

**From:** Ben Doyle  
**Sent:** Wednesday, 14 February 2018 2:44 PM  
**To:** Daniel Lato; Hannah Jackson  
**CC:** @Premiers Media  
**Subject:** FW: The Australian

FYI

**Ben Doyle**

Media Advisor

**Office of the Hon. Leeanne Enoch MP**

Minister for Environment and the Great Barrier Reef,  
Minister for Science, Minister for the Arts

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**From:** [Schedule 4 - CTPI](#) @theaustralian.com.au]  
**Sent:** Wednesday, 14 February 2018 2:31 PM  
**To:** Ben Doyle <Ben.Doyle@ministerial.qld.gov.au>  
**Subject:** The Australian

Ben,

Acland have claimed that they are not being told of the reasons behind the decision. Is that the case?

What happens if the judicial review comes back with a decision that rules against the findings of the land court?

Was minister Lynham required to advise the department on this matter before this decision was made? Did he?

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Queensland editor

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**From:** Daniel Lato  
**Sent:** Wednesday, 14 February 2018 2:46 PM  
**To:** Hannah Jackson  
**Subject:** Line

I've been advised that the Department of Environment and Science (DES) has refused the Environmental Authority (EA) amendment application for the Stage Three expansion of the New Acland Coal Mine.

The onus was on New Hope to provide a case for the approval of their EA and the decision has been made based on the information they provided.

**Daniel Lato**

Acting Chief of Staff

**Office of the Hon. Leanne Enoch MP**

Minister for Environment and the Great Barrier Reef

Minister for Science and

Minister for the Arts



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**From:** Hannah Jackson  
**Sent:** Thursday, 15 February 2018 9:00 AM  
**To:** 'Alena Tracey'  
**CC:** 'DLO DES'; Daniel Lato  
**Subject:** Re: New Acland lines  
**Attachments:** Acland.docx

**Importance:** High

Hi Alena

Can you please ask the department to advise what the variable is in this line from yesterday's advice:

If the Supreme Court finds in favour of New Acland Coal in their judicial review application then it is possible that the matter **may** be referred back to the Land Court to be reheard.

Does it say "may be" because it will be the Supreme Court's decision whether or not to refer it back to Land Court?

Thanks  
Hannah

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**From:** Daniel Lato  
**Sent:** Thursday, 15 February 2018 8:51 AM  
**To:** Hannah Jackson <Hannah.Jackson@ministerial.qld.gov.au>  
**Subject:** FW: New Acland lines

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**From:** TRACEY Alena [<mailto:Alena.Tracey@des.qld.gov.au>]  
**Sent:** Wednesday, 14 February 2018 4:33 PM  
**To:** Daniel Lato <[Daniel.Lato@ministerial.qld.gov.au](mailto:Daniel.Lato@ministerial.qld.gov.au)>; Ben Doyle <[Ben.Doyle@ministerial.qld.gov.au](mailto:Ben.Doyle@ministerial.qld.gov.au)>; Tim Auguston <[Tim.Auguston@ministerial.qld.gov.au](mailto:Tim.Auguston@ministerial.qld.gov.au)>  
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**Subject:** New Acland lines

Hi everyone

Here is a set of lines around the Decision; Statement of Reasons (shouldn't need these if we use the Decision one first); and Judicial Review.

Cheers  
Alena

## Decision explanation

One of the primary concerns for the Land Court Member in his recommendation for refusal of the Environmental

Authority amendment application was the disruption to underground aquifers, which would result in impacts to landholders in the area. The groundwater modelling subject to the Land Court hearing was contested in terms of accuracy and reliability in predicting the likely impacts on groundwater in the area.

After the Land Court decision, the applicant submitted a revised groundwater model to the Department of Environment and Science. While the revised groundwater model attempted to improve upon the earlier model, the department could not be satisfied that the likely impacts on groundwater, and landholders in the area, would not mitigate the risk to an acceptable level. New Acland Coal has been advised that this is the primary basis of the department's decision to refuse the application.

## Full Statement of Reasons

There is no requirement under the *Environmental Protection Act 1994* to issue a statement of reasons for these matters.

The only obligation to provide a statement of reasons for this particular matter is through a JR application. Section 32 of the *Judicial Review Act 1991* allows for a person who is aggrieved by the decision to apply for a statement of reasons.

## Judicial Review

Today's decision on the New Acland Coal environmental authority does not affect the current judicial review application by New Acland Coal.

If the Supreme Court finds in favour of New Acland Coal in their judicial review application then it is possible that the matter may be referred back to the Land Court to be reheard.

**Alena Tracey**

Senior Director

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Department of Environment and Science



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