

Scott Whitby

From: Thomas, Hedley <thomash@theaustralian.com.au>
Sent: Wednesday, 9 October 2013 4:47 PM
To: Scott Whitby
Subject: clive palmer

Scott

<http://www.abc.net.au/austory/content/2012/s3859282.htm>

Clive Palmer – from transcript of his full recent interview with ABC's Australian Story.

Well, that's not true. But it is true that there are corrupt ministers in the Newman government. It is true that we've got the evidence of that, which will come out before the next state election. It is true that there is illegal payments being made, that there are favours being done which are not in the best interest of Queensland, that we've got documentary evidence of that. And well show that before the next state election. They can see who's telling the truth, and of course members of the LNP voted for me in droves in the seat of Fairfax here, you know, that that's how they feel really.

Hedley Thomas

National Chief Correspondent

The Australian

Level 1, Cnr Mayne Road & Campbell Street, Bowen Hills, QLD, 4006

T: +61 7 3666 7463 | M: +S.73 Telephone N

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RTIP76

Scott Whitby

From: Thomas, Hedley <thomash@theaustralian.com.au>
Sent: Wednesday, 9 October 2013 6:33 PM
To: Scott Whitby
Subject: RE: clive palmer

Thanks Scott

Cheers

Hedley Thomas

National Chief Correspondent

The Australian

Level 1, Cnr Mayne Road & Campbell Street, Bowen Hills, QLD, 4006

T: +61 7 3666 7463 | F: +61 7 3666 7499 | M:

E:

thomash@theaustralian.com.au  <http://www.theaustralian.com.au/subscribe>  <http://twitter.com/#!/australian>  <http://pages.e.newsdigitalmedia.com.au/GPC?a=TheAustralian>

From: Scott Whitby [mailto:Scott.Whitby@ministerial.qld.gov.au]
Sent: Wednesday, 9 October 2013 5:30 PM
To: Thomas, Hedley
Subject: RE: clive palmer

Hi Hedley

Here's a couple of pars for you.

A Queensland Government spokesman said:

"Mr Palmer has been coming up with wild conspiracy theories and making unsubstantiated allegations against the Queensland Government for more than a year, and has always failed to back up his claims.

"If Mr Palmer does have evidence of illegal activity as he claims, he should do the right thing and immediately provide it to the relevant authorities.

"Put up or shut up."

Regards,



Scott Whitby
Deputy Director
Government Media Unit
Office of the Hon. Campbell Newman MP | Premier of Queensland
Phone: 07 3719 7021 | Fax: 07 3221 1809 | Mobile:
Executive Building | 100 George Street | Brisbane | QLD 4000
PO Box 15185 | City East | Brisbane | QLD 4002
Great State. Great Opportunity.

From: Thomas, Hedley [mailto:thomash@theaustralian.com.au]
Sent: Wednesday, 9 October 2013 4:47 PM

To: Scott Whitby
Subject: clive palmer

Scott

<http://www.abc.net.au/austory/content/2012/s3859282.htm>

Clive Palmer – from transcript of his full recent interview with ABC’s Australian Story.

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Hedley Thomas

National Chief Correspondent

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Please consider the environment before printing this email.

Aaron Wakeley

From: Thomas, Hedley <thomash@theaustralian.com.au>
Sent: Sunday, 20 October 2013 11:13 AM
To: Aaron Wakeley
Subject: letter - cmc - palmer

Aaron, fyi. The follow up was going to be on the government's letter to CMC. Can you check please.

Cheers

Hedley

Newman calls Palmer on claims of ministerial corruption

- by:*HEDLEY THOMAS*
- From:*The Australian*
- October 10, 2013 12:00AM

- See more at: <http://www.theaustralian.com.au/national-affairs/state-politics/newman-calls-palmer-on-claims/story-e6frgczx-1226735730914#sthash.EvMbVyJ6.dpuf>

