

Enforceable undertaking

Environmental Protection Act 1994 (Qld)

Mt Cuthbert Resources Pty Ltd

ACN 140 474 693

The commitments in this undertaking are offered to the
Administering Authority by the above person or entity.

February 2023

THIS ENFORCEABLE UNDERTAKING is made on 3 March 2023.

1. The commitments in this undertaking are offered to the Chief Executive administering the *Environmental Protection Act 1994* (Qld) by Mt Cuthbert Resources Pty Ltd ACN 140 474 693 C/- Suite 2, Level 2, 45 Grenfell Street, Adelaide, South Australia, 5000.

2. Definitions

The following definitions apply in this document.

Act means the *Environmental Protection Act 1994* (Qld).

MCR means Mt Cuthbert Resources Pty Ltd ACN 140 474 693.

Department means the Department of Environment and Science.

EA means environmental authority EPML00863313.

Guideline means the *Guideline – Enforceable undertakings under the Environmental Protection Act 1994* ESR/2016/2272 Version 2.00.

Proceeding means the proceeding commenced by the Department against MCR in the Cloncurry Magistrates Court by the complaint of Alice Kate Donne dated 12 October 2021.

Site means Mount Watson Mine, Located on Lake Julius Road, Kajabbi, Queensland 4824.

Undertaking means this enforceable undertaking made pursuant to Chapter 10, Part 5 of the Act.

2022/2023 wet season means the period from 1 November 2022 to 30 April 2023.

2023/2024 wet season means the period from 1 November 2023 to 30 April 2024.

2024/2025 wet season means the period from 1 November 2024 to 30 April 2025.

3. Background

- (a) MCR is the holder of the EA, which authorises mining copper ore at the Site.
- (b) The EA sets limits on the release of contaminants from the Site, including limits on the locations at which contaminants can be released.

4. Alleged contraventions

- (a) The complaint and summons alleges that between 30 January 2020 and 2 February 2020 the EA holder contravened a condition of the EA, in contravention of section 430(3) of the *Environmental Protection Act 1994* (Qld).
- (b) The condition particularised in the Complaint and Summons is as follows: '**C1** Contaminants that will, or have the potential to cause environmental harm must not be released directly or indirectly to any waters except as permitted under the conditions of this environmental authority'.

5. Circumstances of the alleged contravention

The circumstances of the alleged contravention are that:

- (a) a series of sediment dams exist around the boundary of the Site which, at the time, collected contaminated surface water that drained from the waste rock dump (**WRD**) and run of mine pad;
- (b) between 21 January and 31 January 2020, rainfall occurred at the Mount Watson Mine;
- (c) on 31 January 2020 and 24 February 2020, MCR notified the Department of potential releases of contaminated runoff;
- (d) between 30 January 2020 and 2 February 2020, water discharged from the spillway of sediment dam MWSP6 located on Site, into the adjacent watercourse (the **release**);
- (e) following the release sampling was completed at monitoring points downstream and to the west of the Site;
- (f) the results of the sampling show the release resulted in:
 - (i) waters being unsuitable for stock at a distance of at least 500m downstream; and
 - (ii) levels of dissolved copper high enough to cause acute toxicity to 94 percent of species at downstream monitoring points; and 65 percent of species at monitoring points to the west; and
- (g) on 25 August 2020, the Department issued an EPO (C-CPLRC-100000766) in relation to the incident. The EPO is now finalised.

6. Actions taken to prevent recurrence of the alleged contravention

MCR has taken various steps to prevent a recurrence of the alleged contravention including producing and implementing an updated WRD repair plan and an updated water management plan, and the installation of additional sediment control measures.

7. Statement of regret

MCR genuinely regrets that the circumstances of the alleged contravention occurred. MCR has identified and remedied the cause of the alleged contravention and the alleged contravention has ceased.

8. Statement of commitment

MCR makes a commitment that it will continue to take steps to prevent the alleged contravention from reoccurring.

9. Objectives

The objectives of this Undertaking are to:

- (a) improve environmental performance at the Mt Watson Mine;
- (b) deliver benefits to the environment and local community near the Mt Watson Mine and generally; and
- (c) promote the objects of the Act.

