

## Meeting with Adani Group

Date: 17 March 2017

### Attendees

TBC

<<Position>>

### Meeting Purpose:

- To discuss Adani's Carmichael Coal Mine and Rail Project, further develop Queensland's relationship with Adani's national and international business and explore business and investment opportunities for Queensland.

### What is the Queensland Government seeking from this meeting?

- For Adani to reaffirm its commitment to development in the Galilee Basin, and confirmation that commencement of the Carmichael Project's construction will happen in mid-2017.
- For Adani to provide a progress update on their proposed development of a structured apprentice and trainee program in conjunction with local and regional training providers. Adani has previously stated this program will be developed by Adani prior to commencing construction.

### What might the "company" want from this meeting?

- Reassurance that the Queensland Government will continue to support its project through any remaining approvals.

### Discussion Points:

#### *Adani Carmichael Coal and Rail Project*

- With a combined estimated investment of \$21.7 billion, the Queensland Government welcomes Adani's coal, rail and port project and associated infrastructure. This will be an enormous investment in regional Queensland.
- The Queensland Government and the people and businesses in north and central Queensland welcome these jobs and the economic development in their communities.
- The Queensland Government was concerned by the recent *McGlade v Registrar National Native Title Tribunal* decision of the Federal Court regarding Indigenous Land Use Agreements.

- On 6 February 2017, I wrote to the Prime Minister requesting that the Federal Government, as a matter of urgency, move amendments to the Commonwealth's *Native Title Act 1993*.
- I am pleased that the Federal Government has now introduced the Native Title Amendment (Indigenous Land Use Agreements) Bill 2017 to repair a problem they have known about for a long time.
- The Bill has been referred to a Senate Legal and Constitutional Affairs Legislation Committee for reporting back by 17 March 2017.
- The Coordinator-General will continue to work closely with Adani to progress its projects through the remaining approvals processes in detail and identify any approval bottlenecks.
- I am advised that the Department of Natural Resources and Mines is currently assessing Adani's associated water licence application, with input from the Department of Environment and Heritage due on 17 March 2017, and a decision is anticipated in April 2017.
- In addition, I am advised that the Department of Natural Resources and Mines has already made an offer of up to 10,800 megalitres of surface water to Adani for purchase at market value from the Upper Burdekin catchment for construction and operational purposes at the Carmichael Coal mine and rail project.

### ***Galilee Basin***

- The Queensland Government supports the responsible and sustainable development of the Galilee Basin for the thousands of jobs and economic development it will create.
- Adani is finalising approvals and commercial arrangements in order to make a firm commitment to the development in the Galilee Basin.
- Key strategies the Queensland Government is using to facilitate development include the Galilee Basin State Development Area and working with proponents to progress these projects through the proposed approval processes.
- The successful development of the Galilee Basin will make a significant economic contribution to the State of Queensland by supporting up to 35 000 jobs and investment in coal mines, rail and port infrastructure.
- The Queensland Government will work with project proponents to progress all Galilee Basin projects and ensure the development of the Galilee Basin resources.

**Queensland Treasury discussions (as at 13 March 2017) –  
COMMERCIAL-IN-CONFIDENCE**

Exempt Sch.3(8)(1) Breach of confidence

**Company Snapshot:**

- The Adani Group was founded in 1988 as a commodity trading business. First generation entrepreneur Gautam Adani is the founder & chairman of Adani Group.
- The Adani Group is one of India's leading businesses, and is a globally integrated infrastructure player with businesses spanning coal trading, coal mining, oil and gas exploration, ports, multi-modal logistics, power generation and transmission and gas distribution.
- The Adani Group is the largest port developer and operator in India. Adani developed and owns Mundra Port which is the largest private port in India. Adani Group also own Fortune, India's largest edible oil brand through a joint venture with Wilmar International in Singapore. In April 2014, it expanded the Tiroda Power plant, making Adani power the largest private power producer of the country.
- In addition to its mining interests, Adani has stated publicly the interest to develop two solar generation plants in Australia, with one to be located in South Australia. The other, the Rugby Run project, is proposed to be located near Moranbah, with a capacity of up to 300 MW.
- On 7 February 2017, Adani confirmed a CEO, Ms Jennifer Purdie, had been appointed to oversee its solar projects in Australia.

