RESPONSE GIVEN TO THE NEWCASTLE HERALD RE SUGARLOAF SCA – INDEPENDENT REVIEW COMMITTEE

QUERY

Whether the company’s commitment to establish an Independent Review Committee, which has not yet been set up, had already been triggered by mining of Longwall 41.

RESPONSE GIVEN on 16 September 2013

The department has investigated this issue, including a review of the company’s Statement of Commitments, information provided by the company, input from other agencies and our own assessment of the project.

As a result of this investigation, the department is satisfied that the commitment to establish an Independent Review Committee relates to mining under areas of shallow cover above Longwalls 42, 43 and 47.

The surrounding context of the Statement of Commitments and the extensive handling of subsidence issues in the department’s assessment substantiate this position.

In particular:

- The clause sits within a section of the Statement of Commitments entitled “Refinement of Mine Plan” and the preceding clause refers explicitly to Longwalls 42, 43 and 47.
- When this issue is dealt with in the department’s assessment, refinement of the mine plan clearly references the removal of areas at the southern end of Longwalls 42, 43 and 47 within the Diega Creek catchment.

To pursue some kind of compliance enforcement action against the company on the basis of its drafting of a particular clause rather than the clause’s established intent would clearly not be a reasonable course of action and would unnecessarily divert resources from the department’s ongoing investigation into the actual subsidence impacts.

The department has made it clear, however, that it will ensure the company’s commitment to establish an Independent Review Committee is fulfilled if and when mining commences in Longwalls 42, 43 and 47.