10. Terms of the Undertaking

MCR undertakes to:

- (a) by 1 May 2023, take all reasonable steps to engage at least two representatives nominated from/by the Kalkadoon Native Title Aboriginal Corporation RNTBC on fair and reasonable terms to:
 - (i) assess the cultural heritage values of the water on the Site and the receiving waters within 5kms (subject to landowners' consent) of the location of the release (the **Assessment**);
 - (ii) provide a cultural heritage training workshop to MCR employees, to which Kalkadoon People would also be invited; and
 - (iii) by private agreement entered into by MCR and the appropriate party/parties, the Kalkadoon People are to be compensated for the Assessment and any training provided.
- (b) within three (3) months of completion of the Assessment, a report (the **Report**) is to be generated on the Assessment and submitted to the Department. Prior to submission the Report must be reviewed by an appropriately qualified person (**AQP**) and MCR are to address any comments provided by the AQP prior to submission to the Department.
- (c) the AQP engaged under 10.(b) must be an independent party.
- (d) at a minimum the Report must address the methodology and outcome of the Assessment, including the identification of any cultural values, and provide any recommendations relating to the protection and/or management of the values identified under 10(a)(i).
- (e) by 1 May 2023, offer 10 Kalkadoon People the opportunity to participate in an aquatic environment monitoring training course (see for example the course in Annexure 1).
- (f) if the Kalkadoon People accept any or all of the items detailed in paragraphs 10.(a) and 10.(e):
 - (i) pay the reasonable costs of the item or items accepted, up to a maximum liability of \$45,000; and
 - (ii) work in good faith with the Kalkadoon People to organise the item or items accepted.
- (g) if the Kalkadoon People do not accept any of the items detailed in paragraphs 10.(a) or 10.(e):
 - (i) offer to meet with the Kalkadoon People to discuss in good faith an alternative joint proposal to promote cultural heritage awareness and good environmental management;
 - (ii) pay the reasonable costs of the alternative joint proposal, up to a maximum liability of \$45,000;
 - (iii) if a joint proposal is agreed to, a submission must be made to the Department outlining the terms of the joint proposal and how it promotes cultural heritage awareness and good environmental management; and
 - (iv) upon completion of any joint proposal agreed to, MCR is to submit a report to the Department providing an overview of the implementation of the joint proposal, including the outcomes generated.
- (h) in circumstances where MCR's total liability under items 10.(a), 10.(b), 10.(c), 10.(d) and 10.(e) is less than \$45,000, donate the shortfall amount to the Centre for Mined Land Rehabilitation, University of Queensland.
- (i) MCR is to complete the sampling program (the **Sampling Program**) outlined at 10.(j).

- (j) the Sampling Program must:
 - (i) be conducted over:
 - (A) the period commencing the day after this Undertaking is accepted by the Department until the end of the remaining 2022/2023 wet season;
 - (B) the 2023/2024 wet season;
 - (C) the 2024/2025 wet season; and
 - (ii) include monthly sampling at the following locations, as depicted in Annexure 2:
 - (A) sediment dam 3;
 - (B) sediment dam 4;
 - (C) sediment dam 6; and
 - (iii) the sampling must be for the quality characteristics listed in Schedule C – Table 2 of the EA. Metals must be sampled and analysed to establish total and filtered concentrations;
 - (iv) the sampling must be conducted and recorded consistent with the Department of Environment and Science, 2018 Monitoring and Sampling Manual (Monitoring and Sampling Manual) (des.qld.gov.au) or later versions; and
 - (v) for avoidance of doubt the Sampling Program will be considered expired on 30 June 2025.
- (k) MCR must submit to the Department the results of the monthly sampling, conducted under the Sampling Program at 10.(i) and 10.(j), within 10 days after being received.
- (l) within 12 months of the commencement of the Undertaking, MCR must submit an interim report to the Department outlining status of compliance with the Undertaking.
- (m) by 30 June 2025, MCR must submit a final report to the Department outlining compliance with the Undertaking.

