

Environmental Enforcement Order

Environmental Protection Act 1994

Pursuant to section 362

ORDER ID	STAT-E-100993393
Date of issue	12 February 2026
Issued to (you)	<p>Omya Australia Pty Limited ACN: 001 682 533</p> <p><i>For the purpose of this Environmental Enforcement Order (EEO), you means the recipient of this EEO.</i></p>
Registered address	Level 1, 280 Pacific Highway LINDFIELD NSW 2070
Site address (the premises)	1911 South Ulam Road, BAJOOL QLD 4699
Land reference	ML3638, ML3662, ML3663, ML3666, ML80028, ML80167, Lot 40/DT40133
Issued by (the delegate)	<p></p> <p>Kirstie Treloar, Manager (Compliance) Delegate of the Administering Authority Chief Executive of the Department of the Environment, Tourism, Science and Innovation (the department)</p>
Relevant Grounds	<ul style="list-style-type: none">• s359(c) To secure compliance with the general environmental duty.• s359(f)(i) The person is contravening or has contravened s426 and it is likely the contravention will continue or be repeated.
Service method	☒ Registered post ☐ Hand delivered ☒ Also by email ☐ Orally (s369(2))
Contact	<p>If you have any questions about this EEO, please contact: Jack Thompson, Rockhampton Compliance Centre Email: CWES_Rockhampton@detsi.qld.gov.au Telephone: +61 (07) 4837 3499</p>
Further information	<p>Please read the Information Sheet - Recipient of an Environmental Enforcement Order (detsi.qld.gov.au) for further information (search for ESR/2024/6802 on www.detsi.qld.gov.au). Terms used in this EEO have their meaning defined in the Definitions section of the EEO or, if not defined, in the <i>Environmental Protection Act 1994</i> (the Act).</p>

Why are we writing to you?

You have a proactive **general environmental duty** to prevent and minimise any environmental harm.

The department has responsibility for enforcing the Act.

The delegate for the department is issuing this EEO to you, pursuant to section 362 of the Act, to secure compliance with the Act in relation to activities being undertaken at the premises.

The delegate reasonably suspects that you have not met your general environmental duty under section 319 of the Act and that you have contravened section 426 of the Act at the premises. The delegate has issued this EEO to you under section 362 of the Act to remedy the contravention, avoid further contraventions, restore the environment and keep the department informed.

What are you required to do?

The required actions listed below must be completed in full by the required dates.

Requirements take effect from the date of service and remain in force until the date specified, unless this EEO is amended, repealed, finalised or stayed beforehand.

1. You must submit all reports and documents required by this notice to the department via email to CWES_Rockhampton@detsi.qld.gov.au.
2. By **5pm on 13 February 2026**, you must ensure that the **unauthorised disturbance area** is managed and maintained to prevent the release of contaminants from the site to waters, and environmental nuisance caused by dust.
3. By **5 March 2026**, you must engage an **appropriately qualified person (AQP)** to develop a Rehabilitation Plan for the **unauthorised disturbance area**, in accordance with requirement 4.
4. By **12 May 2026**, you must submit to the department a Rehabilitation Plan, completed by an **AQP**, for the **unauthorised disturbance area**. The Rehabilitation Plan must include, but not be limited to:
 - a) Rehabilitation objectives, performance indicators, and success criteria which will achieve establishment of native grass species consistent with surrounding ecosystem(s).
 - b) A schedule of actions to be carried out to achieve the rehabilitation objectives, including, but not limited to the actions below, with completion timeframes for each action:
 - i. re-shaping of the **unauthorised disturbance area** to establish drainage lines and a stable landform able to support vegetation regrowth;
 - ii. spreading and reinstating topsoil consistent with surrounding soils, in a way that is suitable to support native plant establishment and growth;
 - iii. vegetating the **unauthorised disturbance area** with native species suitable for erosion control and consistent with surrounding ecosystem(s); and
 - iv. active management of pest and weed species.
 - c) An ongoing monitoring and maintenance program, to be implemented by an **AQP**, that will ensure the rehabilitation objectives, performance indicators, and success criteria are achieved.
5. By **31 August 2026**, you must relocate all stockpiled material from the **unauthorised disturbance area** to an already **disturbed** location within the **mining lease boundary**.
6. By **12 February 2027**, you must have completed the schedule of actions specified in the Rehabilitation Plan and commenced implementation of the ongoing monitoring and maintenance program, unless you have obtained an **effective EA** for the **unauthorised disturbance area** prior to **12 February 2027**.

