

Environmental Protection Act 1994

Environmental Protection Order

This environmental protection order is issued by the administering authority pursuant to section 358 of the Environmental Protection Act 1994.

Taler Resources Pty Ltd (ACN: 666 623 810)
Level 2, 46-50 Kings Park Road
West Perth WA 6005

Email: jordan@taler.com.au; richard@taler.com.au

Reference: EPML00974913; E-100605851

6/03/2024

Take notice: that under the *Environmental Protection Act 1994* (EP Act) this environmental protection order (EPO) is issued to Taler Resources Pty Ltd (ACN: 666 623 810) (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment, Science and Innovation (the department).

The EPO is issued with respect to the activities of Taler Resources Pty Ltd at the Mt Garnet Mine and Surveyor-Balcooma Mine on land described as Mining Leases (ML) 4042, ML4043, ML4044, ML4130, ML20016, ML100001, ML1393 and ML30156 (the premises).

A. Grounds

This EPO is issued on the following grounds:

1. Pursuant to section 358(d)(iii) of the EP Act, to secure compliance with conditions of environmental authority EPML00974913 (the EA), including:
 - (a) Condition C1, which states: '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.'
 - (b) Condition C2, which states: 'The release of contaminants to waters must only occur from the release points specified in Table C1 (Contaminant Release Points) and depicted in Map 1 and Map 2 attached to the environmental authority.'
 - (c) Condition F35, which states: 'By 1 November of each year, storage capacity must be available in each regulated dam (or network of linked containment systems with a shared DSA volume), to meet the Design Storage Allowance (DSA) volume for the dam (or network of linked containment systems).'



2. Pursuant to section 358(d)(i) of the EP Act, to secure compliance with the general environmental duty under section 319 of the EP Act, which states that:

*'A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practical measures to prevent or minimise the harm (the **general environmental duty**)'.*

The facts and circumstances forming the basis for these grounds are:

1. Aurora Metals Limited (AML) is the holder of environmental authority EPML00974913 (the EA) issued by the administering authority on 12 April 2017.
2. The EA authorises AML to undertake mining activities, including mining of various metallic ores (copper, lead, zin and silver), mineral processing and other ancillary activities at the premises.
3. In 2023, AML voluntarily entered into external administration and is now in liquidation.
4. On 21 December 2023, Mt Garnet Mineral Finance Pty Ltd (MGMF) as secured creditor of AML exercised its enforcement right and took possession of a number of companies including AML, resulting in MGMF becoming a 'Mortgagee in Possession' and assuming ownership of the premises and the EA.
5. On 31 January 2024, Taler Resources Pty Ltd (Taler) notified Resources Safety & Health Queensland that they were assuming the position of the site operator at the premises, under the *Mining and Quarrying Safety and Health Act 1999*, effective from 22 December 2023.
6. The administering authority has been advised that Taler have acquired all assets associated with AML, including all plant and equipment at the premises.
7. During an inspection carried out on 21 February 2024, the administering authority's authorised officers confirmed Taler are undertaking activities at the Mt Garnet Mine under the EA.
8. In carrying out activities at the premises, Taler have an obligation to adhere to the general environmental duty and comply with all conditions of the EA.
9. Infrastructure at the premises includes multiple regulated structures, notably a tailings storage facility (TSF1) and sediment dam at the Mt Garnet Mine, a number of waste rock dumps and open-cut pits.
10. All the aforementioned infrastructure either contains contaminated water or has potential to generate contaminants with the potential to cause environmental harm if released to the receiving environment.
11. During previous inspections of the premises (most recently on 21 February 2024), the administering authority identified the need for ongoing management of contaminated water at the premises, including the continuous operation of pumping systems and all associated infrastructure to prevent the release of contaminants to the receiving environment.
12. The administering authority alleges that AML failed to achieve the required Design Storage Allowance (the 'DSA') for TSF1 and the sediment dam at the Mt Garnet Mine, as required on 1 November 2023, which constitutes a breach of condition F35 of the EA.
13. Failure to achieve the required DSA poses a heightened and unacceptable risk of an unauthorised release of contaminants from the premises.
14. From 1 November 2023 onward, the site has accumulated additional volumes of water within regulated structures and the Mt Garnet Pit.

15. Considering the increased volume of water stored at the premises, active water reduction and other measures are likely to be required to ensure DSA is achieved by 1 November 2024 and prevent an unauthorised contaminant release from the premises.

B. Requirements

In accordance with this EPO, you are required to do the following:

1. Immediately upon receipt of this EPO, you must take all reasonable and practicable actions to prevent the unauthorised release of contaminants from the premises to the receiving environment.
2. At all times that you are undertaking activities at the premises you must:
 - a) ensure appropriately qualified and experienced personnel are at the premises sufficient to achieve compliance with this EPO and all conditions of the EA;
 - b) secure and maintain all infrastructure, plant and equipment necessary to ensure compliance with the requirements of this EPO and all conditions of the EA;
 - c) maintain fuel supplies and access to power to enable the ongoing operation of any measures, plant and equipment necessary to ensure compliance with this EPO and all conditions of the EA;
 - d) secure the premises and prevent public access.
3. You must not dispose of or enable the disposal of any plant or equipment necessary for water management at the Mt Garnet Mine, including but not limited to:
 - a) Pump system including the 200 x 150-500 (90 litres per second) suction pump (Cummins), pipes and appurtenances used to transfer water from the Mt Garnet Pit to TSF1.
 - b) Pump systems including the 125 x 80-315 (90kW), 125 x 65-315 (110kW) and 125 x 100-250 (1 Hz) suction pumps, pipes and appurtenances used to run mechanical water evaporators and sprays.
 - c) Pump system including submersible pumps, pipes, appurtenances and 75 kVA generator set used to intercept groundwater from bores 13 and 14 and return waters to TSF1.
 - d) Pump system including the 150 x 125-400 (60 litres per second) suction pump (Volvo), pipes and appurtenance located at the sediment dam.
 - e) Pump system including submersible pumps, pipes and appurtenances installed at Spring dam and Oasis dam.
 - f) Spare 100 x 65-315 (1 Hz) suction pump stored at the Mt Garnet Mine workshop.
 - g) Mechanical water evaporators and sprays currently installed at and within the vicinity of TSF1 (as owned by Taler).
 - h) Equipment and facilities required for refuelling, repair or maintenance of the aforementioned items.
4. You must not dispose of or enable the disposal of any plant and equipment necessary for water management at the Surveyor-Balcooma Mine, including but not limited to:
 - a) Pump system including 7.5 kW submersible pump, starter box, pipes and appurtenances installed at South dam and seepage interception trench.
 - b) Pump system including 2.5 kW pump (Flygt), 8 kVa generator set (Kubota), pipes and appurtenances installed at the Airstrip seep dam.