11. Why Undertaking is a more appropriate response to the alleged contravention than court proceeding

- (a) MCR notified the Department promptly, investigated the cause of the alleged contravention promptly, and has acted professionally and cooperatively with the Department in response to the alleged contravention.
- (b) The incident was caused (in part) by heavy rainfall that was not foreseen by MCR.
- (c) The alleged contravention has ceased and MCR is committed to preventing further contraventions. In particular, MCR has produced and implemented an updated waste rock dump repair plan and an updated water management plan.
- (d) MCR has no previous convictions or findings of guilt in Queensland, Australia or internationally.
- (e) The alleged contravention was not a part of a course of conduct or history of non-compliance.
- (f) MCR had no motivation or intention to obtain a financial or material benefit from the non-compliance.
- (g) The implementation of the Undertaking will deliver benefits to the environment and local community through improved knowledge and awareness.

- (h) The Department reasonably believes that the terms of the Undertaking will secure compliance with the Act and enhance the protection of the environment.

12. Acknowledgements

- (a) MCR acknowledges that:
 - (i) it has read and understood the Guideline;
 - (ii) this Undertaking will be published on the Department's website and may be referred to or referenced in other ways;
 - (iii) the Department's acceptance of this Undertaking means that the Department:
 - (A) must take all reasonable steps to have the Proceedings discontinued as soon as practicable; and
 - (B) will not recommence proceedings against MCR for the alleged contraventions described in clause 4, including any alleged wilful and unlawful serious environmental harm offence, as long as MCR is fully complying, or has fully complied, with the Undertaking;
 - (iv) the Department's acceptance of this Undertaking does not affect the Department's power to:
 - (A) bring proceedings against MCR;
 - (B) issue penalty infringement notices; or
 - (C) take any other enforcement action against MCR,in relation to any subsequent contravention or alleged contravention of the Act, that is not the subject of this Undertaking or another undertaking;
 - (v) this Undertaking in no way derogates from the rights and remedies available to any other person or entity arising from any conduct described in this proposal or arising from subsequent conduct;
 - (vi) any failure to meet the due date for an action under the terms of this Undertaking will result in the matter being escalated and may lead to enforcement action;
 - (vii) the Department may undertake other compliance monitoring activities to verify the evidence and compliance with a term of this Undertaking, and MCR agrees to cooperate with the Department in any investigation or compliance activity in respect of the Undertaking such as site access and provision of documents upon reasonable notice;
 - (viii) it has offered an undertaking on terms consistent with the approved form and the Guideline; and
 - (ix) the Undertaking does not take effect until signed by MCR and accepted by the Department by signing this Undertaking.
- (b) The date of the Undertaking is the date it is signed by MCR and accepted in writing by the Department by signing this Undertaking.

13. Ability to comply with the Undertaking

- (a) MCR has the financial ability to comply with the terms of this Undertaking.
- (b) In the event of impending liquidation, administration or sale of MCR, MCR will advise the Department of the relevant circumstances and its capacity to comply with any outstanding terms of this Undertaking.

- (c) In the event MCR is sold, MCR will advise any future owners or operators of the existence of this Undertaking, and provide a copy of this correspondence to the Department.

14. Contact details

- (a) Any written notification to the Department pursuant to this Undertaking is to be provided to:

Name: Filiz Tansley
Position: Director
Address: PO Box 7230 Cairns QLD 4870
Email address: filiz.tansley@des.qld.gov.au

- (b) Any written notification to MCR pursuant to this Undertaking is to be provided to:

ATT: Shane Ryan, General Manager Operations
Mt Cuthbert Group
PMB 5005, Cloncurry QLD 4824
sryan@mtcuthbertgroup.com.au

15. Execution

This undertaking is executed on 08/02/2023 on behalf of Mt Cuthbert Resources Pty Ltd (ACN 140 474 693) by an authorised representative:



