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. Leanne Enoch MP  
Minister for Environment and the Great Barrier Reef,  
Minister for Science, Minister for the Arts  

P 07 3719 7150 M Schedule 4 - CTPI

1 William Street  Brisbane QLD 4000 | GPO Box 2457  Brisbane  QLD 4001

From: @theaustralian.com.au  
Sent: Wednesday, 14 February 2018 2:31 PM  
To: Ben Doyle <Ben.Doyle@ministerial.qld.gov.au>

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?

--

Cnr Mayne Road & Campbell Street Bowen Hills QLD 4006

Schedule 4 - CTPI  
heaustralian.com.au

Subscribe to The Australian Follow us online  

Proudly supporting 1 degree, A News Corp Australia initiative.

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee. If you are not the addressee indicated in this message or responsible for delivery of the message to the addressee, you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments which does not relate to the official business of the sending company must be taken not to have been sent or endorsed by that company or any of its related entities. No warranty is made that the e-mail or attachments are free from computer virus or other defect.
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

07 3719 7163
07 3012 9017
1 William Street Brisbane QLD 4000 | GPO Box 2457 Brisbane QLD 4001
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

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  
Office of the Director-General  
Department of Environment and Science  
---------------------------------------------  
E alena.tracey@des.qld.gov.au  
P: + 61 7 3807 8406  M: Schedule 4 - CTP  
Level 32, 1 William Street, Brisbane Qld 4000

---------------------------------------------

The information in this email together with any attachments is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. There is no waiver of any confidentiality/privilege by your inadvertent receipt of this material. Any form of review, disclosure, modification, distribution and/or publication of this email message is prohibited, unless as a necessary part of Departmental business. If you have received this message in error, you are asked to inform the sender as quickly as possible and delete this message and any copies of this message from your computer and/or your computer system network.
**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.