## Background:

- The Adani project includes these components:
  - Carmichael Coal Mine and Rail project
  - Northern Galilee Basin Rail project
  - North Galilee Water Scheme project
  - T0 port facility at Abbot Point
  - other associated facilities (e.g. airport, communications, power station).
- The project:
  - includes a series of open-cut and underground coal mines covering 44 000 hectares of mostly low-value grazing land
  - will produce up to 60 million tonnes of thermal coal per year for export through the Port of Abbot Point
  - includes off-site infrastructure such as workers' accommodation village, industrial area and airport
  - will connect via a 388 kilometre standard gauge, heavy haul railway line from the mine to the Port of Abbot Point
  - includes expansion works for Terminal 0 (T0) at the Port of Abbot Point, involving rail load-out and coal handling facilities, stockpiles and conveyors
  - includes an interconnected system of water sources, storages and pipelines located in the upper Galilee Basin for supply to the mine.
- The mine project is located in the eastern Galilee Coal Basin, 160 kilometres north-west of Clermont, within the Isaac and Charters Towers Regional Council areas.
- Adani has described its interests in the mine, rail and port projects as servicing an integrated 'pit to plug' strategy, with the coal largely to be used to fire power plant projects in India. Recently the Indian Government released a National Electricity Plan which has a renewable energy focus. The plan includes coal as part of the required energy mix and acknowledges that more coal-fired power station capacity is needed to meet India's future energy needs.
- Adani's combined mine, rail and port projects will generate more than 5,000 direct jobs at the peak of construction and more than 4,500 direct jobs at the peak of operations.
- The Queensland Government made an election commitment that no government funding will be given to the project, and that dredging is

prohibited outside Abbot Point in line with the commitment to save the Great Barrier Reef.

- The Queensland Government has also made an election commitment that no dredging will take place at Abbot Point until Adani demonstrates the project is commercially viable prior to commencement of the work.
- The Coordinator-General and his team meets fortnightly with Adani's CEO to discuss the progress of the project in detail and to ensure there are no unnecessary delays to approvals.

### **Community and Stakeholder Concerns:**

- As with all private sector projects, the future of the project is a commercial investment decision for Adani. Community and stakeholder concerns about the project include:
  - Potential adverse impacts of mine, rail and port activities on the natural environment, particularly the Great Barrier Reef, groundwater resources and contribution to climate change.
  - The use of coal as an energy source, in contrast with renewable energy infrastructure initiatives.
  - The decision to declare the mine, rail and port project a critical infrastructure project.
  - Concerns about government funding the project.
  - Certainty that local and regional jobs will be provided.
  - Adani using tax havens to avoid responsibility for meeting environmental conditions.

### **Adani - Current Status:**

- Adani has now obtained all the necessary primary and secondary approvals for its mine, rail and port projects. The key approvals include:
  - State and Commonwealth EIS approvals (mine, rail and port).
  - Three Mining Leases granted.
  - Environmental authority for the Carmichael mine.
  - Environmental authority for Adani's T0 terminal at Abbot Point.
  - Approval for 15 material changes of use applications that Adani lodged for projects in State Development Areas.
  - Adani still needs to progress some tertiary approvals including for water, road works, power, and management plans required by the

Commonwealth Government. These are progressing effectively in line with Adani's construction program.

