

**MINUTES OF THE DARTBROOK COMMUNITY CONSULTATIVE COMMITTEE
“VIRTUAL” *MEETING – Q1 2020**

MEMBERS

Lisa Andrews	LA	Independent Chairperson
Cr Kiwa Fisher	KF	Upper Hunter Shire Council Representative
Sharon Pope	SP	Muswellbrook Shire Council Representative
Paul Smith	PS	Upper Hunter Shire Council Representative
Bruce Munro	BP	AQC Representative
Dorian Walsh	DW	AQC Acting Dartbrook Environmental Officer
Jennifer Lecky	JL	Community Representative
Arthur Mitchell	AM	Community Representative - Yarraman Park Stud
Tony Lonergan	TL	Local Community Representative
APOLOGY:		
Annette Rahn	AR	Local Community Representative
Noel Downs	ND	Wanaruah Local Aboriginal Land Council Representative
GUEST:		
Graham Sue	GS	Terrequip (contracted to APC to manage all aspects of the Care & Maintenance regime)

**Due to the COVID-19 pandemic, this meeting was conducted remotely via email. The presentation was emailed to all CCC members on the scheduled meeting date of 25 March 2020. Members were requested to review the document and provide any questions/comments within 7 days. After this time, this information was coordinated by LA and forwarded through to the company for its response. The answers were incorporated into these minutes as a record of the outcome of the engagement process.*

The subject presentation forms as an attachment to these minutes.

1. INTRODUCTION & APOLOGIES:

- 1.1 The presentation was sent to all CCC members by LA at 2.54pm
- 1.2 Apologies as per above list.

2. DECLARATION OF PECUNIARY INTERESTS

- 2.1 Pecuniary/ Non Pecuniary Interest and Code of Conduct Forms were sent to all members for completion and return.

3. CORRESPONDENCE

- 6/2/20 – Letter from DPIE to AQC confirming the appointment of LA as Independent Chairperson for the CCC.
- 7/2/20 - Email to members from DW advising of new Independent Chairperson appointment by DPIE.
- 26/2/20 – Email to members from LA introducing herself as the new IC.

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- 11/3/20 – Email to members confirming that the CCC would proceed on 25/3/20.
- 23/3/20 – Email to members seeking response on their willingness to still attend the CCC proposed for 25/3/20 due to COVID-19 directives (responses received).
- 23/3/20 - Email to members postponing 25 March 2020 meeting due to COVID-19 pandemic and advising that the CCC presentation would be sent on 25/3/20 and feedback sought.
- 25/3/20 - Email to members with March 2020 presentation, pecuniary & non-pecuniary interest forms for completion, seeking acknowledgement and any questions.

4. PREVIOUS MINUTES

- 4.1 Comments were received from Paul Smith and Sharon Pope regarding the closing time of the meeting and attendees. Changes have been carried out to reflect these comments. There were no other amendments, therefore the content of the previous minutes from 13 November 2019 meeting are confirmed as true and correct.

5. BUSINESS ARISING FROM PREVIOUS MINUTES

- 5.1 There were two action items from the previous minutes:

ITEM	ACTION	OUTCOME
1	Discuss potential post-mining land use options for the site, for consideration in the Mine Closure Plan.	Potential options to be discussed at meeting. AQC requested an extension to 30 June 2020 date to submit the updated plan to the DPIE Resources Regulator in February '20. No response received to date.
2	Send out copies of meeting presentation slides to all CCC representatives	Complete.

- 5.2 There was no other business arising raised by members.

6. PRESENTATION

- 6.1 The presentation comprised of 42 slides and provided a comprehensive representation of the activities that have occurred since the previous meeting.
- 6.2 Management Changes – Resignation of John Robinson (slide 14)
- 6.3 Dartbrook Underground Modification 7 Update (slides 15-17)
- 6.4 Independent Environment Audit 2019 (slide 18)
- 6.5 Environmental Monitoring - results provided for Rainfall, High Volume Air Sampling, Dust Deposition, Surface Water – Hunter River and Dart Brook (slides 19 – 29)
- 6.6 Complains and Incidents Summary (slides 30-35)
- 6.7 Land Management (slide 36)
- 6.8 Stakeholder Consultation (slide 37 – 39)

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As a result of CCC members reviewing the presentation, the following questions were received and sent to the company for response on 1/4/20:

Question received from Cr Fisher 31/3/20:

- 1 “Page 14 refers to management changes and the appointment of Bruce Munro as acting CEO. However, Mr Munro has himself resigned from his roles as non-exec director and acting CEO effective 13 April 2020(ASX announcement 20/01/2020). Who will be AQC’s CEO thereafter?”

