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.

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Tuesday 16 July 2019	Time	Responsible
Making of Complaint • 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
Filing with the Court • File an original copy of the Complaint in the Brisbane Magistrates Court.	11am	Investigator
Advise Adani • Contact with Adani representative.	Midday	Project Executive
Service on Adani • 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
Engage Media • Advise media that media statement can be progressed.	3pm	Litigation
EDO and Client Meeting • 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
Release of Media Statement • Department to release statement.	4pm	Media
Advise DEE • 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)

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Date : 1/07/2019 10:56:14 AM
From : "KELLOW Rhys"
To : "STEWART Alisha"
Subject : DRAFT Carmichael Assessment Report
Attachment : DRAFT 20190628 Assessment Report Adani Mining Pty Ltd.docx;image001.png;image002.png;

Hi Alisha,

For you awareness: Draft Carmichael Mine CAR attached.

I must stress, this is yet to receive any review, but hopefully it helps inform your discussions.

Upon receiving team member review, I intended to send to compliance delegate to finalise.

Rhys

Queensland Government

Rhys Kellow
Principal Environmental Officer
Emerald Compliance Centre I Coal and Central Queensland Compliance
Department of Environment and Science

P 07 4987 9388
99 Hospital Road, Emerald QLD 4720
PO Box 3028, Emerald QLD 4720

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9 July 2019

Mr Justin Cagney
Acting Director, Coal
Coal and Central Queensland Compliance
Department of Environment and Science
Via email: Justin.Cagney@des.qld.gov.au

Dear Justin

Adani Mining Pty Ltd (Adani) is writing to update you with regard to the Carmichael Coal Mine. Specifically, that Adani commenced physical disturbance, including vegetation clearing, fencing and development of new tracks, on mining lease 70441 on the 15 June 2019.

These activities meet "Project Stage 2" activities as defined under Environmental Authority EPML01470513.

Yours sincerely,

sch4p4(6) Personal information

Head of Environment & Sustainability

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Adani Mining Pty Ltd
Level 25
10 Eagle Street, Brisbane QLD 4000
GPO Box 2569, Brisbane QLD 4001
Australia

Tel +61 7 3223 4800
Fax +61 7 3223 4850
reception.australia@adani.com.au
www.adaniaustralia.com

Registered Office: Level 25, 10 Eagle Street, Brisbane QLD 4000, Australia
ABN: 27 145 455 205

Date : 4/06/2019 9:57:53 AM
From : "INONDA William"
To : "STEWART Alisha"
Cc : "CONNORS Sophie"
Subject : RE: ESR Alert -Community report of a potential breach of an EA condition - Adani Carmichael Coal Mine
Attachment : 030619 - Adani - Carmichael Coal Mine - 7.30 report - ABC (002).docx;

Hi Alisha,

I have made the changes and also added a dot point that the EDO did not provide any evidence, however has promised to provide further information in person at a future date.

I have also attached a media statement that is awaiting an approval from Dean.

Thanks

ALERT CATEGORY:
- Customer/stakeholder activity;

ALERT NAME:
- Notification of non-compliance with conditions of an environmental authority (EA) –Adani Carmichael Mine. Community report of a potential breach of an EA condition – Adani Carmichael Coal Mine

CUSTOMER DETAILS:
- Adani Mining Pty Ltd.
- Level 25, 10 Eagle Street, Brisbane QLD 4000.

SUMMARY OF ISSUE/S:
- On 3 June 2019, the Department of Environment and Science (DES) received information from the Environmental Defenders Office Qld (EDO) alleging that it has obtained evidence to show that Adani has undertaken significant ground disturbance at the Carmichael Coal Mine.
- The EDO did not provide the evidence it has in the original report but has promised to provide further information in person at a future date.
- The EDO alleges that Adani may have cleared potential habitat for the Black-throated Finch (BTF) before the BTF management plan was approved by DES.
- The BTF was approved by DES on 31 May 2019.
- Under the environmental authority (EA), significant mining activities cannot commence until one outstanding management plan has been approved by DES. The outstanding plan is the Groundwater Dependent Ecosystem Management Plan.
- On 3 June 2019, the ABC's 7:30 TV program contacted DES seeking to know if Adani was being investigated for these allegations.

POTENTIAL IMPACTS / RISKS:
- There is a significant community and media interest in the Adani Carmichael Coal Mine project.

CUSTOMER ACTIONS:
- Adani has not contacted DES concerning these matters.

DEPARTMENT ACTIONS:
[HISTORICAL ACTIONS]
- On 10 September 2018, DES commenced a formal investigation into dewatering bores and site clearing that had been undertaken at the Carmichael Coal Mine.
- Additionally, on 18 September 2018, Adani provided information to DES about inaccuracies in reports it had submitted in relation to the clearing.
- This investigation is yet to be finalised.

