

Date : 19/12/2018 5:36:55 PM
From : "Brendan Wintle"
To : "MCCOSKER Juliana"
Cc : "Cassie Watts"
Subject : FW: re. Grant Deed
Attachment : grant-deed-instruction-sheet for BTFMP independent scientific review - UoM.docx;

Hi Juliana,
Relevant details in the grant deed attached (Uni insurance stuff etcc). Note below that the advice from business manager is that procurement may be simpler. I agree.

Thanks and please let me know what you think about moving it over to a procurement.

The 20K should actually be ex-GST, not incl-GST. So that adds 2K to the overall cost. Nonetheless, it looks like we should be able to keep the overall cost down to something like 27K at the 5 other partners wont attract UoM multiplier because they are not from UoM. The overall cost of this is still extremely low (which I'm fine with) given the high level of advice sought and the high institutional and reputation risks involved, and the fact that none of us really want to do this while we're on summer holidays. I hope you agree :]

Brendan.

From: Cassie Watts <cwatts@unimelb.edu.au>
Date: Wednesday, 19 December 2018 at 5:36 pm
To: Brendan Wintle <b.wintle@unimelb.edu.au>
Subject: RE: re. Grant Deed

Hi Brendan,
This is an internal document for QLD DES. I think we can work with a grant, but generally grants come with a financial acquittal, so we may need to make sure your salary is costed to the project when the time comes, and may have to do some creative accounting with the School and ask for some \$\$ when they have a salary saving. [I think this seems cumbersome and difficult – BW]

Otherwise I would be recommending procurement of service. Either they can provide the service agreement or UoM can. We can provide a research consultancy agreement or a service agreement. Generally these do not have financial acquittals linked. We invoice, they pay when they feel they have received the service contracted – end of story. [sounds better - BW]

I have added in the UoM details to their document, and put myself as the contact, so we can get the paperwork moving for you.
Note that the \$20k was inc GST. [That wasn't agreed – Juliana – please note that the 20K should be exclusive of GST – meaning the base cost is 20K+GST]

Section 8 lists the wrong year for invoicing/payments (2018). I think it should say 2019.

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Cheers Cassie

From: Brendan Wintle
Sent: 19 December, 2018 4:25 PM
To: Cassie Watts <cwatts@unimelb.edu.au>
Subject: FW: re. Grant Deed

From: MCCOSKER Juliana <Juliana.Mccosker@des.qld.gov.au>
Date: Wednesday, 19 December 2018 at 9:55 am
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Ciao for now

Juliana

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Please complete this Instruction Sheet and send it to In-house Legal, accompanied by a completed Legal Service Request. Please contact In-house Legal for assistance if you are unsure how to complete any part of this Instruction Sheet. The information which you provide will be used to prepare a Grant Deed containing the Department's standard provisions, including in respect of the Recipient's obligations, payment of funding, expenditure of funding, confidentiality, record keeping and audits and other standard provisions.

Additional information may be required for program templates and capital works grants.

1. Party details

Department:

Party Name: State of Queensland acting through the Department of Environment and Science

ABN: 46 640 294 485

Street Address: 99 Hospital Road

Contact Officer Name: Juliana McCosker

Contact Officer Postal Address: P.O. Box 3028 Emerald QLD 4720

Contact Officer Telephone: (07) 49879356

Contact Officer Facsimile: [insert details]

Contact Officer Email: juliana.mccosker@des.qld.gov.au

Recipient:

Party Name: The University of Melbourne

ABN/ACN: 84 002 705 224

Street Address: School of BioSciences, BioSciences 2, The University of Melbourne, 3010

Contact Officer Name: Ms Cassie Watts

Contact Officer Postal Address: School of BioSciences, BioSciences 2, The University of Melbourne, 3010

Contact Officer Telephone: 03 8344 5066

Contact Officer Facsimile: NA

Contact Officer Email: cwatts@unimelb.edu.au

2. Term

Commencement Date: 4 January 2019

Expiry Date: 4 March 2019

3. Activity

To undertake an independent external scientific review via an expert panel of contracted scientists of the Black-throated Finch Management Plan as submitted by Adani to the Environmental Services and Regulation (ESR) division of the Queensland Department of Environment and Science.

4. Activity period

Activity Commencement Date: 4 January 2019
Activity End Date: 16 February 2019

5. Milestones

What milestones need to be achieved for payment of the Grant or Grant instalments? Please complete the table below. Add extra rows, if required. If possible, try to link milestones to the payment of funding and/or provision of Reports in Section 10. Make sure milestones are S.M.A.R.T. (ie Specific, Measurable, Assignable (who is responsible for achieving?), Realistic and Time-Related)

	Milestone description	Completion date
1.	Provision of a draft written report by the Expert Panel of the Black-Throated Finch Management Plan (BTFMP) and written recommendations to the department regarding a science-based response to the BTFMP	15 February 2019
2.	Provision of final written report by the Expert Panel of the BTFMP and written recommendations to the department regarding a science-based response to the BTFMP	1 March 2019

6. Recipient's Contribution

NIL

7. Standards

The content of the BTFMP, the report and recommendations provided to the department are confidential material and not be distributed to any person(s) outside the review panel. The report provided as a result of this Grant Deed is the intellectual property of the Department of Environment and Science.