CLIVE Palmer claims to be in possession of evidence that "illegal payments" are being made to "corrupt" ministers of Queensland's Newman government. The assertions have baffled Liberal National Party ministers and Premier Campbell Newman, whose government is being targeted by Mr Palmer after refusing to yield to the tycoon's demands to help his companies develop coal reserves. The government called on Mr Palmer to: "Put up or shut up." "Mr Palmer has been coming up with wild conspiracy theories and making unsubstantiated allegations against the Queensland government for more than a year, and has always failed to back up his claims," a spokesman said. "If Mr Palmer does have evidence of illegal activity, as he claims, he should do the right thing and immediately provide it to the relevant authorities. Put up or shut up." It is understood that Mr Palmer has provided neither evidence nor a complaint to the Crime and Misconduct Commission or to police. In comments transcribed but not broadcast by ABC TV's Australian Story, Mr Palmer said his "evidence" would be shown before the next state election, due in 18 months. "But it is true that there are corrupt ministers in the Newman government," he said. "It is true that we've got the evidence of that, which will come out before the next state election." It is true that there is (sic) illegal payments being made, that there are favours being done which are not in the best interest of Queensland, that we've got documentary evidence of that. "Under Section 133 of the Criminal Code of Queensland it is an indictable offence, carrying a penalty of up to three years' jail, to withhold evidence of a criminal act in exchange for a benefit. In response to questions from The Australian yesterday, Mr Palmer, who has previously made false claims about his earnings, academic qualifications, business record, legal success and wealth, did not repeat his assertions that Newman government ministers were receiving illegal payments. Asked if he was withholding evidence of a serious crime, the leader of the Palmer United Party, which has won the balance of power in the federal parliament with three Senate seats, replied: "Wait to the state election." Mr Palmer -- whose run for the Sunshine Coast seat of Fairfax is subject to a recount -- has pledged to run candidates in the state election in a bid to destroy the Newman government, which was previously a major beneficiary of his donations. The relationship fell apart after Mr Palmer's Galilee Basin coalmining aspirations were set back by a government decision to favour a rival company. "Our point is decisions have not, and are not being, made for the good government of Queensland but for commercial purposes, against the obligation of ministers to make decisions in the interest of the state," he said yesterday. "I (am) not withholding anything. Anyone can make a complaint to police. In my judgment, based on the Fitzgerald inquiry,

ministers only act for commercial (reasons) against the public interest if they are being corruptly paid. That's my opinion."The Australian Story program's full interview with Mr Palmer was not broadcast but a transcript of 10,000 words has been made available. Mr Palmer says in the transcript: "Well, I don't say I'm a billionaire! I've never said that. I've never said I've got any money. I just don't comment on myself, my business; why should I?" His claim is contradicted by his repeated assertions about his assets and wealth, including a claim he made earlier this year in response to questioning by The Australian that he earns \$500 million a year in royalties from Chinese company CITIC Pacific. The claim was immediately rejected as false by CITIC, which is embroiled in Supreme Court litigation over Mr Palmer's royalty demands for the mining by CITIC of iron ore reserves in the Pilbara in Western Australia. Mr Palmer has launched Supreme Court defamation proceedings against The Australian over four articles. In the Australian Story transcript, however, he thanks the newspaper for the coverage he insists helped him garner votes in the election last month. - See more at: <http://www.theaustralian.com.au/national-affairs/state-politics/newman-calls-palmer-on-claims/story-e6frgczx-1226735730914#sthash.EvMbVyJ6.dpuf>

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Gerard Reilly

From: Lynette Keep
Sent: Wednesday, 6 November 2013 1:16 PM
To: Media Unit
Subject: Fwd: Waratah EPO - urgent request for media response dot points

Hi team,

I was planning on sending the following information to both Owen Jacques and ABC following media requests.(I will of course take the top line out) .

Minister spoke on this at Gladstone.

Any problems please advise.

Thanks Lyn :)

Begin forwarded message:

From: Troy Collings <Troy.Collings@ministerial.qld.gov.au>
Date: 5 November 2013 3:48:50 pm AEST
To: Lee Anderson <Lee.Anderson@ministerial.qld.gov.au>
Cc: Lynette Keep <Lynette.Keep@ministerial.qld.gov.au>, Paul Leven <Paul.Leven@ministerial.qld.gov.au>, Michael Prain <Michael.Prain@ministerial.qld.gov.au>, Ben Myers <ben.myers@ministerial.qld.gov.au>
Subject: Fwd: Waratah EPO - urgent request for media response dot points

As below.

Troy Collings
Chief of Staff
Minister for Environment
and Heritage Protection

Note that while Waratah were verbally advised yesterday afternoon of our intention to issue an EPO, the EPO has not been issued yet, but will be by COB today.

