

Mineral Resources Act 1989

Department of
Natural Resources,
Mines and Energy

**Section 342(1)(e)
Notice to Produce Documents**

This Notice is issued pursuant to section 342(1)(e) by Andrea Hewitt, an Authorised Officer appointed under *Section 336 of the Mineral Resources Act 1989*.

To: Judy Osborne (Authorised Holder Representative)
Waratah Coal Pty Ltd
GPO BOX 1538
BRISBANE QLD 4001

Holder of Mining Lease 70454

CC- JOsborne@waratahcoal.com

Authority

Section 342(1)(e) of the *Mineral Resources Act 1989* (the Act) states:

342 Powers of Authorised Officers

(1) *At all times, a person who is an authorised officer may—*

...

(e) require a person to produce any books, accounts, records or documents and inspect, make copies of, or take extracts from, the books, accounts, records or documents;

...

Documents to be produced

You are required to produce the below documents for my inspection. Please note I may make copies or take extracts of these documents before they are returned to you.

1. All entry notices given by you, the holder of ML70454, to each owner and occupier of the land identified as 'Glen Innes' being Lot 4 Plan BF22 ("the land") between 1 October 2019 and 1 November 2019; and
2. Any document that evidences the service of the above entry notice/s on each owner and occupier of the land including (but not limited to) copies of emails, registered post receipts.

How to provide the documents

The required documents may be sent to the following address:

Andrea Hewitt
Field and Land Access Officer
Department of Natural Resources Mines and Energy
PO BOX 245

EMERALD QLD 4720


Or provided by email to Andrea.Hewitt@dnrme.qld.gov.au

When the documents must be provided by

You must provide the required documents by **10 January 2020**

TAKE NOTICE – OFFENCE PROVISIONS

- Under section 412(1) of the Act it is **an offence** to fail to comply with this Notice to Produce Documents, subject to section 342(11) of the Act. Maximum penalty of 200 penalty units or 12 months imprisonment.
- Section 342(11) of the Act states except as provided in section 333E of the Act, a person is **not** obliged under the Act to answer any question or give any information or evidence tending to **incriminate** the person.
- Under section 404D of the Act it is **an offence** to provide the Department with a document containing information the person knows is **false or misleading** in a material particular, without also providing information about how the document is false or misleading as well as the correct information, if it can reasonably be obtained. Maximum penalty of 200 penalty units.



Andrea Hewitt
Field and Land Access Officer
Department of Natural Resources, Mines and Energy
09 December 2019



Queensland
Government

Department of
Natural Resources,
Mines and Energy

Mineral Resources Act 1989

Section 404C Notice to Provide Information

This Notice is issued pursuant to section 404C of the *Mineral Resources Act 1989* by Andrea Hewitt, Field and Land Access Officer, an Authorised Officer appointed under *Section 336 of the Mineral Resources Act 1989*.

To: Judy Osborne (Authorised Holder Representative)
Waratah Coal Pty Ltd
GPO BOX 1538
BRISBANE QLD 4001

Holder of Mining Lease 70454

CC - JOsborne@waratahcoal.com

Authority

Section 404C of the *Mineral Resources Act 1989* (the Act) states:

404C Information requirements for holders of mining tenements

- (1) *The chief executive or an authorised officer may, by notice –*
 - a. *require the holder of a mining tenement to provide information about the tenement, activities carried out under the tenement or production or sales information relating to the tenement; or*
 - b. *require a person who carries out an activity under section 386V to provide information about the activities carried out by the person under that section.*
- (2) *The notice must state—*
 - a. *the information that must be provided; and*
 - b. *how the information must be provided; and*
 - c. *the day by which the information must be provided.*
- (3) *Subject to section 342(11), a person given a notice under subsection (1) must comply with the notice. Maximum penalty—200 penalty units.*
- (4) *The chief executive may—*
 - a. *use the information to produce statistics and other data; and*
 - b. *publish the statistics and other data produced under paragraph (a).*
- (5) *However, the use or publication mentioned in subsection (4) must not relate to information that is—*
 - a. *exempt information under the Right to Information Act 2009; or*
 - b. *information disclosure of which could reasonably be expected to cause a public interest harm as mentioned in the Right to Information Act 2009, schedule 4, part 4.*

Information to be provided

You are required to provide the following information with respect to activities carried out under Mining Lease 70454, specifically in relation to entry notices issued by you to the owners and occupiers of the land identified as 'Glen Innes' being Lot 4 Plan BF22 (herein referred to as "**the land**"), and your subsequent entry to the land:

1. The date, time and by which mode (for example in person, by post) each entry notice was given to each owner and occupier of the land during the period 1 October 2019 to 1 November 2019;
2. The dates, and approximate time, of entry for each instance the land was entered under the entry notice/s referenced at point 1 above;
3. All activities actually undertaken on the land for which the entry notice/s, referenced at point 1 above, were given;
4. The locations of the activities actually undertaken on the land for which the entry notice/s, referenced at point 1 above, were given;
5. Details of all of the parties who entered the land under the entry notice/s, referenced at point 1 above, including (but not limited to) any position they hold within Waratah Coal Pty Ltd and their current contact details;
6. The mode of transport used to enter the land, under the entry notice/s referenced at point 1 above, (for example car, truck, motorbike, on foot); and
7. The make, model and registration details of any vehicle used to enter the land under the entry notice/s referenced at point 1 above.

How to provide the information

The required information can be sent to the following address:

Andrea Hewitt
Field and Land Access Officer
Department of Natural Resources, Mines and Energy
PO BOX 245
EMERALD QLD 4720

Or provided by email to Andrea.Hewitt@dnrme.qld.gov.au

When the information must be provided by

You must provide the requested information by **10 January 2020**.

TAKE NOTICE – OFFENCE PROVISIONS

- Under section 404C(3) of the Act it is **an offence** to fail to comply with this Notice to Provide Information, subject to section 342(11) of the Act. Maximum penalty of 200 penalty units.
- Section 342(11) of the Act states except as provided in section 333E of the Act, a person is **not** obliged under the Act to answer any question or give any information or evidence tending to **incriminate** the person.
- Under section 404D of the Act it is **an offence** to provide the Department with a document containing information the person knows is **false or misleading** in a material particular, without also providing information about how the document is false or misleading as well as the correct information, if it can reasonably be obtained. Maximum penalty of 200 penalty units.



Andrea Hewitt
Field and Land Access Officer
Department of Natural Resources, Mines and Energy
09 December 2019