitude -22.03383427
 - o GPS longitude - 146.3717254, latitude -22.03682651
 - o GPS longitude – 146.372404, latitude -22.03938889
- Taking photos, GPS data, and measuring the disturbance associated with each of the above locations and any other locations as identified by the officers on site.

It is anticipated that subject to site conditions and excluding any site induction, departmental officers will be present on site for approximately six (6) hours.

Information request:

The department requests that you provide spatial data sets (GIS) which depicts the abovementioned locations in shapefile format for all work undertaken at the site from 01 March 2019 to 12 June 2019 including but not limited to vegetation clearance, construction of new access tracks and drill pads.

This information is requested by **3pm, Friday 14 June 2019**. Please submit this information to CWES_Emerald@des.qld.gov.au.

Assistance

Your assistance prior to and during the inspection process will be greatly appreciated.

What will happen during the inspection?

Please be aware that environmental officers authorised under the *Environmental Protection Act 1994* have powers under section 460 of the *Environmental Protection Act 1994* to take photographs, film and samples while on your site. If your site has any procedures regarding these activities occurring on your site it is a requirement that this is communicated to the department prior to the inspection. Departmental officers may also need to speak with your staff about their roles and responsibilities in relation to environmental management requirements of this project.

Throughout the inspection departmental officers may require the occupier of the place or any person in the place, to give the departmental officers reasonable help for the exercise of their powers under the *Environmental Protection Act 1994*.

Further information

If you require any further information or have any general concerns about the inspection, please contact me on (07) 4987 9303 or email cwes_emerald@des.qld.gov.au.

Yours sincerely

William Inonda
Compliance Delivery Manager – Emerald
Environmental services and Regulation
Department of Environment and Science

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Yours sincerely

sch4p4(6) Personal information

William Inonda

Compliance Delivery Manager – Emerald
Environmental services and Regulation
Department of Environment and Science

Date : 12/07/2019 4:42:34 PM

From : "LOWE Trinity"

To : "angus.sutherland@ministerial.qld.gov.au" , "DLO DES" , "ESR" , "GRAHAM Megan" , "GRANT Andrea" , "Hannah Jackson" , "MACGROARTY Robynne" , "Media DES" , "MERRICK Jamie" , "Pamela Frost" , "SEELIG Tim" , "Sonja Litz" , "TONES Peter" , "TRACEY Alena" , "KLAASSEN Ben" , "DE JERSEY Timothy"

Cc : "ELLWOOD Dean" , "LAWRENCE Rob" , "justin.carpenter@premiers.qld.gov.au" , "GOLDSWORTHY Stephen" , "IRELAND Anne-Maree"

Subject : ESR alert - Adani commencement of court proceedings

Attachment : Runsheet for 16 July 2019.pdf;

ALERT CATEGORY:

- Court action – commencement of proceedings

ALERT NAME:

- David Finn (DES) v Adani Mining Pty Ltd (ACN 145 455 205)

CUSTOMER DETAILS:

- Adani Mining Pty Ltd (ACN 145 455 205) (**Adani**)

SUMMARY OF ISSUES:

- The Department will **commence prosecution proceedings on Tuesday 16 July 2019** in the Brisbane Magistrates Court against Adani for one offence of providing false and misleading information in contravention of section 480 of the *Environmental Protection Act 1994* (**the Act**).
- The **attached** run sheet sets out the actions that will occur on Tuesday 16 July 2019 in respect of commencing the matter and the consultation that will be undertaken.
- The first court mention of the matter will be listed for **Friday 16 August 2019**.
- The offence relates to Adani's 2017/2018 Annual Return for its Carmichael coal mine which it submitted to the Department on 22 March 2018.
- The Annual Return required the completion of a table in respect of onsite disturbance and rehabilitation. Adani had filled out the disturbance table with values of '0' in all ten cells. That information was false and misleading as there had been planned and actual disturbance, prior to the reporting period, and during the reporting period.
- On 18 September 2018, Adani emailed the Department advising that it had made an administrative error, which was identified through its own internal processes. Adani attached an updated table specifying the planned and actual disturbance, including 127 hectares of disturbance prior to the plan period and 5.8 hectares of actual disturbance during the plan period.
- A penalty infringement notice cannot be issued for an offence against section 480 of the Act.
- In respect of the related allegation concerning clearing activities and the construction of dewatering bores by Adani from March to June in 2018, the Department has determined that these activities were permitted under Adani's environmental authority and do not constitute the offence of contravening a condition of an environmental authority pursuant to section 430 of the Act.

COMMUNICATIONS:

- Litigation is liaising with the Media Unit and a holding statement is being drafted.

CONTACT DETAILS:

- Name: Stephen Goldsworthy, Senior Director, Litigation.
- Phone number: (07) 3330 5051.
- Division: Environmental Services and Regulation.

Tuesday 16 July 2019	Time	Responsible
<u>Making of Complaint</u> <ul style="list-style-type: none"> Complaint and Summons to be made before a Justice of the Peace. Make three copies, scan a copy and email a copy to Litigation. 	10am	Investigator
<u>Filing with the Court</u> <ul style="list-style-type: none"> File an original copy of the Complaint in the Brisbane Magistrates Court. 	11am	Investigator
<u>Advise Adani</u> <ul style="list-style-type: none"> Contact with Adani representative. 	Midday	Project Executive
<u>Service on Adani</u> <ul style="list-style-type: none"> Phone Adani's solicitors (Ashurst) and ask if they will accept service. Serve a copy of the Complaint and Summons on Ashurst (if service is accepted) and send a copy by registered post addressed to Adani at its registered business address. Once service is completed, advise Litigation. 	1pm	Investigator
<u>Engage Media</u> <ul style="list-style-type: none"> Advise media that media statement can be progressed. 	3pm	Litigation
<u>EDO and Client Meeting</u> <ul style="list-style-type: none"> Litigation to meet with EDO and its client (from which community report came) as to outcome in relation to both bores issue and false and misleading issue. 	3:30pm	Litigation
<u>Release of Media Statement</u> <ul style="list-style-type: none"> Department to release statement. 	4pm	Media
<u>Advise DEE</u> <ul style="list-style-type: none"> Director-General to telephone Mr Finn Pratt, Secretary, Commonwealth Department of the Environment and Energy (or) Project Executive to telephone Commonwealth Deputy Secretary. 	Anytime after 3:30pm	Director-General (or Project Executive)