- *Waratah Coal Pty Ltd (Waratah) is the principal Holder of Environmental Authority MIN200614607, which authorises mining activities under the Environmental Protection Act 1994, for an Exploration Permit Coal (EPC) 1040 in the Alpha Region.*
- *Waratah has carried out exploration activities on EPC 1040 since August 2009, to support investigations as part of the China First Project.*
- *The Department of Environment and Heritage Protection (EHP) has received a number of complaints from landholders regarding possible aquifer contamination and the potential for associated impacts on landholder's bores as a result of un-rehabilitated exploration drill holes.*

- *Most of these complaints have been regarding approximately 300 exploration drill holes, which have not been decommissioned and extended delays by Waratah in commencing decommissioning activities.*
- *EHP conducted a site inspection on 2 and 3 July 2012 and confirmed that a number of exploration drill holes remained un-rehabilitated.*
- *At the time of the site inspection EHP sort advice from the Principal Hydrologist, working for the Department of Natural Resources and Mines (DNRM), who advised that the risk of inter aquifer contamination or depressurisation as a result of un-rehabilitated drill holes in the area are low.*
- *Based on the information collected as part of this inspection and subsequent investigation, EHP determined that Waratah had failed to take reasonable and practicable measures to ensure that their general environmental duty was met.*
- *In response to formal correspondence in relation to proposed enforcement actions by EHP, Waratah indicated they would commence works immediately on the provision of access by the landholder, and provided a plan detailing proposed rehabilitation activities on the property.*
- *The owners of the property have advised that they have denied Waratah access on the basis that Waratah have not negotiated an acceptable access agreement, given the scope of works required to complete rehabilitation.*
- *Following a private mediation meeting between Waratah and the landholder on 16 October 2013, EHP has been advised that an access agreement has not been reached, and that Waratah did not commit to prioritising access as a result of this mediation.*
- *EHP intends to issue Waratah with an Environmental Protection Order (EPO) on 5 October 2013, for not complying with their general environmental duty requirements, under the Environmental Protection Act 1994.*
- *The EPO will require the decommissioning and appropriate rehabilitation, or conversion to water bores of approximately 300 coal exploration drill holes.*
- *The EPO will require that the work is undertaken in accordance with best practice methods.*
- *The EPO will require regular work progress updates.*
- *The EPO will require all rehabilitation activities specified at this location, to be completed by 30 June 2014.*

Gerard Reilly

From: Andrew Powell
Sent: Friday, 8 November 2013 4:35 PM
To: Lee Anderson
Cc: Brooke Hargraves; Media Unit; Lynette Keep
Subject: Re: Clive Palmer - media enquiry

Ok by me. A

The Honourable Andrew Powell MP
Minister for Environment and Heritage Protection
Ministerial Office
Email: environment@ministerial.qld.gov.au
Phone: [07 3719 7330](tel:0737197330) | Fax: [07 3220 6231](tel:0732206231)
Electorate Office
P: [5435 2013](tel:54352013) F: [5435 2165](tel:54352165)
E: glass.house@parliament.qld.gov.au

Great State. Great Opportunity.

.....
Facebook: www.facebook.com/andrewpowellmp
Twitter: www.twitter.com/AndrewPowellMP

On 8 Nov 2013, at 4:31 pm, "Lee Anderson" <Lee.Anderson@ministerial.qld.gov.au> wrote:

This is ok to me if the Min is happy with it.

From: Brooke Hargraves
Sent: Friday, 8 November 2013 4:00 PM
To: Media Unit
Cc: Lynette Keep; Andrew Powell
Subject: FW: Clive Palmer - media enquiry
Importance: High

Hi guys,

Please see our suggested response regarding the Australian & the enquiry below.
Minister has yet to approve this as he is tied up in a meeting in his electorate but I just wanted to get your feedback so I can get it back to the journos.
FYI we have had similar enquiries from ABC Townsville & the Townsville Bulletin.

Suggested response:

Mr Palmer is well aware how serious the situation is at Queensland Nickel. Last year Mr Palmer told ABC radio that if the tailings facility were to spill "wetlands would be destroyed, the fish breeding grounds would be destroyed and you would have serious carcinogens free to affect the people of Townsville so we're taking steps to ensure that doesn't happen."

Given the seriousness of the situation, my department has been working with Queensland Nickel to ensure the spill risk is minimised and those environmental issues are addressed.

EHP approved a Transitional Environmental Program (TEP) on 11 January 2013 for Queensland Nickel to address major water accumulation issues at the Yabulu Refinery by 2 December 2013.

Under the TEP, Queensland Nickel is working to further reduce the risk of a spill from the tailings storage facility and increase contaminated water storage capacity for the 2013-14 wet season.

A lift to the tailings storage facility, in combination with improved stormwater control, is necessary to provide a spill risk of less than 1% through the 2013-14 wet season.

Queensland Nickel has carried out a range of works to improve water management however, they have indicated there is not sufficient time to carry out a lift to the tailings storage facility.

I call on Mr Palmer to stop playing politics, stop making wild accusations and focus on what is important here- and that is ensuring his tailings dam facility is safe and poses no threat to the environment, or the Townsville community.