Additional Question received from Cr Fisher on 1/4/20:

- 2 “Further to yesterday’s email, AQC have announced to the ASX today that Bruce Munro’s resignations are effective as of yesterday March 31st rather than the originally announced April 13th date mentioned in my question
 - a. Thus the question now is, who is the CEO, acting or otherwise, of the company?”

Response:

Acting CEO Mr Bruce Munro submitted his resignation on 13th January, 2020 with effect from 13th April, 2020, in accordance with his employments contract. In his letter of resignation Mr Munro emphasised that his decision to resign was based on personal considerations and if the Board agreed he was quite keen to move his departure date forward. Mr Munro has applied himself diligently to both the CEO and Non-Executive Director roles since his resignation. However with the advent of the coronavirus crisis there are now limitations imposed on travel and meetings with a flow on effect/delay to critical matters such as the IPC appeal and general business planning. The Board has therefore confirmed to Mr Munro that it accepts his early departure offer, with 31st March, 2020 agreed as his final day. Mr Munro has agreed to provide ongoing assistance and clarifications on matters he was dealing with on an “as required” basis. The Board is currently in discussions with a preferred candidate to take on the CEO role in the very near future. Details of this appointment are expected to be announced soon. In the short term, until this appointment is confirmed, Acting Chairman Mr Shane Stone will take over the Acting CEO role.

- 3 Page 31 reproduces a letter sent to Muswellbrook Shire Council 19/12/2019 from the NSW EPA and a partially redacted copy of the anonymous complaint referenced in that letter. In February 2020 I also received a copy of this anonymous letter which had several photographs and a map reference attached to it. The redacted section states “In a meeting on the 4/07/2019 the CEO of Australian Pacific Coal John Robinson in a meeting [sic] at the company’s offices at Dartbrook instructed Butch Smith the tenant to fill in the dump as it would cause major issues with the application to open the mine. It was filled in by a contractor the next day”. This is clearly at odds with the statement in the presentation that “The investigation of the complaint confirms it was unrelated to any actions by AQC”. Did Mr Robinson meet with Mr. Smith at Dartbrook on July 4th 2019? Did Mr. Robinson ever provide instruction to Mr. Smith to fill in the illegal dump? On what date was the illegal dump filled in?

Response:

AQC was provided with the original complaint, dated 18th December, 2019 and sent from the EPA to MSC who then forwarded it to Hansen Bailey, AQC’s environmental consultant, on 20th December,

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2019. Because of the Christmas holiday period AQC did not receive the EPA letter from Hansen Bailey until 9th January, 2020. Note that this initial letter did not include the redacted copy of the actual complaint, which was not received until 22 January, 2020, from MSC. By this time staff had spoken with the property lessee, Mr Graham Smith (GS), who confirmed the dump location and the history of it. In particular, GS confirmed the dump related only to waste material generated on the farm and was independent of any AQC activities on the mine site. Photographs were received with the redacted complaint letter, but no map reference so AQC cannot say with any certainty whether it has sighted ALL relevant correspondence. AQC is proceeding on the assumption that it has everything.

Moving on to the specific questions;

Q1: Did Mr Robinson meet with Mr Smith at Dartbrook on July 4th, 2019?

A1: No—but he did meet with GS and Brad Smith in the office at 0930 on 3rd July, 2019

Q2: Did Mr Robinson ever provide instruction to Mr Smith to fill in the dump?

A2: YES. In Graham Smith’s own words “John Robinson said to me at the meeting and I cannot remember the exact words but to the effect that you need to get that hole covered up right now.” In discussions Bruce Munro has had with GS he advises that John Robinson made it very clear to him (GS) that any dumping must conform to MSC regulations with regard to the type of dumped material and location. He accepted that the material already dumped should be covered insitu. [Note this conforms with the MSC option to leave the material undisturbed in its current location]

Q3: On what date was the dump filled in?