Signature of authorised representative

STEWART ROBINSON

Name of authorised representative

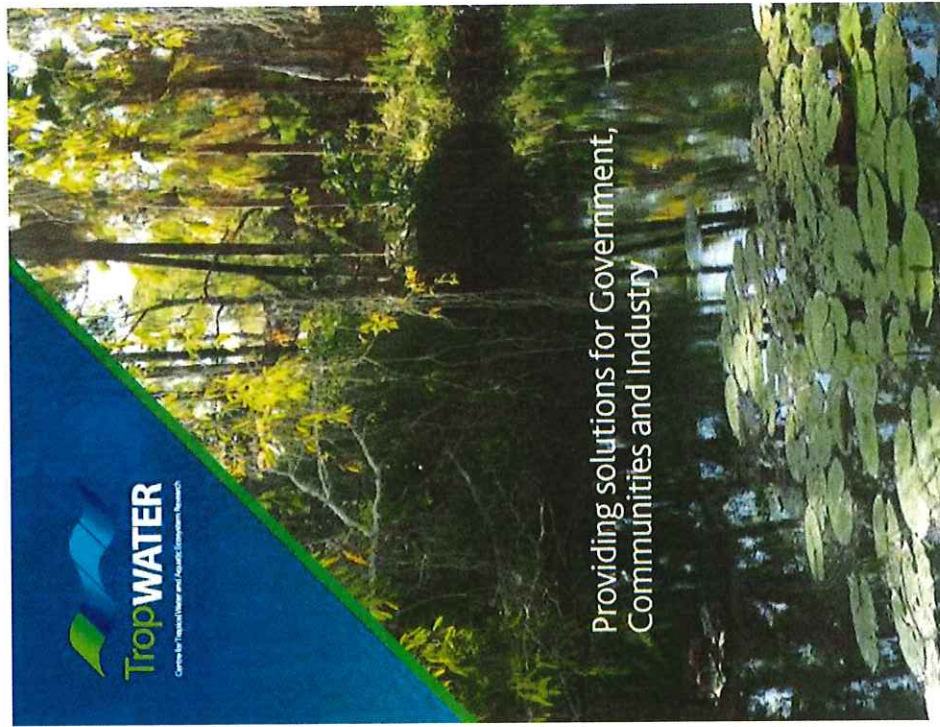
Accepted by the Department of Environment and Science on 3 March 2023 pursuant to section 507 of the *Environmental Protection Act 1994* (Qld)



Signature of delegate

Scott Sullivan

Name of delegate



Short Course in Aquatic Environment Monitoring Skills

TropWATER undertakes influential research in fields related to water science, resource management and the ecology of aquatic ecosystems in northern Australia and throughout the Tropics internationally.

The short course in aquatic environment monitoring skills will improve understanding and value adding from the perspectives of field staff, recent graduates and experienced professionals.

Course Outline

An overview of environmental monitoring: Who, What, When, Where, How, and Why. Placing environmental monitoring in a wider-world context.

Planning and logistics for environmental monitoring: Fieldwork planning and housekeeping. Knowing what you don't know.

An introduction to water quality guidelines: Overview of National, State, Territory, and Regional Water Quality Guidelines. Water quality guidelines in different systems. Application and interpretation of regulatory frameworks in environmental monitoring. Application of freshwater quality guidelines under different flow conditions.

The aquatic environment: Freshwater and saline waters. Groundwater. Latitudinal variation. Different surface water flow regimes. Groundwater-surface water interactions.

An introduction to aquatic environment monitoring techniques: Water quality monitoring and context. Overview of and interactions between water and other physical and biological indicators. Standard sampling methods.

Practical water quality monitoring and sampling techniques: Field equipment maintenance and calibration. Field preparation and QA/QC. Best practice sample collection. The importance of field notes. Flow evaluation.

Troubleshooting and problem solving in the field: Troubleshooting in the field. Sources of field error. Use of cheat sheets and decision trees.

Data interpretation and integration: Data entry and QA/QC. Checks and balances. Missing or misleading data. Integrating water quality into wider assessments. Evaluation and reporting of environmental monitoring data. Successful communication of results.

Key Objectives

- Getting the best value from aquatic environment monitoring in the dry and wet-dry Tropics.
- The critical importance of context in environmental monitoring.
- Techniques and technologies to improve monitoring programs.
- Understanding the 'Big Picture'.

Contact Details

Contact us at TropWATER@jcu.edu.au with the subject line "Short Course" to enquire about upcoming courses and register your interest in participation.

Phone: +617 4781 4262