ENDS-

Cheers,
Brooke

 **Brooke Hargraves**

Media Advisor

Office of the Hon. Andrew Powell MP | Minister for Environment and Heritage Protection

Phone: 07 3719 7336 | Fax: 07 3224 2496 | Mobile: S.73 Telephone

Level 13, 400 George Street | Brisbane | QLD 4000

GPO Box 2454 | Brisbane | QLD 4001

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From: Fraser, Cleo Mary [<mailto:CFraser@aap.com.au>]

Sent: Friday, 8 November 2013 1:19 PM

To: Brooke Hargraves

Subject: Clive Palmer - media enquiry

Importance: High

Hi Brooke,

Re: <http://www.theaustralian.com.au/news/investigations/clive-palmers-toxic-dam-at-risk-of-overflow/story-fnk76wj3-1226755314529>

Also see Palmer's release below.

- Please confirm details outlined in the Australian article regarding Palmer's nickel refinery are correct

- How concerning are these allegations and what does the minister/department propose to do about it?
- If the details are correct, what does the minister/department plan to do about the fact the refinery is **operating outside the regulatory "spill risk" limits? This is especially concerning given "there is not sufficient time prior to the commencement of the 2013-14 wet season to carry out a lift to the (tailings storage facility)".** What options are available and will the state government step in if something isn't done?
- Can you provide a copy of the briefing note mentioned in this article? If not, why?
- Palmer says the Newman government handed this confidential document to News Corp to attack Palmer politically. Did anyone from the Newman government provide this document to The Australian? If so, please provide reasons for doing so.

I need a response ASAP.

Please forward to the premier's office if Minister Powell isn't in a position to respond to the last question.

Thanks.

Cleo Mary Fraser | North Queensland Correspondent

<image005.gif>

Australian Associated Press

Level2, 127 Abbott Street, Cairns QLD 4870, Australia

T +61 7 4051 3745 M +61 08 73 73 73 Telephone

E cfraser@aap.com.au | www.aap.com.au

QNI Committed to Environmental Management: Clive Palmer

Clive Palmer has hit back at misleading reports in The Australian newspaper today regarding wastewater from the Queensland Nickel (QNI) Yabulu Refinery near Townsville.

Mr Palmer said the report by Hedley Thomas alleging the plant's tailings dam was at risk of overflowing was a "beat up" which unfortunately will only cause concern for the hardworking staff at the refinery and the local community.

"Hedley Thomas is the king of fantasy and he needs to apologise to the 1000 staff doing a great job at QNI," Mr Palmer said.

"Rubbish reports like the one in The Australian today only cause angst for these hard working people. The real story is they have done a fabulous job in helping us collectively to run a business in a tough market."

Mr Palmer said QNI was legally compliant with respect to its tailings dams and environmental management.

"The facts are that QNI and the Department of Environment and Heritage Protection voluntarily agreed to a Transitional Environmental Program (TEP) in January, 2013," he said.

"QNI is compliant with this TEP. The QNI staff have worked very hard since then to maintain its compliance through innovative solutions and continual improvements in water management. QNI is committed to the protection of both the environment and our local community."

Mr Palmer said News Limited had continually attacked him with misleading reports regarding the refinery since he bought the plant from BHP Billiton four years ago.

He said it was disappointing that now the Newman government was feeding News Limited journalists confidential documents related to QNI to attack him politically.

“It’s disgraceful that Campbell Newman is using QNI and its hardworking staff as a political football to attack me,” he said.

“As for The Australian, its editor Chris Mitchell and his chief attack dog Hedley Thomas have waged a sad campaign against me for the past five months with more than 50,000 words of rubbish published.

“The newspaper’s American owner Rupert Murdoch has been sacking large numbers of staff due to The Australian’s dwindling circulation numbers and revenue. Surely he should read the riot act to Mitchell and Thomas over their Clive Palmer obsession.”

ENDS

For further information contact

Andrew Crook

Mb:

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Aaron Wakeley

From: Lee Anderson
Sent: Wednesday, 6 November 2013 1:23 PM
To: Lynette Keep
Cc: Media Unit
Subject: Re: Waratah EPO - urgent request for media response dot points

Ok by me

Sent from my iPhone

On 6 Nov 2013, at 1:16 pm, "Lynette Keep" <Lynette.Keep@ministerial.qld.gov.au> wrote:

Hi team,

I was planning on sending the following information to both Owen Jacques and ABC following media requests. (I will of course take the top line out) .

Minister spoke on this at Gladstone.

Any problems please advise.