[PLANNED ACTIONS]
- Upon receipt of further information from EDO, DES will review to determine if a formal investigation into the allegations is required.
- If the formal investigation identifies that Adani has committed an offence under the *Environmental Protection Act 1994*, enforcement action will be taken by DES in accordance with DES's Enforcement Guidelines.

LOCALITY DETAILS AND PHOTOGRAPHS:
- The Carmichael Coal Mine is located approximately 160km north-west of the town of Clermont. The project is predominantly within the Local Government Area of Isaac Regional Council.

KEY COMMUNICATION MESSAGES:
- DES will respond to any non-compliances in accordance with the DES's Enforcement Guidelines.

CONSULTATION WITH MEDIA TEAM:
- Consultation has been held with the DES media unit. A draft media statement is attached.

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CONTACT DETAILS:

- Name: Melissa Wells, Executive Director, Coal and Central Queensland Compliance.
- Phone number: (07) 4987 9343.
- 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

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Date : 5/06/2019 8:44:25 PM
From : "CAGNEY Justin"
To : "INONDA William"
Cc : "WELLS Melissa" , "STEWART Alisha" , "CONNORS Sophie" , "MCCOSKER Juliana"
Subject : Re: Plan of Operations [SEC=OFFICIAL:Sensitive, ACCESS=LegalPrivilege, ACCESS=LegislativeSecrecy]
Attachment : image001.jpg;image004.png;

Thanks Will.

Regards,

null

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

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

On 5 Jun 2019, at 8:41 pm, INONDA William <William.Inonda@des.qld.gov.au> wrote:

Hi all,

For your information, this evening at 4:58pm and 5:30pm I received a telephone call from the federal government (Valerie) and [redacted] Adani respectively. Both wanted to know if I had seen the ABC story and what action DES was doing or proposed to do in response.

I advised both that DES was made aware of the allegations on 3/6/19 but is yet to receive any evidence to substantiate these claims. However, the EDO had promised to provide all the evidence at a later date. Therefore, DES is not taking any action until the evidence is received, reviewed and deemed to warrant an investigation.

Valerie advised that she had spoken to [redacted] from Adani) who stated that the activities undertaken so far at the site are in total compliant with QLD state approvals. Valerie has requested additional information from [redacted] (no timeframe).

[redacted] advised me that Adani has been undertaking some activities at the site which are in compliant with their current approvals. I advised [redacted] that DES investigates all community reports without bias and in line with established procedures and that I will be in touch, if required, after receiving all the information from the EDO.

Cheers

William Inonda
Compliance Delivery Manager
Emerald Compliance Centre I Coal and Central Queensland Compliance
Department of Environment and Science

Desk: 07 4987 9303
Mob [redacted]
99 Hospital Road Emerald 4720
PO Box 3028, Emerald QLD 4720

From: [redacted]@environment.gov.au>
Sent: Wednesday, 5 June 2019 6:06 PM
To: INONDA William
Cc: Grant Liddy
Subject: FYI: Plan of Operations [SEC=OFFICIAL:Sensitive, ACCESS=LegalPrivilege, ACCESS=LegislativeSecrecy]

Hi William,

For your visibility, please see attached a copy of Adani's current Plan of Operations for the Carmichael Coal Mine.

Kind regards

[redacted]
Assistant Director

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Environmental Audit Section
Office of Compliance
Phone 02 6274 1206
Department of the Environment and Energy
(6) Personal infor@environment.gov.au
GPO Box 787 Canberra ACT 2601

From: sch4p4(6) Personal information @adani.com.au]
Sent: Wednesday, 5 June 2019 6:01 PM
To: Grant Liddy <Grant.Liddy@environment.gov.au>; sch4p4(6) Personal information @environment.gov.au>
Subject: Plan of Operations

Good afternoon Grant and Personal i

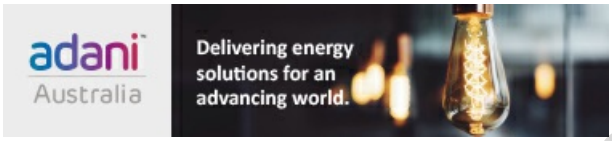
For your reference, please find attach a copy of Adani's current Plan of Operations for the Carmichael Coal Mine.

Kind regards,

6) Personal inf

sch4p4(6) Personal information

E 4(6) Personal inform@adani.com.au
P office: +61 7 3223 4800 | direct: ch4p4(6) Personal informatio
A Level 25, 10 Eagle Street, Brisbane, QLD, 4000
P GPO Box 2569, Brisbane, QLD, 4001
W adaniaustralia.com



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Privilege, confidentiality and copyright associated with this email is not waived.

<Plan of Ops_amendment_29032019_merged_final.pdf>

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