- c) Pump system including Hz diesel pump, pipes and appurtenances installed at Coleman seep dam.
 - d) Pump system including 1.5 kW electric pump, generator set (Kubota), pipes and appurtenances installed at North seep dam.
 - e) Pump system including Hz diesel pump, pipes and appurtenances installed at the Balcooma sediment dam.
 - f) Pump system including lister diesel pump, pipes and appurtenances installed at Balcooma small dam.
 - g) Pump system including Hz diesel pump, pipes and appurtenances installed at Balcooma Guard 4 seep dam.
 - h) Equipment and facilities required for refuelling, repair or maintenance of the aforementioned items.
5. The following definitions apply to the requirements of this EPO:
- a) **'appropriately qualified and experienced personnel'** means a person or persons who has professional qualifications, training, skills and experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis of performance in relation to the subject matter using the relevant protocols, standards and methods or literature.
 - b) **'EA'** means environmental authority EPML00974913, effective 12 April 2017.
 - c) **'Mt Garnet Pit'** means the open cut pit located immediately north of TSF1, located on Mining Lease 20016.
 - d) **'premises'** means land described as 'Mt Garnet mine and Surveyor-Balcooma mine' located on Mining Lease (ML)4042, ML4043, ML4044, ML4130, ML20016, ML100001, ML1393 and ML30156.
 - e) **'TSF1'** means Tailings Storage Facility 1 located at the Mt Garnet Mine.

C. Obligations

If you propose to dispose of the place or business to which the EPO relates, you **must** advise the buyer of the existence of this EPO.

If you cease to carry out the activity to which this EPO relates, you **must** give written notice of ceasing to carry out the activity to the administering authority within 10 days of ceasing the activity.

Take notice:

- the requirements of this order take effect immediately upon service of the order;
- failure to comply with this order is an offence under the EP Act;
- this order remains in force until further notice from the administering authority.

D. Penalty

It is important that you know the impact to you personally as an individual or as a corporation for not meeting your obligations.

Failure to comply with an EPO is an offence.

- The maximum penalty for wilfully contravening an EPO is 6250 penalty units, totalling \$ 967,500 or five years imprisonment for an individual or \$ 4,837,500 for a corporation.

- The maximum penalty for contravening an EPO is 4500 penalty units, totalling \$ 696,600 for an individual or \$ 3,483,000 for a corporation.

Failure to provide written notice to the buyer of the existence of the order is an offence.

- The maximum penalty is 50 penalty units, totalling \$ 7,740, for an individual or \$ 38,700 for a corporation

Failure to provide written notice to the administering authority within 10 business days of ceasing the activity to which an environmental protection order relates is an offence.

- The maximum penalty is 50 penalty units, totalling \$ 7,740 for an individual or \$ 38,700 for a corporation.

Section 3 of the *Penalties and Sentences Regulation 2015* prescribes the monetary value of a penalty unit.

E. Reviews and appeals

The provisions regarding reviews of decisions and appeals are found in sections 519 to 539 of the EP Act.

A person who is dissatisfied with an original decision made by the Department of Environment, Science and Innovation (the department) may apply to have that decision internally reviewed.

Information about initiating an appeal in relation to this notice is contained within the [Internal Reviews and Appeals Information Sheet](#) (available at www.qld.gov.au using the publication number ESR /2015/1742 as a search term)

A request for review or appeal is to be made using the approved form '[Application for review of original decision](#)' (available at www.qld.gov.au using the publication number ESR/2015/1573 as a search term.

Applications for reviews are to be sent to Permit and Licence Management, Department of Environment, Science and Innovation: via email at palm@des.qld.gov.au , or by mail to the following address: GPO. Box 2454, Brisbane, QLD, 4001.

Where an application has been made for a decision to be reviewed, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review.

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able to appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

A person whose interests are or would be adversely affected by a decision of the department may be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

You may have other legal rights or obligations and should seek your own legal advice.

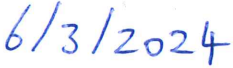
Pursuant to section 540 of the Act, the department is required to maintain a register of certain documents and information authorised under the Act. A copy of this document will be kept on the public register. The register is available for inspection by members of the public who are able take extracts, or copies of the documents from the register. Documents that are required to be kept on the register are published in their entirety, unless alteration is required by the Act. There is no general discretion allowing the department to withhold documents or information required to be kept on the public register. For more information on the department's public register, search 'public register' at www.qld.gov.au. For queries about privacy matters please email privacy@des.qld.gov.au or telephone 13 74 68.

Notice
Environmental Protection Order

Should you have any queries in relation to the notice, please contact Alex Apostol on 07 4222 5316 or alex.apostol@des.qld.gov.au.



Signature



Date

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Environmental Protection Act 1994

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