Environmental Enforcement Order

STAT-E-100993393

7. You must provide written evidence to the department demonstrating compliance with requirement 3, requirement 4, requirement 5, and requirement 6 of this EEO by the dates specified in each respective requirement.

Grounds for issuing this EEO:

The department is issuing you with an EEO pursuant to section 362(1) of the Act as it is satisfied that the following enforcement grounds exist:

1. In accordance with section 359(c) of the Act, it is considered necessary to issue an EEO to secure compliance with the general environmental duty (GED). The GED is detailed in section 319 of the Act and states:

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

2. In accordance with section 359(f)(i) of the Act, it is considered necessary to issue an EEO as section 426 of the Act has been contravened in circumstances that make it likely the contravention will continue or be repeated. Section 426(1) of the Act states:

A person must not carry out an environmentally relevant activity unless the person holds, or is acting under, an environmental authority for the activity.

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

1. You occupy land described as Bajool Mine on mining leases ML3638, ML3662, ML3663, ML3666, ML80028, ML80167, and Lot 40/DT40133 (Lot 40), located on South Ulam Road, Bajool, QLD 4699.
2. You are the holder of EA EPML00657813 issued 16 February 2021, which authorises the following activities over mining leases ML3638, ML3662, ML3663, ML3666, ML80028, and ML80167:
 - a) Environmentally relevant activity (ERA) Schedule 3 21 – *A mining activity that is an ineligible ERA, other than a mining activity mentioned in items 9 to 20 [of Schedule 3 of the Environmental Protection Regulation 2019]; and*
 - b) Ancillary ERA 31 – *Mineral processing* – 2(b) – Processing, in a year, the following quantities of mineral products, other than coke – more than 100,000t.
3. On 17 December 2025, the department conducted a proactive compliance inspection of your activities at the premises and observed stockpiles of won mineral and evidence of activities conducted beyond the combined boundary of mining leases ML3638, ML3662, ML3663, ML3666, ML80028, and ML80167 (depicted in Appendix B of this EEO).
4. During the inspection, authorised persons under the *Environmental Protection Act 1994* identified a stockpile area on Lot 40 located beyond the mining lease boundary for Bajool Mine under EA EPML00657813. You advised the department during the inspection that you were aware the stockpile area on Lot 40 was beyond the mining lease boundary.
5. You advised the department that this area was currently used for stockpiling material mined from Bajool Mine before being loaded into trucks and transported offsite. Stockpiling and loading activities are associated with, and arise from, the mining activity, and are therefore considered to be part of the mining activity.
6. Based on this information it is considered that your activities on Lot 40, beyond the mining lease boundary, constitute carrying out a mining activity. There is no EA authorising an ERA in this location.

Environmental Enforcement Order

STAT-E-100993393

7. Operations under an EA have been assessed in accordance with the environmental risks associated with carrying out that activity on site. Obtaining an EA is a legal requirement prior to carrying out an ERA and constitutes part of your GED as a reasonably practicable measure to prevent or minimise environmental harm which may be caused by the activity.
8. Section 426(1) of the Act states that *a person must not carry out an environmentally relevant activity unless the person holds, or is acting under, an environmental authority for the activity*. Based on the facts and circumstances above, it is alleged that you have contravened section 426(1) of the Act by carrying out a mining activity on Lot 40 without holding or acting under an EA for the activity.
9. On 8 January 2026, the department issued you with a pre-enforcement letter outlining the alleged offence under section 426(1) of the Act. You provided a response on 15 January 2026. The department has considered your response in deciding to issue this EEO.
10. On 27 January 2026, the department provided you with a draft EEO for your review and comment. You provided comments on the draft EEO on 3 February 2026 and 9 February 2026. The department has considered your comments in finalising the required actions of this EEO.
11. The department considers it is necessary to require an AQP to develop a rehabilitation plan for the area to ensure that the rehabilitation carried out under the plan is well considered and has the best opportunity for success.
12. The department considers it necessary to issue you an EEO for allegedly contravening section 426(1) of the Act and to secure compliance with the GED.
13. The department has considered the standard criteria and human rights when making this decision.
14. This EEO takes effect from the date of service and remains in force until stayed, amended, revoked or finalised.