- On 7 October 2016, Minister Lynham declared the Adani Combined Project of the Carmichael Coal Mine and Rail Project, North Galilee Basin Rail Project and the North Galilee Water Scheme both a prescribed project and a critical infrastructure project. The critical infrastructure project status gives the Coordinator-General powers to keep the project moving and intervene if red tape is unnecessarily holding up a project (and the potential jobs the project will generate, particularly in north and central Queensland).
- On 6 December 2016, Adani confirmed that the:
  - Regional headquarters will be in Townsville.
  - Remote operations centre will be in Townsville.
  - Rail and port operations headquarters will be in Bowen.
  - Mining services will be based in Mackay.
  - Rail maintenance and provisioning yard will be in the Mackay-Bowen region.
  - Project sourcing centres will be Townsville, Charters Towers, Rockhampton, Emerald, Clermont and Moranbah.
  - The shortlist for a Fly-in/Fly-out hub is Townsville and Rockhampton, with a decision due in 2017 coinciding with the start of early works.
  - Adani has stated the intention to commence construction in 2017. Their informal advice has been that preliminary works could start around mid-2017 and rail and mine construction starting in September 2017.
  - Adani further stated that engineering work is recommencing, with development of tender documents underway. This follows the conclusion of two recent Federal court cases.
- On 13 December 2016, Adani made an application to DNRM to freehold sections of the Moray Downs Pastoral Holding to facilitate the development of an airport, accommodation camps, an industrial precinct and communications facilities to service the Carmichael Coal mine. A decision on this application is expected by late March 2017.

### Water Issues

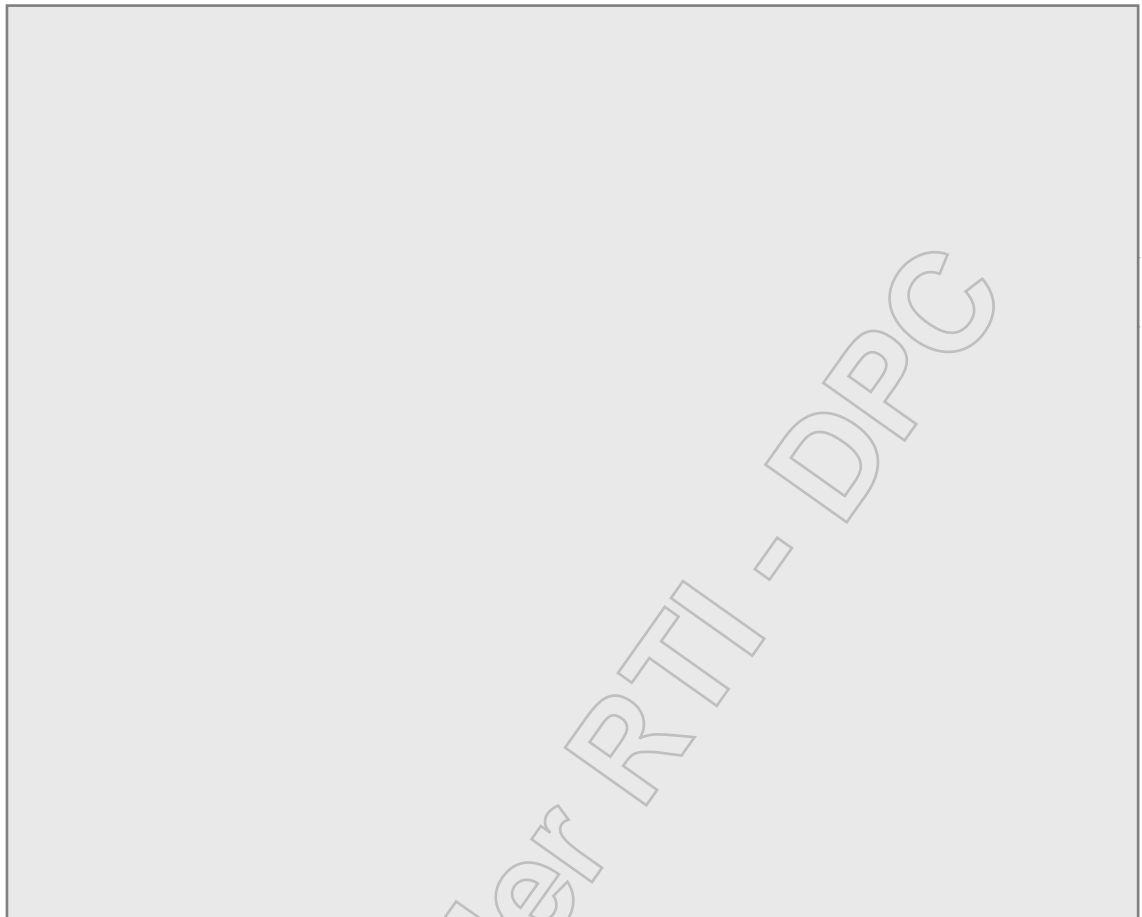
- On 10 November 2016, Parliament passed the Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill, which will require Adani to secure an Associated Water Licence for groundwater.