Thanks Lyn :)

Begin forwarded message:

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Date: 5 November 2013 3:48:50 pm AEST
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Cc: Lynette Keep <Lynette.Keep@ministerial.qld.gov.au>, Paul Leven <Paul.Leven@ministerial.qld.gov.au>, Michael Prain <Michael.Prain@ministerial.qld.gov.au>, Ben Myers <ben.myers@ministerial.qld.gov.au>
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Chief of Staff
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- *Waratah has carried out exploration activities on EPC 1040 since August 2009, to support investigations as part of the China First Project.*
- *The Department of Environment and Heritage Protection (EHP) has received a number of complaints from landholders regarding possible aquifer contamination and the potential for associated impacts on landholder's bores as a result of un-rehabilitated exploration drill holes.*
- *Most of these complaints have been regarding approximately 300 exploration drill holes, which have not been decommissioned and extended delays by Waratah in commencing decommissioning activities.*
- *EHP conducted a site inspection on 2 and 3 July 2012 and confirmed that a number of exploration drill holes remained un-rehabilitated.*
- *At the time of the site inspection EHP sort advice from the Principal Hydrologist, working for the Department of Natural Resources and Mines (DNRM), who advised that the risk of inter aquifer contamination or depressurisation as a result of un-rehabilitated drill holes in the area are low.*
- *Based on the information collected as part of this inspection and subsequent investigation, EHP determined that Waratah had failed to take reasonable and practicable measures to ensure that their general environmental duty was met.*
- *In response to formal correspondence in relation to proposed enforcement actions by EHP, Waratah indicated they would commence works immediately on the provision of access by the landholder, and provided a plan detailing proposed rehabilitation activities on the property.*
- *The owners of the property have advised that they have denied Waratah access on the basis that Waratah have not negotiated an acceptable access agreement, given the scope of works required to complete rehabilitation.*
- *Following a private mediation meeting between Waratah and the landholder on 16 October 2013, EHP has been advised that an access agreement has not been reached, and that Waratah did not commit to prioritising access as a result of this mediation.*
- *EHP intends to issue Waratah with an Environmental Protection Order (EPO) on 5 October 2013, for not complying with their general environmental duty requirements, under the Environmental Protection Act 1994.*
- *The EPO will require the decommissioning and appropriate rehabilitation, or conversion to water bores of approximately 300 coal exploration drill holes.*
- *The EPO will require that the work is undertaken in accordance with best practice methods.*
- *The EPO will require regular work progress updates.*

- *The EPO will require all rehabilitation activities specified at this location, to be completed by 30 June 2014.*

<image001.jpg>

Paul Leven

From: Fiona Procter
Sent: Friday, 1 November 2013 3:03 PM
To: Paul Leven
Cc: Troy Collings; Lynette Keep
Subject: FW: contact - thanks
Attachments: Response_Final.docx; Attachment 1QN TEP MAN16200 Notice.pdf; Attachment 2 QN TEP MAN16200 Certificate.pdf

Importance: High

Hi Paul

I think this might be the email trail that you are apparently looking for?

Kind regards
Fiona

From: Brooke Hargraves
Sent: Friday, 27 September 2013 2:31 PM
To: Thomas, Hedley
Cc: Lynette Keep
Subject: RE: contact - thanks

Hi Hedley,

Please see attached- give me a call if you have any questions.

Kind regards,
Brooke

From: Thomas, Hedley [<mailto:thomash@theaustralian.com.au>]
Sent: Wednesday, 18 September 2013 3:05 PM
To: Brooke Hargraves
Subject: contact - thanks