8. Grant

Please provide evidence of approval for the Grant – program guidelines, funding application, etc. Please complete the table below.

For completion of the 'Instalment description' column: If the funds are to be paid in one instalment, delete the 'Year 1' and 'Year 2' rows. If payment is to be made in instalments, delete the first row below and add or remove rows as required depending on the number of instalments.

For completion of the 'Payment dates' column: Payment dates may be fixed dates, eg where the funds are required to commence or continue the Activity OR they may be described by reference to an event eg 7 Business Days after providing a particular Report, or achieving a particular Milestone, or after the Recipient has incurred particular expenses and issued a tax invoice to the Department attaching copies of invoices/receipts.

Instalment description	Amount	Payment date
ONE OFF PAYMENT	\$20,000 inclusive of GST	4 March 2018
TOTAL:	\$20,000 inclusive of GST	

9. Using Grant for permits, registrations and licences

NIL

10. Reports

What Reports does the Recipient need to provide? Please complete the table below. If more than one progress report or Financial Acquittal Report is required, add rows to the table.

The Department should consider what information it requires for itself and under any head agreements and include these requirements in the 'Report contents and form' column.

Financial Acquittal Reports are reports about the Recipient's financial performance in connection with carrying out the Activity: If funding is paid in advance to the Recipient, when will the Recipient be required to demonstrate that the Department's funds have been fully acquitted eg before the next instalment is paid, or only at the end of the project?

Report	Report contents and form	Submission date
Draft report and recommendations	<p>The review must address the following questions:</p> <ol style="list-style-type: none">1. Does the BTFMP as submitted identify and address all the impacts with respect to the proposed loss and disturbance of BTF habitat and impact on BTF populations?2. Are the proposed management and mitigation measures as detailed in the BTFMP commensurate with the impacts?3. Within the scope of the Environmental Authority conditions (I6, I8 and I9), are there any significant omissions that should be addressed in the BTFMP?4. Does the BTFMP as submitted provide management and mitigation measures that are based on the best available science and conservation knowledge?5. If the management and mitigation measures are not based on the best available science and conservation knowledge, from an expert's perspective what inclusions are necessary to ensure that the BTFMP is consistent with the best available science and conservation knowledge?6. Overall, from a scientific expert's perspective does the BTFMP as submitted provide an acceptable approach to plan, manage and mitigate the impacts of the proposed Carmichael Coal Mine on the BTF populations and habitat within the project area?7. Please provide any additional comments on the BTFMP as submitted, which would ensure that the BTFMP	15 February 2019

Report	Report contents and form	Submission date
	better meets its objective as stated in the Environmental Authority conditions.	
[Financial Acquittal Report/s]	The Recipient's financial performance in connection with carrying out the Activity, for the period [insert period] [insert details of the form required by the Department, if required]	1 March 2019
Final Report	The final report on the independent scientific expert panel review of the BTFMP must contain the following: 1. Advice on the seven questions as detailed in the draft report. 2. Recommendations to the department regarding a science-based response to the BTFMP.	1 March 2019

11. Assets

Assets are items of property.

Can the Recipient use the Grant to purchase Assets?

[Yes/No - If only specific Assets, please list these]

12. Insurance

Public Liability:

[insert amount, eg \$20,000,000.00]

During the Term

Workers' Compensation:

As required by law

During the Term

Professional Indemnity:

[Is this required? If yes, insert the amount, eg \$1,000,000.00. If not, insert 'NIL'.]

During the Term and for 12 years after the Expiry Date

[specify other type of insurance required eg if the Recipient can purchase Assets, they should be insured. If no other insurance is required, put "NIL"]:

[insert amount. If no other insurance, insert "NIL"]

[insert duration of insurance eg. During the Term. If no other insurance, delete this line]

13. Intellectual Property

Is the Department contributing its own intellectual property to the project?

NIL

14. Guarantee

Does the Recipient need to provide a contract performance guarantee?

NIL

15. Special Conditions

Are there any specific terms for the funding which are unique to the Recipient?

NIL

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Date : 4/01/2019 4:22:42 PM
From : "MCCOSKER Juliana"
To : "'Brendan Wintle'", "Cassie Watts"
Subject : RE: re.
Attachment : image002.png;

Please send me back a signed copy.

