

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>
Nov 2021	Penalty notices ¹	Fines issued and environmental audit ordered by the EPA after the third alleged illegal discharge of dirty water since 2020.	Tarrawonga	\$30,000
Nov 2021	Blasting Suspension ² & Prevention Notice	EPA is investigating 7 unsafe blasts causing toxic fumes to leave the mine area between Oct and Nov 2021.	Maules Creek	-
Aug 2021	Fine ³	Conviction for breaching licence conditions for 10 incidences including construction of unauthorised tracks and failing to rehabilitate drilling sites.	Narrabri Underground	\$372,500
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 ⁴	By the EPA, for burying waste tyres on site without being licenced to do so	Maules Creek, Tarrawonga and Werris Creek.	-
Mar 2021	Prosecution	EPA prosecuted following three pollution events, two of which saw styrofoam balls being carried into Back Creek & Maules Creek ⁵	Maules Creek	\$158,000
Feb 2021	Warning letter	From Dept Planning regarding removal of infrastructure prior to Heritage Management Plan approval	Maules Creek	-
Oct 2020	Fine ⁶	NSW Resources Regulator Penalty Notice for erosion of emplacement area causing pollution	Tarrawonga	
Oct 2020	Fine ⁷	Uncontrolled water discharge	Werris Creek	\$15,000 fine
Oct 2020	Official Caution ⁸	NSW Resources Regulator caution for not displaying plans	Tarrawonga	-
Sept 2020	Warning Letter ⁹	Department of Planning warning for failing to identify and protect a cultural heritage site	Narrabri Underground	-

¹ EPA press release: <https://www.epa.nsw.gov.au/news/media-releases/2021/epamedia211109-fines-for-coal-mine-for-dirty-water-discharge>

² <https://www.epa.nsw.gov.au/news/media-releases/2021/epamedia211124-maules-creek-coal-mine-directed-to-suspend-blasting>

³ Resources Regulator press release: <https://www.resourcesregulator.nsw.gov.au/sites/default/files/2021-08/Narrabri-Coal-Pty-Ltd-and-Narrabri-Coal-Operations-Pty-Ltd-convicted-and-fined-for-mining-offences.pdf>

⁴ Pers comm from the EPA. Investigation report currently being sought under GIPA.

⁵ Concluded 6 May 2022. [https://www.epa.nsw.gov.au/news/media-releases/2022/epamedia220506-maules-creek-coal-ordered-to-pay-\\$158000-for-water-pollution](https://www.epa.nsw.gov.au/news/media-releases/2022/epamedia220506-maules-creek-coal-ordered-to-pay-$158000-for-water-pollution)

⁶ Tarrawonga AR 2020 pg 83 [AEMR 2004/05 \(whitehavencoal.com.au\)](https://www.whitehavencoal.com.au/AEMR-2004-05)

⁷ 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)

⁸ Tarrawonga AR pg 84 [AEMR 2004/05 \(whitehavencoal.com.au\)](https://www.whitehavencoal.com.au/AEMR-2004-05)

⁹ Whitehaven Annual Review 2020 pg 58 [NAR-Annual Review 2020.pdf \(whitehavencoal.com.au\)](https://www.whitehavencoal.com.au/NAR-Annual-Review-2020.pdf)

Aug 2020	Enforceable Undertaking ¹⁰	Workplace health and safety submission by Resources regulator over serious WHS incident	Maules Creek	\$800,000 plus costs
Aug 20	Fine ¹¹	Pollution of a local creek	Tarrawonga	\$30,000
May 20	Official caution ¹²	For exceeding noise limits	Maules Creek	-
May 20	Fine ¹³	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 ¹⁴	Release of polystyrene balls into a local water way	Maules Creek	-
Feb 2020	Fine ¹⁵	EPA penalty notice for noise exceeded noise limits	Narrabri Underground	\$15,000
Feb 2020	Penalty notice ¹⁶	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 ¹⁷	Issued by Resources Regulator prohibiting the use of vehicles following a dangerous incident	Maules Creek	-

¹⁰ <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>

¹¹ EPA media release [EPA fines Tarrawonga Coal \\$30,000 after pollution discharge \(nsw.gov.au\)](https://www.epa.nsw.gov.au/prpoeoapp/ViewPOEONotice.aspx?DOCID=-1&SYSUID=1&LICID=1591771)

¹² Reported in *Independent Environmental Audit 2021*. March 2022.