Hedley Thomas

National Chief Correspondent

The Australian

Level 1, Cnr Mayne Road & Campbell Street, Bowen Hills, QLD, 4006

T: +61 7 3666 7463 | M: +S.73 Telephone Nu

E: thomash@theaustralian.com.au

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CURRENT ISSUES

1. QN has been in operation since 1974 and until 1997 operated under a license issued under the *Clean Waters Act 1971*. The *Clean Waters Act 1971* was subsequently repealed and in 1997 an EA was issued under the *Environmental Protection Act 1994*.
2. The latest water levels in the TSF and comparisons with past levels are a matter that should be referred to Queensland Nickel (QN).
3. Detailed information that EHP may have on its files such as past spill risk calculations and assessments and reports provided to EHP by QN should be sought through the RTI framework to ensure any issues (such as commercial-in-confidence) can be addressed through the process.
4. EHP continues to work with QN to resolve water management issues through;
 - involvement with the Independent Science Reference Committee,
 - working to contemporise the EA
 - monitoring actions to be taken under the approved TEP
 - conducting pre wet season inspection of the site.
5. The current Environmental Authority (EA) requires a 1% AEP (average exceedance probability) spill risk on 1 November and 1 May each year. The spill risk is calculated by QN using a predictive model for the coming 12 month period. The model uses variables including for example, predicted rainfall over that period to produce a predicted spill risk.
6. EHP undertakes a range of compliance activities including site inspections to ensure if there is any non-compliance it is detected and addressed in a timely fashion. It is also a serious offence to provide false and misleading information to the Department which has a maximum penalty of over \$900,000 or 2 years imprisonment.
7. For example, each year in preparation for the next wet season EHP staff carry out pre-wet inspections of a range of sites which have large contaminated water storages such as some mining activities and including sites such as QN.
8. These inspections focus on water storage and management on these sites in the lead up to the wet season.
9. A Transitional Environmental Program was approved by EHP for the site on 11 January 2013 and expires on 2 December 2013. The TEP was approved to transition the site to compliance with condition 1C6 of the EA relating to spill risk. A copy of the approved TEP and Certificate of Approval are in Attachment 1 and 2. These documents are available on the Public Register.
10. As a part of that wet season preparation the BOM generally provide a forward outlook for the coming three months. The current outlook can be found online at [Northern Australian rainfall outlook](#)
11. The current outlook for October to December 2013 states;
 - i) The chances of a wetter or drier than normal season are roughly equal over northern and coastal Queensland, as well as parts of the NT, with the exception of the central areas south to the Queensland border

FINANCIAL ASSURANCE/ POST-OPERATION MEASURES:

Aggregate amounts for industries are publically available, however the Financial Assurance held by individual companies is not a matter of public record and to ensure third-party rights are protected, EHP requires information requests about individual companies to be made through an RTI process.

The Department also has a range of mechanisms it uses to deal with non-compliances and these tools can still be utilised where a business ceases operation. In accordance with our published enforcement guidelines the Department considers culpability for non-compliance across a range of parties including individuals and directors and, of course, the company

itself. In instances where a company ceases operation the Department in the normal course would assess the use of these tools where appropriate with parties like company directors.

All these powers and tools are not influenced at all by whether the Department holds financial assurance for a particular operation.

COMPLIANCE/ ENGAGEMENT:

EHP has maintained regular and frequent engagement with Queensland Nickel in relation to refinery operations. The department has conducted 28 meetings, briefings and site inspections (including 7 briefings with an independent scientific panel) since March 2012. In addition to these meetings there is a large volume of associated correspondence in the form of phone conversations, emails and letters as well as numerous internal meetings and discussions.

Notice

Transitional environmental programs

Decision to grant an approval for a draft transitional environmental program

This statutory notice is issued by the administering authority pursuant to section 340 of the Environmental Protection Act 1994, to advise you of a decision or action.

Your reference : NR0404DA
Our reference : MAN16200

Queensland Nickel Pty Ltd
153-205 Gooding Drive
MERRIMAC QLD 4226

c/c
Queensland Nickel Pty Ltd
PMB 5
TOWNSVILLE QLD 4810

Attention: Mr Ian Ferguson,

Re: Application for an approval for a transitional environmental program (TEP) for reducing environmental harm and transitioning to compliance with the spill risk requirements of Development Approval NR0404 at Queensland Nickel Pty Ltd, Greenvale Street, Yabulu QLD 4810.

Thank you for your application for an approval for a transitional environmental program.

Your application, which was received by this office on 8 January 2013, has been approved with conditions.

A copy of the certificate of approval, which includes the schedule of conditions, is attached.

The reasons for the decision are:

- The conditions have been added to ensure that the transitional environmental program provides appropriate protection of the environment in relation to the activities authorised under the transitional environmental program.

Fees apply for the assessment of a draft transitional environmental program and any subsequent annual returns. The fees are outlined in the attached operational policy Transitional Environmental Program Fees (EM335).

A total fee of \$1358.50 has been determined as appropriate for the assessment of your draft transitional environmental program in line with the above mentioned operational policy.

A fee of \$1358.50 is payable and an invoice will follow shortly.

You may apply to the chief executive for a review of this decision within 10 business days of receiving this

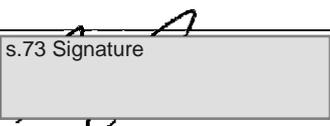
Decision notice regarding a transitional environmental program

notice. You may also appeal against this decision to the Planning and Environment Court.

The information sheet—Internal review and appeal to Planning and Environment Court (EM1866) outlining the review and appeal processes under the *Environmental Protection Act 1994* is attached. This information is intended as a guide only. You may have other legal rights and obligations.