Ciao for now

Juliana

From: Brendan Wintle <b.wintle@unimelb.edu.au>
Sent: Friday, 4 January 2019 2:49 PM
To: MCCOSKER Juliana; Cassie Watts
Subject: Re: re.

Thanks Juliana,
I've forwarded it on to our research office who handles all such things. I'll let you know as soon as its signed.

Best,
Brendan.

From: MCCOSKER Juliana <Juliana.Mccosker@des.qld.gov.au>
Date: Thursday, 3 January 2019 at 4:23 pm
To: Cassie Watts <cwatts@unimelb.edu.au>
Cc: Brendan Wintle <b.wintle@unimelb.edu.au>
Subject: re.

Hi Cassie and Brendan,

Please see attached Grant Deed for your consideration. If you are happy with the Deed could you please print, execute and return a scanned copy of the signed document to me. Please do not hesitate to contact me.

Ciao for now

Juliana



Juliana McCosker
Director
Business Centre Coal - Coal and Central Queensland Compliance
Department of Environment and Science
P 07 4987 9356 M sch4p4(6) P4
99 Hospital Road, Emerald QLD 4720
PO Box 3028, Emerald QLD 4720

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Date : 4/01/2019 4:10:01 PM
From : "MCCOSKER Juliana"
To : "'Brendan Wintle'", "Cassie Watts"
Subject : RE: re.
Attachment : image002.png;

Thank you, Brendan.

Ciao for now

Juliana

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Date : 19/12/2018 3:32:51 PM
From : "MCCOSKER Juliana"
To : "Brendan Wintle"
Subject : RE: re. Grant Deed

Hi Brendan,

Is there any way we can bring things forward two weeks? No worries about the time frame. Let me know when you know. sch4p4(6) Personal
sch4p4(6) Personal Would be good to get this all squared away in the first week of January.

Ciao for now

Juliana

From: Brendan Wintle [mailto:b.wintle@unimelb.edu.au]
Sent: Wednesday, 19 December 2018 3:29 PM
To: MCCOSKER Juliana <Juliana.Mccosker@des.qld.gov.au>
Subject: Re: re. Grant Deed

Hi Juliana,
I've finally found someone still on campus to look at this – but its going to take a couple of days to sort out what is best here as half the legal and support people are already on leave, including both my PA and Business Manager! I'll get back to you as soon as I have advice. The material itself looks fine to my non-legally trained eye. The only thing I would say is that we need to extend the 'activity time' to be all of Feb through to early March so that any later work we have to do after feedback doesn't put us in breach of contract.

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Date : 20/12/2018 8:55:41 AM
From : "MCCOSKER Juliana"
To : "Brendan Wintle"
Cc : "Cassie Watts"
Subject : RE: re. Grant Deed

Hi Brendan,

Thank you for additions to the draft deed. Can you please provide me with a quote for the work so that I can activate the procurement process which I think will be faster. Additionally, could you please provide the public liability, worker's compensation and professional indemnity information.

Totally agree that the overall cost is within reason given the circumstances.

Ciao for now

Juliana

From: Brendan Wintle [mailto:b.wintle@unimelb.edu.au]
Sent: Wednesday, 19 December 2018 5:37 PM
To: MCCOSKER Juliana <Juliana.Mccosker@des.qld.gov.au>
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From : "Brendan Wintle"
To : "MCCOSKER Juliana" , "Cassie Watts"
Subject : Re: re.
Attachment : image001.png;

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Date : 13/12/2018 4:51:30 PM

From : "BENNINK Kate"

To : "ELLWOOD Dean"

Cc : "ESR" , "LOWE Trinity" , "WELLS Melissa" , "MCCOSKER Juliana" , "CAGNEY Justin"

Subject : ESR Alert - Independent Scientific Panel Review of Black-throated Finch Management Plan for Adani Carmichael Coal Mine

Attachment : DDG Letter to Prof B Wintle - 07-12-18.pdf;RE: Expert Review - Black Throated Finch Management Plan (BTFMP);
Dean,

Please see below alert.

Regards,
Kate

ALERT CATEGORY:

- Departmental activity.

ALERT NAME:

- Independent Scientific Panel Review of Black-throated Finch Management Plan for Adani Carmichael Coal Mine

CUSTOMER DETAILS:

- Adani Mining Pty Ltd (Adani).
- Level 25, 10 Eagle Street, Brisbane QLD 4000.

