



# Warning Notice

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21 January 2020

Waratah Coal Pty Ltd  
GPO Box 1538  
Brisbane QLD 4001

Your reference: ML70454  
Our Reference: ML70454

Dear Mrs Osborne,

This Warning Notice is issued to you (as authorised holder representative for Waratah Coal Pty Ltd) by the Department of Natural Resources, Mines and Energy (the department) in respect to activities undertaken on Mining Lease 70454 held by Waratah Coal Pty Ltd.

The department has conducted an investigation following a complaint whereby the information gathered supports the belief that you are in contravention of *section 39 of the Mineral and Energy Resources (Common Provisions) Act 2014*. Contraventions of this section carry a maximum penalty of 500 penalty units.

Please be advised that you are formally warned that it is an offence under s39 of *Mineral and Energy Resources (Common Provisions) Act 2014*:

A person must not enter private land for a purpose mentioned in section 38 unless the resource authority holder has given each owner and occupier of the land an entry notice about the entry.

Furthermore, subsection (2) (c) states:

An entry notice is invalid if — it is not given to an owner or occupier at least 10 business days before the entry.

\*Please also note that requirements for a notice of entry to be duly given, provisions of s399 of the Mineral Resources Act 1989 must be complied with. S399 states that notice or document must be served personally upon a land holder, or sent by registered post to the place of residence or business of the owner.

The belief that you are in contravention of section 39 of the Mineral and Energy Resources (Common Provisions) Act 2014, and the subsequent decision to issue this Warning Notice, is based on the following reasons:

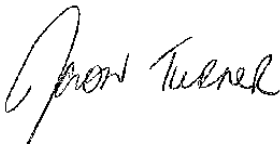
1. On 17 September 2019, a partial abandonment of ML70454 was lodged by Waratah Coal Pty Ltd with the Coal Assessment Hub.



2. On 24 September 2019, Notification of acceptance of the partial abandonment was sent to Waratah Coal Pty Ltd. The notification required Waratah Coal Pty Ltd to peg the retained area within 20 business days of the partial abandonment application in accordance with section 307 (4) of the Mineral Resources Act 1989.
3. On 09 December 2019, Field and Land Access Officer Andrea Hewitt sent via email and registered mail, Notice to produce documents and Notice to Provide Information to Waratah Coal Pty Ltd Authorised Holder Representative, Judy Osborn.
4. On 09 January 2020, you emailed Principal Mining Registrar Jason Turner documents in response to departmental notices sent 09 December. Attachments confirmed that the notice of entry was sent via email to [bimblebox@gmail.com](mailto:bimblebox@gmail.com) and that entry to property occurred within 10 business days without consent for the shorter period waiver of 10 business days. The notice of entry listed all owners of the land with one address being "Glen Innes", Monklands Road, Hobartville.
5. On 21 January 2020, William Haseler contacted Jason Turner to further discuss issuing of NOE. During the conversation it was confirmed that the requirements of s39 of Mineral and Energy Resources (Common Provisions) Act 2014 had not been complied with.

If additional evidence becomes available in relation to this contravention, or the department believes you are in continued contravention, further enforcement action may be taken against you. Should you be found in contravention of provisions of resources legislation in the future, the department may commence enforcement action.

Should you have any queries in relation to this notice, please do not hesitate to contact Jason Turner, Principal Mining Registrar, Department of Natural resources Mines and Energy on telephone number 07 4987 9372.



Date: 22/01/2020

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Signature  
Jason Turner  
Principal Mining Registrar  
Department of Natural Resources, Mines and Energy