- On 20 October 2016, Adani made an application to remove groundwater at the Carmichael Coal mine site to ensure the safe operation of the mine. The Department of Natural Resources and Mines (DNRM) is currently assessing the application with input from the Department of Environment and Heritage Protection's (EHP) Independent Assessment Panel due on 17 March 2017.
- The Independent Expert Panel met on 8 March 2017 and provided a signed report to the Director-General, EHP, on 9 March 2017. It is understood that there were no major concerns raised by the Panel and only a relatively small number of suggested enhancements.
- EHP must provide its advice, based on the Panel report, to DNRM on 17 March 2017 and a decision by DNRM on the Associated Water Licence for groundwater is anticipated by April 2017.
- On 5 January 2017, DNRM commenced a process to make 10,800 megalitres of surface water available in priority to Adani, from the Upper Burdekin catchment for construction and operational purposes at the Carmichael Coal mine.
- On 9 March 2017, DNRM made an offer to Adani for up to 10,800 megalitres of surface water at market value with associated conditions applied to protect downstream water users. Adani is yet to accept the offer. Subject to Adani's response timeframes, a decision is anticipated mid-April.

#### Northern Australia Infrastructure Facility

- In the 2015-16 Federal Budget a \$5B Northern Australia Infrastructure Facility was announced. It involves the provision of concessional interest loans to proponents for the provision of economic infrastructure for proposed projects in northern Australia. Adani has sought to access this facility for economic infrastructure associated with the proposed Carmichael mine.

Exempt Sch.3(8)(1) Breach of confidence



### **Summary of Court Cases:**

Six court actions are active in relation to the Adani project, however only five directly involve Adani in the court action.

#### Queensland courts

- Judicial Review (JR) of Environmental Authority for T0 at Abbot Point (EHP) from Whitsunday Residents Against Dumping. Supreme Court – awaiting judgement.
- JR of Minister's decision to grant Mining Leases 70505 and 70506 by Adrian Burragubba, dismissed, and appeal lodged – awaiting appeal hearing date for Queensland Court of Appeal.

#### Federal courts

- JR of *Environmental Protection and Biodiversity Conservation Act 1999* Environmental Impacts Statement (EIS) Decision. Dismissed from Australian Conservation Foundation (ACF), appeal lodged. Appeal heard on 3 March 2017 before the Full Bench of the Federal Court, Justice Dowsett, McKerracher and Robertson reserved judgement on the matter.
- JR of National Native Title Tribunal decision that the grant of Mining Leases 70505 and 70506 could proceed, by Adrian Burragubba.



Dismissed, appeal lodged. On 27 and 28 February 2017 hearing before the Full Bench of the Federal Court. The matter was adjourned with judgement reserved.