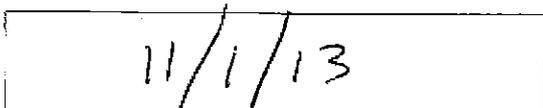
Should you have any queries in relation to this notice, Chris Wake on telephone (07) 4722 5371 would be happy to assist you.

s.73 Signature



Signature

11/1/13



Date

Dean Sharpe
 A/Manager Mining and Industry - Northern
 Delegate of the chief executive
Environmental Protection Act 1994

Enquiries:
 Department of Environment and Heritage
 Protection (Townsville)
 Phone: (07) 4722 5353
 Fax: (07) 4722 5351

Attachments

Certificate of approval

Information sheet—Internal review and appeal to Planning and Environment Court (EM1866)

Notice

Environmental Protection Act 1994

Transitional environmental program certificate of approval number MAN16200

This certificate of approval is issued by the administering authority pursuant to section 339 of the Environmental Protection Act 1994. A transitional environmental program is a specific program that, when approved, achieves compliance with the Environmental Protection Act 1994 for the matters dealt with by the program by reducing environmental harm, or detailing the transition to an environmental standard.

Under the provisions of the *Environmental Protection Act 1994*, this certificate of approval is hereby granted to:

Queensland Nickel Pty Ltd
153-205 Gooding Drive
MERRIMAC QLD 4226

approving the draft transitional environmental program; titled *Transitional Environmental Program (TEP) Water* for reducing environmental harm and transitioning to compliance with the spill risk requirements of Development Approval NR0404 at Queensland Nickel Pty Ltd, Greenvale Street, Yabulu QLD 4810.

The draft transitional environmental program, dated 8 January 2013, was received by this office on 8 January 2013.

The draft transitional environmental program is approved subject to the following conditions:

MONITORING AND REPORTING

- (1) The holder of this certificate of approval must submit a final completion report demonstrating compliance with the transitional environmental program and the conditions of this certificate of approval by 16 December 2013.
- (2) Copies of monitoring results and documents required to be prepared under this approved transitional environmental program must be provided to any authorised person or the administering authority on request.
- (3) Where the approved transitional environmental program provides for things to be done or objectives to be achieved prior to 2 December 2013, then such periods as provided for in the program apply.

RELEASE OF CONTAMINANTS

- (4) Notwithstanding any other condition of this certificate of approval or the contents of the approved transitional environmental program, the direct or indirect release of contaminants to waters must not cause environmental harm in the receiving environment.
- (5) The concentration of total ammonia must be less than 25mg/L when measured at the levee bank overflow sampling point identified in Schedule 4B Figure 3 site plan 410-0000-024 of Development Approval NR0404.

The transitional environmental program remains in force until 2 December 2013.

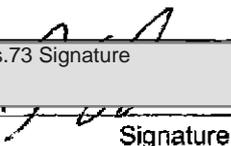
Transitional environmental program certificate of approval

In any case where conditions are imposed upon a certificate of approval, you may apply to the administering authority for a review of the decision. You may also appeal against the decision to the Planning and Environment Court.

Information relating to a review of decisions or appeals under the Environmental Protection Act is included with this notice. This information is intended as a guide only. You may have other legal rights and obligations.

Should you have any queries in relation to this notice, Chris Wake of the Department of Environment and Heritage Protection on phone number (07) 4722 5371 would be happy to assist you.

s.73 Signature



Signature

11/1/13

Date

Dean Sharpe
A/Manager Mining and Industry - Northern
Department of Environment and Heritage Protection

Enquiries:
Department of Environment and Heritage
Protection
Phone: (07) 4722 5353
Fax: (07) 4722 5351

Paul Leven

From: Troy Collings
Sent: Monday, 4 November 2013 2:49 PM
To: Michael Prain; Paul Leven
Cc: Ben Myers; Lee Anderson; Jeff Popp; Andrew Powell
Subject: Urgent enforcement advice - Waratah Coal Pty Ltd

Please note that the Minister's office have just been advised that EHP intends to issue Waratah Coal with an Environmental Protection Order (EPO) on **Tuesday 5 November 2013** for not complying with their general environmental duty requirements, under the *Environmental Protection Act 1994*.

The EPO will require all rehabilitation activities specified to be completed by 30 June 2014.

EHP is satisfied that Waratah have been given appropriate natural justice in relation to this matter.

Waratah (Nui Harris) has been advised this afternoon, Monday 4 November, of the intention to issue the EPO, who will in turn advise Mr Clive Palmer.

Our key points are:

1. Natural Justice has been provided and every opportunity to remedy this situation was afforded;
2. Operational decisions such as this are made by departmental officers; and
3. The law applies equally to everyone.

Background Information below:

Waratah has carried out exploration activities on EPC1040 in the Alpha region under Environmental Authority (EA) MIN200614607 since August 2009, to support investigations as part of the China First Project.