Offences

A person who is bound by this EEO and who fails to comply with a requirement of this EEO, without a reasonable excuse, commits an offence under the Act.

The maximum penalties are significant and are provided in section 369A of the Act.

Penalties and obligations

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

- If you propose to dispose of the place or business to which the EEO relates, you must advise the buyer of the existence of this EEO. **Failure to provide a written notice to the buyer of the existence of the order is an offence.** The maximum penalty is provided in section 369C of the Act.
- If you cease to carry out the activity to which this EEO relates, you must give written notice of ceasing to carry out the activity to the department within 10 days of ceasing the activity. **Failure to provide written notice to the department within 10 business days of ceasing the activity to which an EEO relates is an offence.** The maximum penalty is provided in section 369D of the Act.

Right of review and appeal

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

A person who is dissatisfied with an original decision made by 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 Permits and Licensing, Department of the Environment, Tourism, Science and Innovation via email at palm@detsi.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.

For a decision that is not an original decision, there are no formal review and appeal rights for a person who is dissatisfied with the decision made by the administering authority. The person may have other legal rights and may wish to seek legal advice.

Privacy statement

Section 540 of the Act requires the department 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 to 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 redaction in part 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@detsi.qld.gov.au or telephone 13 74 68.

Accessibility

Contact us if you need this information in an accessible format such as large print or audio.

Interpreter assistance

If you need interpreter assistance or want this document translated, please contact us and advise your preferred language. If you are deaf, or have a hearing or speech impairment, contact us through the [National Relay Service](#).



Appendix A: Definitions used in this EEO

Activity	Activity means the ERA(s) to which the EA relates.
Administering Authority	The administering authority is the Department of the Environment, Tourism, Science and Innovation, or its successor.
Appropriately Qualified Person (AQP)	Appropriately qualified person (AQP) means a person or persons who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice, and analysis to performance relative to the subject matter using relevant protocols, standards, methods, and/or literature.
Disturbed and/or Disturbance	<p>Land is considered disturbed if it is contaminated or has been physically altered in a way that requires human intervention to rehabilitate it either to its original condition or to a condition specified by an environmental authority. Disturbance could lead to erosion, reduced land suitability, or degraded water quality.</p> <p><i>Examples of a disturbance to land are:</i></p> <ul style="list-style-type: none"> ➤ <i>the covering, compaction, exposure, removal or stockpiling of soil or other material</i> ➤ <i>the destruction or removal of vegetation</i> ➤ <i>the carrying out of a mining activity in a watercourse or wetland</i> ➤ <i>the submergence of an area with a hazardous contaminant, tailings, or water</i>
EA	EA means environmental authority.
Effective	Effective means an EA that has taken effect under section 200 of the <i>Environmental Protection Act 1994</i> .
ERA	Environmentally relevant activity. ERAs are prescribed in the <i>Environmental Protection Regulation 2019</i> .
Lot 40	Lot 40 refers to Lot 40/DT40133.
Mining lease boundary	<p>For the purpose of this EEO, mining lease boundary refers exclusively to the extent identified in EA EPML00657813 within which the activities are authorised to be carried out.</p> <p>Specifically, this refers to the combined boundary of mining leases ML3638, ML3662, ML3663, ML3666, ML80028, and ML80167.</p>
Unauthorised disturbance area	<p>For the purpose of this EEO, the unauthorised disturbance area is the area on Lot 40 in which the activity has been carried out without authorisation under an EA.</p> <p>Specifically, this is the area beyond the mining lease boundary, depicted in Appendix B of this EEO.</p>
You	You refers to Omya Australia Pty Limited, holder of EA EPML00657813, and recipient of this EEO.