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=RFI-37928729%2120220321T031029.874%20GMT>

¹³ EPA media release [Tarrawonga Coal fined after environmental breach at mine \(nsw.gov.au\)](https://www.epa.nsw.gov.au/prpoeoapp/ViewPOEONotice.aspx?DOCID=-1&SYSUID=1&LICID=1591771)

¹⁴ EPA Clean up notice here: <https://app.epa.nsw.gov.au/prpoeoapp/ViewPOEONotice.aspx?DOCID=-1&SYSUID=1&LICID=1591771>

¹⁵ EPA Fine: [Narrabri Coal fined \\$15,000 for excessive noise \(nsw.gov.au\)](https://www.epa.nsw.gov.au/prpoeoapp/ViewPOEONotice.aspx?DOCID=-1&SYSUID=1&LICID=1591771)

¹⁶ 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>

¹⁷ 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 ¹⁸	Natural Resources Access Regulator finds Whitehaven has taken over 3 billion litres of surface water illegally over four years	Maules Creek	\$200,000 ¹⁹
Aug 2019	Licence Suspension ²⁰	Exploration Licence 6243 suspended due to illegal track clearing impacting hollow-bearing trees.	Narrabri Underground	-
Aug 2019	Statutory Notice	Rehabilitation	Tarrawonga and Rocglen	-
Aug 2019	Suspension ²¹	Suspension of exploration licence for unlawful clearing of bushland for access tracks	Narrabri Underground	-
Jun 2019	Fine ²²	Failure to minimise dust, resulting clouds from stock pile	Narrabri Underground	\$15,000
Apr 2019	Clean up Notice ²³	Dumping combustible canisters improperly, resulting in fires breaking out at Narrabri Council's rubbish dump	Narrabri Underground	\$120,000 ²⁴
Mar 2019	Court conviction ²⁵	Blast fume left site and drifted over neighbouring properties	Rocglen	\$38,500
Mar 2019	Penalty notice ²⁶	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 ²⁷	Failing to minimise dust pollution from truck movements on haul roads	Maules Creek	\$15,000
April 2018	Official Caution	Exceeding "sound power levels" of fixed plant in 2016 and 2017 in contravention of development consent	Maules Creek	-
Mar 2018	Official caution ²⁸	From DPIE for "failure to undertake annual road noise monitoring for the 2017 calendar year"	Rocglen	-

¹⁸ 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>

¹⁹ Judgement <https://www.caselaw.nsw.gov.au/decision/17d4a1e2adbaa47aacd9bb4d>

²⁰ Resources Regulator document: <https://www.resourcesregulator.nsw.gov.au/sites/default/files/documents/suspension-notice-decision-document.pdf>

²¹ Resources Regulator suspension notice: https://www.resourcesregulator.nsw.gov.au/_data/assets/pdf_file/0005/1153634/Suspension-Notice-Decision-document.pdf

²² EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2019/epamedia190625>

²³ EPA clean up notice: <https://apps.epa.nsw.gov.au/prpoeoapp/ViewPOEONotice.aspx?DOCID=-1&SYSUID=1&LICID=1578807>

²⁴ 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)

²⁵ 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)

²⁶ 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>

²⁷ EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2017/epamedia17052202>

²⁸ This caution is cited in Rocglen Annual Review 2018.

Mar 2018	Warning letter ²⁹	Failure regarding implementation of the Blast management plan.	Tarrawonga	-
Mar 2018	Official caution	Failure regarding implementation of the Noise Management Plan	Tarrawonga	-
Mar 2017	Penalty notice ³⁰	Failing to provide the government with information and records during the blast investigation	Maules Creek	\$1,500
Aug 2015	2 penalty notices ³¹	Failure to implement proper weed and feral animal control as per Biodiversity Management Plan	Maules Creek and Tarrawonga	\$6,000
Jul 2015	Investigation ³²	Blast fumes	Maules Creek	-
Dec 2014	Penalty notice ³³	Disturbing an Aboriginal artefact	Narrabri Underground	\$3,000
Dec 2014	Penalty notice ³⁴	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. ³⁵		
Mar 2012	4 penalty notices ³⁶	Polluting waters and breaching its environment protection licences in November 2011 and January 2012	Narrabri Underground and Tarrawonga	\$6,000

²⁹ Referred to the Tarrawonga Annual Review 2018.

³⁰ EPA media release: <https://www.epa.nsw.gov.au/nePws/media-releases/2017/epamedia17030801>

³¹ 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>

³² EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2015/epamedia15070603>

³³ See Independent Environmental Audit 2017. Available here:

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

³⁴ EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2014/epamedia14120902>

³⁵ 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

³⁶ EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2012/decmedia12033003>