A3: This cannot be confirmed with a high degree of confidence but AQC was informed by GS that it was within a few days of the meeting with Mr Robinson.

AQC makes the following comment on the questions posted:

1. Accepting the redacted wording reproduced with the question is correct, there is a clear inference that the person making the complaint was in attendance at the meeting (even though they have provided an incorrect date)—hence his/her ability to quote specifics such as “...John Robinson ... at the company’s offices at Dartbrook instructed Butch Smith the tenant to fill in the dump as it would cause major issues with the application to open the mine”. In fact only Robinson/G Smith/B Smith attended that meeting, so any supposed quotes are simply hearsay. AQC acknowledges that Graham Smith was instructed to complete burying of the waste. What is not included in the complaint is the unequivocal “warning” issued to GS that the practice of burying waste on the farm must cease unless done in conformity with MSC regulations.
2. AQC can see no reason why the actions of Mr Robinson should be viewed as “at odds” with the statement that “the investigation of the complaint confirms it was unrelated to any actions by AQC”. Mr Smith was acting independently of AQC in burying the material on the farm. When AQC became aware of the activity they took immediate steps to curtail the activity and mitigate the consequences. The instruction given to GS has since been confirmed by MSC as an acceptable, once off solution.
3. AQC does not condone the uncontrolled burying of waste, but also understands that this has been a common and widespread farming practice throughout much of Australia. AQC has taken steps to eradicate the practice on land it owns.

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Comments received regarding the presentation from Sharon Pope 1/4/20:

Supports the request to start contemplating uses of the site post mining, stating, that this has flow on impacts for Mine Closure Plans and Rehabilitation Plans. In the mine’s location, close to Muswellbrook and Aberdeen, with a good highway connection, there should be a target to provide ongoing employment opportunities on the site.

The waste disposal matter is ongoing and the advice from AQC is accurate.

7. GENERAL BUSINESS

7.1 Question raised by KF 31/3/20 for General Business:

“I have also been made aware of a further alleged complaint made against AQC in regards to the installation of unmetered water pipes and pumps at a lagoon close to Blairmore Lane. This complaint is allegedly being investigated by the Natural Resources Access Regulator. Is this true? Can the company please provide comment and details of any licences relevant to use of water from the lagoon?”

Response:

AQC has never received a complaint from any person or organisation regarding unmetered water pipes and pumps at a lagoon close to Blairmore Lane. The only reference to any such allegation was made to AQC (BM) by GS in a discussion in early March 2020. GS advised that he had been contacted by the Natural Resources Access Regulator regarding a complaint. GS worked closely with the NRAR investigator of the complaint and quickly established that there was no substance to or basis for the allegation. A closure letter was subsequently issued by the NRAR confirming this. A copy of this email/letter is attached. Just to be clear;*

1. *AQC never received any advice regarding any allegation of wrongdoing.*
2. *The NRAR dealt directly with the lessee—GS—to investigate the allegation*
3. *GS did not receive any formal written notification as to the substance of the complaint.*
4. *GS had to ask for a “Closure Letter” from the NRAR in order to finalise the matter when a full investigation confirmed no wrongdoing.*
5. *This closure letter was emailed to GS. AQC only became aware of the letter when GS forwarded them a copy on 6th April, 2020*
6. *Note in the letter the complaint appears to have been made against the “occupiers” rather than the “owners”, which is AQC.*
7. *In any event, the matter has now been closed.*
8. *The letter from NRAR contains the approval details have been requested.*

*Attachment, included with these minutes.

8. MEETING CLOSED

- 8.1 The meeting was technically closed by the chair following responses from CCC members and the company, compiled into the draft minutes and emailed on 9/4/20.
- 8.2 The next meeting will be scheduled following consultation with the company, CCC members and in accordance with the government’s latest directives concerning the COVID-19 situation. All being well - June/July 2020.

LA thanked all members for their understanding and contribution to the ‘virtual’ meeting during the COVID-19 pandemic.