- Application to change applicants of the Wangan & Jagalingou people, part of Native Title Determination. A Hearing in the Federal Court of Australia occurred on 29 November 2016, with the decision reserved. A case management hearing on the determination of native title was heard on 16 February 2017. Mr Burragubba has asked to reopen the 66B issue following the McGlade decision, as part of that hearing.
- In accordance with Justice Reeve's orders, Murrawah Johnson filed submissions relating to the McGlade decision on 3 March 2017. Justice Reeves made an additional order that any respondent who wishes to file submissions must do so on or before 17 March 2017. The Wangan & Jagalingou People's native title claim is listed for a Case Management Hearing on 21 July 2017. The purpose is to settle programming orders for a trial in March 2018 or to establish a timetable leading to consent determination.
- Objection to the registration of the Indigenous Land Use Agreement (ILUA) between Adani and the Wangan & Jagalingou People. On 2 February 2017, the Full Court of the Federal Court handed down a decision, finding that an ILUA must be signed by every member of the registered native title applicant. Historically ILUAs were registered with a majority of members of the applicant signing.
- On 15 February 2017, a Native Title Amendment Bill was introduced into the House of Representatives by the Honourable Michael Keenan MP, Minister for Justice that will reverse the effect of the McGlade decision and will restore the position previously held that not all registered native title claimants are required to sign an ILUA, for it to be valid. The Bill has been read once and moved to be read a second time. The Bill has moved to the Senate and is now being considered by the Committee, with the Committee asked to return with their findings by 17 March 2017. Submissions closed on 3 March 2017.
- The Wangan & Jagalingou Family Council released media statements on their website on 2 and 13 March 2017, advocating for the need of more time for consultation and negotiation with traditional owners. Furthermore, that the proposed changes to the Native Title Act will "disenfranchise Traditional Owners and undermine their land rights".

**-Speaking Points-  
Meeting with Adani, 5pm, 29 April 2017**

1. My Government is keen to support the development of new resource projects to encourage regional development across the State which create new industries and jobs.
2. My Government supports first mover infrastructure development in the Galilee Basin where that infrastructure opens up economic activity for multiple users.
3. My Government acknowledges the significant investment that Adani have already made in terms of the Carmichael mine and Abbot Point Port. Discussions with our officers now focus on Adani's proposed construction of a railway to connect the Carmichael Coal mine to the port of Abbot Point.

4. Exempt Sch.3(8)(1) Breach of confidence

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### Discussion Points:

#### ***Adani Carmichael Coal and Rail Project***

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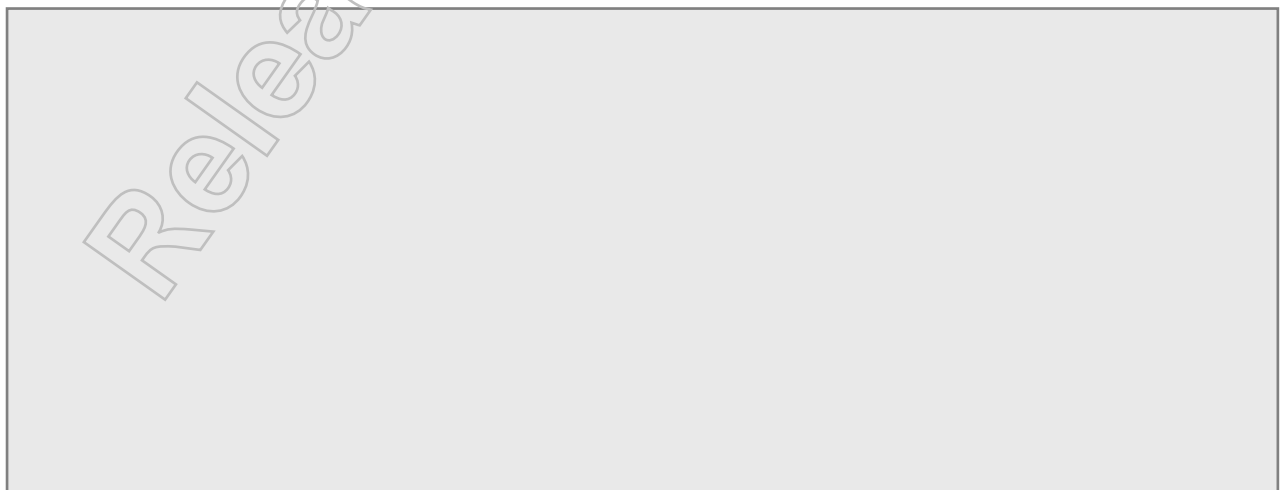
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