Since 2010, the Department of Environment and Heritage Protection (EHP) has received a number of complaints from landholders regarding possible aquifer contamination and the potential for associated impacts on landholder's bores as a result of un-rehabilitated exploration drill holes.

Most of these complaints have been received from the owners of 'Kia Ora' station near Alpha, regarding approximately 300 exploration drill holes, which have not been decommissioned, and extended delays by Waratah in commencing decommissioning activities.

EPC 1040 covers all of the Kia Ora property and part of a number of other properties in the area, with approximately 500 exploration drill holes in total remaining un-rehabilitated across the EPC,

EHP conducted a site inspection on 2 and 3 July 2012 and confirmed that a number of exploration drill holes remained un-rehabilitated.

Based on the information collected as part of this inspection and subsequent investigation, EHP determined that Waratah failed to take reasonable and practicable measures to ensure their general environmental duty was met.

EHP has made numerous attempts to facilitate the rehabilitation of drill holes on EPC1040 by Waratah, including a number of meetings and formal correspondence about the matter.

In response to formal correspondence in relation to proposed enforcement actions by EHP, Waratah indicated they would commence works immediately on the provision of access by the landholder, and provided a plan detailing proposed rehabilitation activities on Kia Ora.

The owners of 'Kia Ora' have advised that they have denied Waratah access on the basis that Waratah have not negotiated a fair access agreement given the scope of works required to complete rehabilitation.

Following a private mediation meeting between Waratah and the landholder of Kia Ora, EHP has been advised that an access agreement has not been reached, and that Waratah are unwilling to expedite the process.

Troy Collings

Chief of Staff

The Hon Andrew Powell MP | Minister for Environment and Heritage Protection

P: 3239 0877 F: 3234 2496

E: troy.collings@ministerial.qld.gov.au

Paul Leven

From: Troy Collings
Sent: Tuesday, 5 November 2013 3:49 PM
To: Lee Anderson
Cc: Lynette Keep; Paul Leven; Michael Prain; Ben Myers
Subject: Fwd: Waratah EPO - urgent request for media response dot points
Attachments: image001.jpg

As below.

Troy Collings
Chief of Staff
Minister for Environment
and Heritage Protection

Note that while Waratah were verbally advised yesterday afternoon of our intention to issue an EPO, the EPO has not been issued yet, but will be by COB today.

- *Waratah Coal Pty Ltd (Waratah) is the principal Holder of Environmental Authority MIN200614607, which authorises mining activities under the Environmental Protection Act 1994, for an Exploration Permit Coal (EPC) 1040 in the Alpha Region.*
- *Waratah has carried out exploration activities on EPC 1040 since August 2009, to support investigations as part of the China First Project.*
- *The Department of Environment and Heritage Protection (EHP) has received a number of complaints from landholders regarding possible aquifer contamination and the potential for associated impacts on landholder's bores as a result of un-rehabilitated exploration drill holes.*
- *Most of these complaints have been regarding approximately 300 exploration drill holes, which have not been decommissioned and extended delays by Waratah in commencing decommissioning activities.*
- *EHP conducted a site inspection on 2 and 3 July 2012 and confirmed that a number of exploration drill holes remained un-rehabilitated.*
- *At the time of the site inspection EHP sort advice from the Principal Hydrologist, working for the Department of Natural Resources and Mines (DNRM), who advised that the risk of inter aquifer contamination or depressurisation as a result of un-rehabilitated drill holes in the area are low.*
- *Based on the information collected as part of this inspection and subsequent investigation, EHP determined that Waratah had failed to take reasonable and practicable measures to ensure that their general environmental duty was met.*
- *In response to formal correspondence in relation to proposed enforcement actions by EHP, Waratah indicated they would commence works immediately on the provision of access by the landholder, and provided a plan detailing proposed rehabilitation activities on the property.*

- *The owners of the property have advised that they have denied Waratah access on the basis that Waratah have not negotiated an acceptable access agreement, given the scope of works required to complete rehabilitation.*
- *Following a private mediation meeting between Waratah and the landholder on 16 October 2013, EHP has been advised that an access agreement has not been reached, and that Waratah did not commit to prioritising access as a result of this mediation.*
- *EHP intends to issue Waratah with an Environmental Protection Order (EPO) on 5 October 2013, for not complying with their general environmental duty requirements, under the Environmental Protection Act 1994.*
- *The EPO will require the decommissioning and appropriate rehabilitation, or conversion to water bores of approximately 300 coal exploration drill holes.*
- *The EPO will require that the work is undertaken in accordance with best practice methods.*
- *The EPO will require regular work progress updates.*
- *The EPO will require all rehabilitation activities specified at this location, to be completed by 30 June 2014.*