SUMMARY OF ISSUE/S:

- The Black-throated Finch Management Plan (BTFMP) must be approved prior to the commencement of Stage 2 activities (significant disturbance) at Carmichael Coal mine as per condition I6 of the environmental authority.
- There is no statutory timeframe for assessment and approval of the BTFMP.
- On 7 December 2018, the department wrote to the National Director of the National Environmental Science Program's Threatened Species Recovery Hub to request that he lead an expert panel to undertake an independent scientific review of the BTFMP (attached).
- Independent scientific review by highly qualified experts in relevant fields will ensure the department's decision on the BTFMP is consistent with the very best threatened species and conservation science, and is beyond reproach in terms of its objectivity.
- On 13 December 2018, the National Director of the Threatened Species Recovery Hub agreed to carry out the expert panel review of the BTFMP (attached).
- On 14 December 2018, the Director Coal of CaCQC will contact Adani to notify that an independent scientific expert panel review will occur prior to departmental approval of the BTFMP.
- On 14 December 2018, the department will notify the Commonwealth that Adani have been advised that an independent scientific expert panel review will occur prior to departmental approval of the BTFMP.
- The independent scientific review is expected to take up to 8 weeks, which will extend the timeframe for the department's assessment of the BTFMP.

POTENTIAL IMPACTS / RISKS:

- Adani have recently made media announcements that they are self-financing the project in order to commence in the near future.
- Adani are likely to make representations to senior governmental officials to seek approval of remaining plans so that activity can commence on site.

CUSTOMER ACTIONS:

- 2 November 2018 - Adani submitted the latest version BTFMP to the department for approval.

DEPARTMENT ACTIONS:

[PLANNED ACTIONS]

- 14 December 2018 - the department will provide the most recent version of the BTFMP to the panel chair for the review to commence.
- 14 December 2018 – the department will inform Adani that an independent scientific expert panel review will be conducted.
- 14 December 2018 – the department will advise the Commonwealth that an independent scientific expert panel review will be conducted.

LOCALITY DETAILS AND PHOTOGRAPHS:

- The Carmichael Coal Mine is located approximately 160km north-west of the town of Clermont. The project is predominantly with the Local Government Area of Isaac Regional Council.

KEY COMMUNICATION MESSAGES:

- The Department of Environment and Science will ensure that a robust scientific assessment of the Black-throated Finch

Management Plan is undertaken prior to approval.

- An independent scientific review by an expert panel will ensure that the Black-throated Finch Management Plan is consistent with the very best threatened species and conservation science, and is beyond reproach in terms of its objectivity.

CONTACT DETAILS:

- Name: Melissa Wells, ED CaCQC
- Phone number: (07) 4987 9343
- Division: ESR

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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Department of
Environment and Science

Our Ref: CTS 35829/18

07 DEC 2018

Professor Brendan Wintle
Professor in Conservation Ecology
Biosciences School
The University of Melbourne
PARKVILLE CAMPUS VIC 3010
b.wintle@unimelb.edu.au

Dear Professor Wintle

I write regarding a request for you and relevant colleagues to undertake an Expert Review of the submitted Black Throated Finch Management Plan (BTFMP), received from Adani in relation to its proposed Carmichael coal mine in Queensland.

The Environmental Services & Regulation (ESR) division of the Queensland Department of Environment and Science has been assessing this BTFMP, in parallel with the Commonwealth Department of Environment. This is a required component of the overall suite of approvals Adani requires for the proposed mine.

The ESR division of the department wishes to ensure that a final decision regarding the potential approval of the BTFMP is consistent with the very best threatened species and conservation science, and is assessed and reviewed externally to government by highly qualified experts in relevant fields. This will help ensure the final decision is both guided by independent scientific analysis and beyond reproach in terms of its objectivity.

I understand that as both a Professor in Conservation Ecology, and the National Director of the National Environment Science Program's Threatened Species Recovery Hub, you are the recognised and most suitably qualified expert to approach in this regard.

I therefore invite you as a leading scientist to form a panel of up to six experts, highly experienced and qualified in relevant fields, to perform an external review of the BTFMP. This work would be performed as a panel of contracted scientists and science leaders, rather than under the auspices of the NESP Threatened Species Recovery Hub.

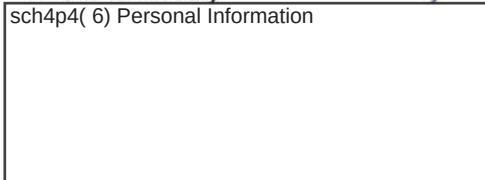
The attached draft Terms of Reference would guide the work of the Expert Panel, and lays out the proposed conduct of the review in terms of time, costs and report.

I look forward to hearing back from you at your earliest convenience regarding your preparedness to undertake this work, and your acceptance of this offer.

Should you require any further information, you may contact Ms Melissa Wells, Executive Director, Coal and Central Queensland Compliance of the Department of Environment and Science on telephone (07) 4987 9343 or by email at melissa.wells@des.qld.gov.au.

Yours sincerely

sch4p4(6) Personal Information



Dean Ellwood

**Deputy Director-General
Environmental Services and Regulation**

Encl.